

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4995
www.dec.ny.gov

PERMIT EQUIVALENT Under the Environmental Conservation Law (ECL)

Facility Information

Permit Equivalent Issued to:

Michael Berfield
PTMA 5200 Kings Highway LLC
150 E. 58th St 15th Floor
New York, NY 10155

Facility Name / Site Code:

Kristal Auto Mall / C224140

Location:

5200 Kings Highway
Brooklyn, NY 11234

Facility Principal Reference Point:

Latitude: 40° 38' 11.2" Longitude: -73° 55' 40.0"

Authorized Activity: Install and operate a temporary dewatering system to facilitate remedial excavation and subsequent building construction at 5200 Kings Highway in Brooklyn, NY 11234 with a maximum withdrawal of 432,000 gallons per day. Pumped groundwater is to be treated by a settling tank, bag filter, and carbon adsorption units before discharging to the 54" x 54" combined sewer located at Utica Avenue between Glenwood and Farragut Roads in Brooklyn, NY. The applicant has obtained approval from NYCDEP Bureau of Wastewater Treatment for discharging into the sanitary sewer.

Permit Equivalent Authorizations

Long Island Well - Under Article 15, Title 15

Permit Equivalent ID: BCP Site # C224140

New Permit Equivalent Effective Date: 01/24/2019

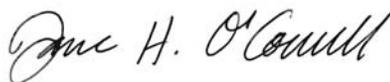
Expiration Date: 01/31/2020

NYSDEC Approval

By acceptance of this Permit Equivalent, the Volunteer agrees that the Permit Equivalent is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this Permit Equivalent.

Permit Equivalent Administrator: Jane O'Connell, P.G., Regional Hazardous Waste Remediation Engineer

Authorized Signature: _____



Date 01 / 24 / 19



Department of
Environmental
Conservation

Permit Equivalent Components

LONG ISLAND WELL PERMIT EQUIVALENT SPECIAL CONDITIONS APPLY TO THIS
AUTHORIZED PERMIT EQUIVALENT

LONG ISLAND WELL PERMIT EQUIVALENT CONDITIONS

1. **Conformance with Plans** All activities authorized by the Brownfield Cleanup Agreement for this Permit Equivalent must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the Permit Equivalent application. Such approval plans were prepared by NYCO Environmental & Dewatering Corp. and include 10 wells installed to a depth of 30 feet each equipped with a 69 gpm capacity pump.
2. **Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this Permit Equivalent must be in strict conformance with the following approved plans and/or submissions made as part of the Permit Equivalent application:
 - A. Application Package received October 22, 2018;
 - B. Comment Response Letter received by the Department on November 30, 2018.
3. **Daily Pump Log:** A daily pump log in gallons per day (GPD) must be kept at the project site at all times. The pump log must be made available to authorized representatives of the Department during pumping operations.
4. **Handling of Contaminated Groundwater:** The applicant is fully responsible for proper handling and all costs associated with the proper sampling, treatment and disposal of any contaminated groundwater.
5. **Well Driller Registration:** The dewatering operation shall be performed by well drillers duly registered in accordance with Section 15-1525 of the Environmental Conservation Law of the State of New York.
6. **Notice of Intent to Commence Work:** At least five (5) days prior to commencement of the authorized activity, applicant must complete and submit the attached "Notice of Intent to Commence Work" to NYSDEC Division of Environmental Remediation, 47-40 21st Street, Long Island City, NY 11101 (Attention: Hasan Ahmed).

GENERAL CONDITIONS - Apply to ALL Authorized Permit Equivalents:

1. Facility Inspection by The Department: The Brownfield Cleanup Program 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 applicant is complying with this Permit Equivalent and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

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

A copy of this Permit Equivalent, 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 Equivalent upon request by a Department representative is a violation of this Permit Equivalent.

2. Relationship of this Permit Equivalent to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this Permit Equivalent 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 Equivalent Renewals, Modifications or Transfers The applicant must submit a separate written application to the Department for Permit Equivalent renewal, modification or transfer of this Permit Equivalent. 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 Equivalent renewal, modification or transfer are to be submitted to:

Jane O' Connell, P.G., Regional Hazardous Waste Remediation Engineer
NYSDEC REGION 2 HEADQUARTERS
47-40 21ST ST
LONG ISLAND CITY, NY11101 -5407

4. Submission of Renewal Application The applicant must submit a renewal application at least 30 days before Permit Equivalent expiration for the following Permit Equivalent authorizations: Long Island Well.

5. Permit Equivalent Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this Permit Equivalent. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the Permit Equivalent application or supporting papers;
- b. failure by the applicant to comply with any terms or conditions of the Permit Equivalent;
- c. exceeding the scope of the project as described in the Permit Equivalent 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 Equivalent;

- e. noncompliance with previously issued Permit Equivalent conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS
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Item A: Applicant Accepts Legal Responsibility and Agrees to Indemnification

The applicant, 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 Volunteer's acts or omissions in connection with the Volunteer's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the Permit Equivalent whether in compliance or not in compliance with the terms and conditions of the Permit Equivalent. 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: Applicant's Contractors to Comply with Permit Equivalent

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

Item C: Applicant Responsible for Obtaining Other Required Permit Equivalents

The applicant is responsible for obtaining any other Permit Equivalents, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this Permit Equivalent.

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

This Permit Equivalent does not convey to the applicant any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the authorized 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 Equivalent.

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

Division of Remediation
Attn. Hasan Ahmed
NYSDEC Region 2 Office
47-40 21st Street
Long Island City, N.Y. 11101

Re: NYSDEC Permit Equivalent Site Code - C224140
Temporary Construction Dewatering
5200 Kings Highway, Brooklyn, NY 11234

Dear Mr. Ahmed:

In accordance with Long Island Well Special Condition 6 of the referenced permit equivalent, I hereby serve notice to commence work on _____, 20____.

This is also to certify that, having read the entire permit equivalent, I am fully aware of and understand the Long Island Well special and general conditions therein, and agree to comply with all such conditions. Further, I understand that prior to undertaking any modification to the authorized work, I must seek a permit equivalent modification from the NYSDEC Region 2 Office.

Signature of Applicant

Signature of Contractor

Name of Applicant (please print)

Name of Contractor (please print)

Street Address of Contractor

City, State, & Zip Code of Contractor

Telephone Number of Contractor

WARNING

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