

New York State Department of Environmental Conservation

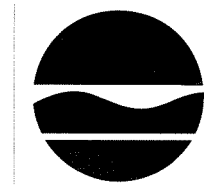
Division of Water

Bureau of Water Permits, 4th Floor

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March 25, 2008

Mr. William Kowalewski
1776 Niagara Street
Buffalo, New York 14207-3199

Re: Notice of Intent Form for SPDES Multi-Sector General Permit for
Niagara Falls Storage Site, Permit I.D. No. NYR00B156

Dear Mr. Kowalewski:

This Department has reviewed the Notice of Intent form that was submitted for renewal of coverage under the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002) on behalf of the above facility and has determined that coverage under this permit is not required.

Please note that this facility previously obtained coverage under the SPDES General Permit for Stormwater Discharges Associated with Industrial Activity (GP-98-03) for a facility conducting activities listed under Sector L. Based on information communicated by Michelle Rhodes, NFSS Project Engineer, it has been determined that this facility has been closed in accordance with Department regulations and that no waste materials are currently exposed to stormwater. Therefore, the facility's activities are not included in the 40 CFR 122.26(b)(14) definition of activities requiring SPDES permit coverage for stormwater discharges.

Michelle Rhodes gave verbal consent to change the *reason for submittal* (Item 2) on the Notice of Intent or Termination (NOIT) from *renewal* to *termination*. The Department has processed the NOIT accordingly. Please keep a copy of this letter for your records. If you have any questions, please contact me at (518) 402-8244 or email me at cmfalk@gw.dec.state.ny.us.

Sincerely,

Christina Falk
Bureau of Water Permits

cc: John Mitchell DEC
Michelle Rhodes by email transmittal

NFSS Maintenance Status

1. Rolling and aerating the WCS.
2. Preparing for spring grub and fertilizer applications.
3. Need to approve a topsoil source. *\$1,000/analysis*
4. Removing fence next to south fence in order to provide more access around site. Need to purchase 24" x 20' pipe for ditch crossing. About \$400.
5. New well casings are painted and will be installed when time is available.
6. Strock will install lightning protection and ramps around storage bldg. this summer.
7. Large pot holes are being filled and some roads graded. Need to order some gravel soon.
8. Mowing season about to start. Would like to get stump grinder attachment for bobcat to remove stumps from trees taken down for security. Mowing around about 100 stumps is difficult and time consuming.
9. We have three estimates for converting from electric heat to propane heat in all three buildings. Total would be about 15K. I believe it would pay for itself in a few years.
10. I would like to install a man door at the entrance. When power is off, difficult to enter site. About \$1,200. *\$2,000.*
11. Should get a portable real time radon monitor in case of an emergency and for local resident assurance.
12. Other items for future consideration
 - a. 1200 gallons of IDW
 - b. 180 drums of IDW soil
 - c. LSA boxes stored in bldg. 401
 - d. Old samples stored in some LSA boxes in bldg.401
 - e. Gator with Corps newly required safety equipment. About 15K
 - f. Remove Bldg. 401
 - g. Concrete barriers at gate. Need to coordinate with Modern Disposal.
 - h. Upgrade fencing around site.
 - i. Security and real time monitoring