

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits, Region 2

47-40 21st Street, Long Island City, NY 11101

P: (718) 482-4997 | F: (718) 482-4975

www.dec.ny.gov

June 17, 2024

John Wolf  
Manager, Capital Delivery, Gas – Complex Project Management  
National Grid  
25 Hub Drive  
Melville, NY 11747

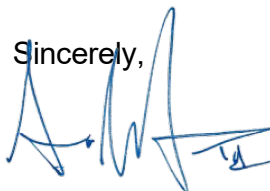
Re: NYSDEC Permit No. 2-6101-00071/00025  
Facility: Greenpoint Energy Ctr  
287 Maspeth Ave  
Block 2837, Lot 0001  
Brooklyn, NY 11211  
ECL Article 25 – Tidal Wetlands ECL  
Article 15 – Protection of Waters ECL  
**NOTICE OF PERMIT ISSUANCE**

Dear John Wolf:

Enclosed is your permit. Please read it carefully. You are required to comply with all conditions of the permit.

Please note that Natural Resources Condition 3 of the permit requires submittal of the attached "Notice of Intent to Commence Work" at least 5 days prior to the start of the permitted activity. Also, please note that Natural Resources Condition 4 of the permit requires submittal of the attached "Notice of Completion of Work" within 10 days of the completion of work.

Technical questions concerning this matter should be directed to Justin Falls, Division of Marine Resources (dmr.r2@dec.ny.gov). Administrative questions should be directed to Caitlyn Nichols, NYSDEC Environmental Permits.

Sincerely,  


Stephen A. Watts III  
Regional Permit Administrator



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
The Brooklyn Union Gas Company  
1 METROTECH CTR  
BROOKLYN, NY 11201-3831

**Facility:**  
GREENPOINT ENERGY CTR  
287 MASPETH AVE  
BROOKLYN, NY 11211

**Facility Location:** in KINGS COUNTY **Village:** Brooklyn  
**Facility Principal Reference Point:** NYTM-E: 590.342 NYTM-N: 4508.231  
Latitude: 40°43'12.2" Longitude: 73°55'49.2"

**Project Location:** 287 Maspeth Avenue

**Authorized Activity:** Construct a replacement saltwater pump house (SWPH) (approximately 98-foot-wide by 67-foot-long) directly northwest of the existing pump house on an existing pile-supported dock and pier system to storm harden and protect critical infrastructure for fire suppression. Subsequent to construction, the existing SWPH (approximately 40-foot-wide by 80-foot-long) will be demolished and removed; and, the existing open-top intake structure will be covered in place with steel plates. The new SWPH will consist of an intake structure (approximately 27-foot-long by 24-foot-wide) that meets National Fire Protection Association (NFPA) standards for fire protection and includes four (4) pre-cast concrete bays, five (5) intake pumps, and a double set of intake screens at the seaward side of the four (4) bays. Work includes installation of approximately twelve (12) 18-inch diameter steel piles to support the intake structure and installation of eighty (80) 16-inch diameter and two (2) 18-inch diameter steel piles to support the pump house building. Additional regulated work activities within NYSDEC's jurisdiction include construction of an intake scour pad (~1,101 square feet) and associated rip rap and maintenance of the existing dock and pier system. To facilitate installation of the intake structure an existing section of the existing timber pier decking will be removed. The project includes minor dredging and excavation of sediment to facilitate construction of the new intake structure, scour pad, and associated piles. Credits from the Saw Mill Creek Mitigation Bank are to be purchased as mitigation for the 382 cubic yards of unavoidable wetland impacts associated with the proposed project.

**Permit Authorizations**

**Tidal Wetlands - Under Article 25**

Permit ID 2-6101-00071/00025

New Permit

Effective Date: 6/17/2024

Expiration Date: 12/31/2030

**Excavation & Fill in Navigable Waters - Under Article 15, Title 5**

Permit ID 2-6101-00071/00027

New Permit

Effective Date: 6/17/2024

Expiration Date: 12/31/2030

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict**



**compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: STEPHEN A WATTS, Regional Permit Administrator

Address: NYSDEC Region 2 Headquarters  
47-40 21st St  
Long Island City, NY 11101 -5401

Authorized Signature: \_\_\_\_\_

Date 06 / 17 / 2024

## Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS; EXCAVATION & FILL IN NAVIGABLE WATERS**

**1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by see Natural Resources Condition 2.

**2. Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

A. Plans prepared by National Grid titled "Greenpoint Saltwater Pump House," including:

- Dwg Nos. 20186-G-000.00, 20186-G-001.00, 20186-G-002.00, 20186-C-000.00, 20186-C-001.00, 20186-C-002.00, 20186-C-005.00, 20186-C-007.00, 20186-C-100.00, 20186-C-101.00, 20186-C-102.00, 20186-C-200.00, 20186-A-300.00, 20186-FO-001.00, 20186-FO-002.00, last revised 05/19/22
- Dwg No. 20186-C-004.00, last revised 07/15/22
- Dwg No. 20186-C-006.00, last revised 07/13/22
- Dwg No. 20186-DM-100.00, last revised 11/20/23.

**3. Notice of Intent to Commence Work** At least five (5) days prior to the start of work, the Permittee must complete and submit the attached "Notice of Intent to Commence Work" form to the NYSDEC Division of Marine Resources, via email to [dmr.r2@dec.ny.gov](mailto:dmr.r2@dec.ny.gov) (Attention: Justin Falls).

**4. Notice of Completion of Work** Within ten (10) days of the completion of work, Permittee must



complete and submit the attached Notice of Completion of Work form to the NYSDEC Division of Marine Resources, via email to [DMR.R2@dec.ny.gov](mailto:DMR.R2@dec.ny.gov) (Attention: Justin Falls).

**5. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

**6. Post-construction Photographs** Within 30 days of completion of construction of the work authorized by this permit, the permittee shall submit at least 3 color photographs of the project, taken from different angles, to the NYSDEC Division of Marine Resources, via email to [dmr.r2@dec.ny.gov](mailto:dmr.r2@dec.ny.gov) (Attention: Justin Falls). The photographs must be of such size, detail and sharpness, and taken in such sequence that the photos clearly and completely depict the completed activities in such a manner that they enable an average viewer to make a compliance determination based solely of the photographs.

**7. Mitigation Requirements** As mitigation for the impacts to the marine habitat including the conversion of tidal wetlands to deeper water habitat, placement of fill for a scour pad, and placement of fill for other anthropogenic marine structures, Permittee has proposed a purchase of 0.278 mitigation credits from the Saw Mill Creek Wetland Mitigation Bank.

Prior to the start of work and no later than ninety (90) days following permit issuance, the Permittee must submit verifying documentation that the 382 cubic yards of impacts within tidal wetlands will be offset through the purchase of approvable quantity credits from the Saw Mill Creek Wetland Mitigation Bank. Documentation should be submitted to NYSDEC Division of Marine Resources via email at [DMR.R2@dec.ny.gov](mailto:DMR.R2@dec.ny.gov).

If the Permittee is unable to acquire the above-referenced credits, the Permittee must notify NYSDEC immediately and submit a traditional mitigation plan to NYSDEC for review and approval prior to the start of work. All correspondence must be submitted to NYSDEC Division of Marine Resources via email [DMR.R2@dec.ny.gov](mailto:DMR.R2@dec.ny.gov) (Attention: Habitat Supervisor).

**8. Disposal Location Notification** At least 30 days prior to the start of work, the Permittee must notify the Department of the intended location for dredge material placement. Notification is to be sent to NYSDEC Division of Marine Resources via email at [DMR.R2@dec.ny.gov](mailto:DMR.R2@dec.ny.gov) (Attention: Justin Falls).

**9. Demolition and Construction Debris** Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

**10. Disposal of Demolition and Construction Debris** All demolition and construction debris must be properly disposed of at a licensed facility.

**11. Disposal of Excavated Material** All dredged material must be disposed on an approved upland site and be retained so as to not re-enter any water body, tidal wetland, or protected buffer area.

**12. Environmental Bucket** An environmental bucket is required for dredging silt and/or other fine grained unconsolidated materials. At least fifteen (15) days prior to the start of dredging, Permittee must provide drawings and performance specifics of the environmental bucket to the NYSDEC Dredge Team Leader, 47-40 21<sup>st</sup> Street, Long Island City, New York, 11101; [R2Dredge@dec.ny.gov](mailto:R2Dredge@dec.ny.gov).

The following bucket specifications are required:



- A. The bucket must be constructed with sealing gaskets or overlapping sealed design at the jaws, and seals or flaps positioned at locations of vent to minimize the loss of material during transport through the water column and into the barge.
- B. Any seals or flaps designed and/or installed at the jaws and locations of vent openings must tightly cover these openings while the bucket is lifted through the water column and into the barge. If excessive loss of water and/or sediments from the bucket is observed from the time of its breaking the water surface to crossing the barge gunwale, the Permittee must halt dredging operations and inspect the bucket for defects. Operations must be suspended until all necessary repairs or replacements are made.
- C. Bucket hoist speed must be limited to approximately 2 feet per second. The bucket must be lifted in a continuous motion through the water column and into the barge.
- D. The bucket must be lowered to the level of the barge gunwales prior to the release of load.
- E. Where the environmental bucket repeatedly encounters resistance from consolidated materials (e.g. stone, rock), a conventional digging bucket may be used. The Department must be provided with written notice of intent to switch buckets at least 48 hours (2 business days) prior to use of the conventional bucket.

**13. Barge Overflow** Barge overflow is prohibited.

**14. Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

**15. Vessel Clearance** Any barge or vessel used to stage or conduct this work must maintain two feet clearance from the mudline during all tidal cycles.

**16. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**17. Clean Fill Only** All fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

**18. Best Management Practices** Best management practices will be employed to prevent the loss of construction materials, debris and sediments from entering the wetlands or waterways. Such practices may include, but are not limited to construction fencing, staked hay bales, silt fencing, floating platforms, netting, containment booms.

**19. Materials Management Plan and Best Management Practices Workplan** Prior to the start of work, Permittee shall submit a materials management plan and best management practices workplan to the following NYSDEC Division of Environmental Remediation staff for review and approval:

Marnie DeLuke, Project Manager  
NYSDEC Division of Environmental Remediation  
[Marnie.DeLuke@dec.ny.gov](mailto:Marnie.DeLuke@dec.ny.gov)

Heidi Dudek, NYSDEC Section Chief



NYSDEC Division of Environmental Remediation  
[Heidi.Dudek@dec.ny.gov](mailto:Heidi.Dudek@dec.ny.gov)

In addition to requirements outlined in conditions 8, 10, 11, 18 and 20, the materials management plan and best management practices workplan must include the items outlined in the attached document titled, Newtown Creek Permit Applicants: Sediment Sampling, Materials Management & Disposal, and BMP Requirements for Construction Projects in Newtown Creek, New York City,” last revised June 13, 2024.

- 20. Presence of Petroleum Sheens** If any suspected petroleum sheen or slick is sited in the work area:
- A. The NYSDEC Spills Hotline shall be called at (800) 457-7362.
  - B. Permittee must keep records of ongoing presence of petro sheens. Any recoverable product must be recovered and disposed of appropriately using the standards below.
  - C. The spill shall immediately be contained to the maximum extent practical with a containment boom & silt curtain.
  - D. Sorbent booms shall be placed in the affected area to collect any sheens or slicks that come from the contaminated sediments.
- 21. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.
- 22. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
- 23. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
- 24. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.



**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** 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).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

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 or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** 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.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 2 Headquarters  
47-40 21st St  
Long Island City, NY 11101-5401

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.



**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

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.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

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.



New York State  
Department of Environmental Conservation

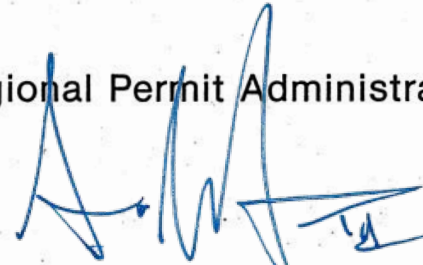
 **NOTICE** 

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number \_\_\_\_\_

Expiration Date \_\_\_\_\_

Regional Permit Administrator



Stephen A. Watts III  
47-40 21<sup>st</sup> Street  
LIC, NY 11101  
(718) 482-4997

NOTE: This notice is **NOT** a permit

**NOTICE OF INTENT TO COMMENCE WORK**

Date: \_\_\_\_\_

NYSDEC Natural Resources  
Attn. Natural Resources Supervisor  
NYSDEC Region 2 Office  
47-40 21st Street  
Long Island City, N.Y. 11101

Re: NYSDEC Permit No. 2-6101-00071/00025  
Greenpoint Energy Ctr  
287 Maspeth Ave  
Block 2837, Lot 0001  
Brooklyn, NY 11211

Dear NYSDEC Natural Resources Supervisor:

In accordance with Natural Resource Condition 3 of the referenced permit, I hereby serve notice to commence work on \_\_\_\_\_, 20 \_\_\_\_.

This is also to certify that, having read this entire permit, I am fully aware of and understand the general and natural resource conditions therein, and agree to comply with all such conditions further understand that prior to undertaking any modification to the subject work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of Contractor

\_\_\_\_\_  
Name of Permittee (please print)

\_\_\_\_\_  
Name of Contractor (please print)

\_\_\_\_\_  
Street Address of Contractor

\_\_\_\_\_  
City, State, & Zip Code of Contractor

\_\_\_\_\_  
Telephone Number of Contractor

**WARNING**

**The permittee and his contractor (if any) are required to follow all permit conditions. Violations of the permit may lead to legal action, including the imposition of substantial monetary fines and corrective work.**

cc: Environmental Permits  
Marine Resources

**NOTICE OF COMPLETION OF WORK**

**Date:** \_\_\_\_\_

**NYSDEC Natural Resources  
Attn. Natural Resources Supervisor  
NYSDEC Region 2 Office  
47-40 21st Street  
Long Island City, N.Y. 11101**

**Re: NYSDEC Permit No. 2-6101-00071/00025  
Greenpoint Energy Ctr  
287 Maspeth Ave  
Block 2837, Lot 0001  
Brooklyn, NY 11211**

**Dear NYSDEC Natural Resources Supervisor:**

**In accordance with Natural Resource Condition 4 of the referenced permit, I hereby serve notice that the work allowed by the above referenced permit has been completed as of \_\_\_\_\_, 20\_\_\_\_, consistent with the requirements of the above referenced permit.**

\_\_\_\_\_  
**Signature of Permittee**

\_\_\_\_\_  
**Signature of Contractor**

\_\_\_\_\_  
**Name of Permittee (please print)**

\_\_\_\_\_  
**Name of Contractor (please print)**

\_\_\_\_\_  
**Street Address of Contractor**

\_\_\_\_\_  
**City, State, & Zip Code of Contractor**

\_\_\_\_\_  
**Telephone Number of Contractor**

**cc: Environmental Permits  
Marine Resources**