

Permit Equivalent Components

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 Arcadis for BT Red Hook, LLC.
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 for Long Island Well Permit [Equivalent] received by the Department via email on January 22, 2020;
 - b) Region 2 Long Island Well Permit Application Supplement received by the Department via email on January 22, 2020;
 - c) Excavation Discharge and Dewatering Plan received by the Department via email on January 22, 2020;
 - d) Point of Discharge (outfall) Location Map received by the Department via email on January 22, 2020.
3. **Dewatering Wells, Pumps, Pump Capacities and Maximum Withdrawal:** This permit authorizes the following:
 - Dewatering Sump Wells: Excavation Area 1: 2-5 wells per cell
 Excavation Area 2: 2-3 wells per cell
 Excavation Area 3: Max 5 wells per cell
 (Note: Only one cell will be dewatered at a time)
 - Installed Pumps: Up to five per cell
 - Pump Capacity: 20-50 GPM (gallons per minute)
 - Maximum Withdrawal: 288,000 gallons per day (GPD) or 200 GPM
 - Duration of Dewatering: Estimate 50 days
4. **Point of Discharge (POD):** The treated groundwater will be discharged into Buttermilk Channel via a temporary private outfall under a separate SPDES permit equivalent.
5. **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.
6. **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.

7. **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.

8. **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 Water, 47-40 21st Street, Long Island City, NY 11101 (Attention: Atiq Rahman).

TIDAL WETLANDS PERMIT EQUIVALENT CONDITIONS
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1. **Conformance with Plans:** Plans prepared by Arcadis titled "Temporary Discharge Plan" Sheets 1 & 2 dated January 2020 that were received by NYSDEC via email on January 22, 2020.

2. **Notice of Intent to Commence Work:** At least five (5) days prior to the start of work, Permittee must complete and submit the attached "Notice of Intent to Commence Work" form to the NYSDEC Division of Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Justin Falls).

3. **Posting of NYSDEC Permit Sign:** The attached NYSDEC permit sign must be posted, protected from the weather, in a conspicuous outdoor location at the project site. This sign must be posted for the duration of work authorized by this permit.

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

5. **Precautions Against Contamination of Waters:** All necessary precautions must 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 this project.

6. **No Equipment Below High Water:** Equipment operation below apparent high water is strictly prohibited.

7. **No Modification of Revetment:** The Permittee may not move or otherwise modify the rip rap revetment currently on site.

8. **Removal of Temporary Outfall:** Prior to the demobilization of the work site, the outfall and the discharge pipe must be removed and taken off site.

9. **Post Construction Photographs:** Post-construction photographs of the work area must be submitted to the NYSDEC Division of Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Justin Falls) within 10 days of the completion of work.

10. **Notice of Completion of Work:** Within ten (10) days of the completion of work, Permittee must complete and submit a Notice of Completion of Work form to NYSDEC Division of Marine Resources, 47-40 21st Street, Long Island City, New York 11101 (Attention: Justin Falls).

GENERAL CONDITIONS - Apply to ALL Authorized Permit Equivalents:

Facility Inspection by The Department:

The 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.

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.

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 H. O'Connell, Regional Hazardous Waste Remediation Engineer
Division of Environmental Remediation
NYSDEC Region 2 Headquarters
47-40 21st Street – 1st Floor
Long Island City, NY 11101-5407
jane.oconnell@dec.ny.gov

With copy to:

Chris Heller
Division of Environmental Remediation
NYSDEC DER BURA 12th Floor
625 Broadway
Albany, NY 12233-7015
hasan.ahmed@dec.ny.gov

Submission of Renewal Application:

The applicant must submit a renewal application at least 30 days before Permit Equivalent expiration.

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.

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 ("the Department") for all claims, suits, actions, and damages, to the extent attributable to the applicant's acts or omissions in connection with the applicant'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 the Department's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the Department 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 applicant.

Item C: Applicant Responsible for Obtaining Other Required Permit Equivalents

The applicant 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 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: _____

Atiq Rahman
NYSDEC Division of Water
47-40 21st Street
Long Island City, NY 11101

**Re: NYSDEC Permit Equivalent Site Code – C224213
Temporary Construction Dewatering
Long Island Well Permit Equivalent Under ECL Article 15, Title 15**

Dear Mr. Rahman:

In accordance with Long Island Special Condition 8 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 general and Long Island Well 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 Applicant 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.

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

Justin Falls
NYSDEC Division of Marine Resources
47-40 21st Street,
Long Island City, New York 11101

**Re: NYSDEC Permit Equivalent Site Code C224213
Temporary Construction Dewatering
Tidal Wetlands Permit Equivalent Under ECL Article 25**

Dear Mr. Falls:

In accordance with Tidal Wetlands Special Condition 9 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 general and Long Island Well 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 Applicant 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.