

For Release: IMMEDIATE
Wednesday, November 12, 2008

Contact: Maureen Wren
(518) 402-8000

**CWM PAYS \$175,000 PENALTY, TAKES CORRECTIVE ACTION
DEC Enforcement Covers Numerous Violations at Disposal Facility**

New York State Department of Environmental Conservation (DEC) Regional Director Abby Snyder today announced the conclusion of an enforcement action against CWM Chemical Services, LLC – a commercial hazardous waste treatment, storage and disposal facility operating in Porter, Niagara County. Under the terms of the “consent order” signed by the state and the company, CWM must pay a \$175,000 penalty to settle dozens of violations that have occurred over the last several years.

“New York State has stringent oversight requirements in place at CWM,” Regional Director Snyder said. “DEC will continue to hold CWM accountable and closely monitor this facility to help ensure compliance with the state's permit and hazardous waste laws, as well as the corrective actions required as part of this agreement in order to protect the environment and public health.”

CWM self-reported many of the violations of permits or hazardous waste laws to DEC, as required under the terms of their operating permit as a hazardous waste facility. In addition, DEC routinely inspects and monitors the facility to ensure that operations are consistent with permit conditions and had found a few of the violations based on these inspections. DEC also requires on-site, independent environmental monitors to scrutinize CWM's compliance and ensure that any violations are corrected as identified. Violations cited at the facility included:

- A foaming incident associated with the facility's annual discharge of treated wastewater to the Niagara River in Oct. 2007 that was in violation of the State Pollutant Discharge Elimination System (SPDES). Earlier this year, CWM completed modifications to the discharge pipeline which prevented a recurrence of foaming during this year's batch discharge.
- Improperly labeled drums.
- Leaking drums within facility buildings.
- Deteriorating condition of drums within facility buildings.
- Disposal of non-hazardous waste without DEC approval.
- Leachate level exceedances.
- Failure to recycle mercury lamps.

(MORE)

- Failure to submit timely paperwork to DEC.
- Stormwater management violations.
- Process tank overflows.
- Waste ignitions in the stabilization tank.
- Failure to comply with waste transporter conditions.
- Other instances of improper storage documented by DEC.

CWM has taken the necessary corrective actions and revised procedures to address the violations.

The consent order was signed and became effective on November 12, 2008. A consent order is an enforcement action that consists of a legal document signed by DEC and the respondent (in this case CWM). The order typically includes a civil penalty and, if necessary, a remedial schedule to complete activities defined by the order.

Additional information regarding hazardous waste permitting activities at CWM's Model City facility is available at www.dec.ny.gov/chemical/8766.html on DEC's website.

###