October 2, 2025

Aaron G. Fischer, P.E.
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233

Re: Source Removal Work Plan
141 3rd Street
Brooklyn, NY
BCP Site No. C224336
Langan Project No. 170390001

Dear Mr. Fischer:

Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C (Langan) prepared this Source Removal Work Plan (herein referred to as the 'work plan') on behalf of Third Street Owner LLC and 155 Third St., LLC (the Participants) for the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) Site No. C224336. The site is located at 141 3rd Street in Brooklyn, New York and is identified as Block 462, Lot 12 on the Brooklyn Borough Tax Map.

As discussed with the NYSDEC during a conference call on September 9, 2025, the Participants are proposing source removal as an alternative to in-situ geochemical stabilization (ISGS) to address manufactured gas plant (MGP)-related coal tar-impacted soil between elevation (el.)[1] -19± to -23± adjacent to the bulkhead in the eastern part of the site (herein referred to as the 'treatment area'). The refinement to the overall remedial approach was precipitated by the following:

- An ISGS pilot program was performed in the southeastern part of the treatment area in December 2024 and July 2025 under the NYSDEC-approved Revised ISGS Pilot Test Work Plan, dated June 11, 2025. The ISGS delivery means and methods improved between the two mobilizations; however, further refinement of the vertical and horizontal distribution, dosage, and quality control measures was required.

- Based on direction from NYSDEC during a conference call on August 19, 2025, additional studies via pilot test(s) and post-treatment sampling would be necessary to demonstrate that the ISGS treatment addresses the MGP-related impacts before the project could advance to a full scale ISGS remedy. The number of pilot studies nor the frequency and duration of the performance testing could not be determined. Additionally, the NYSDEC

[1] Elevations in this work plan are in feet and referenced to the North American Vertical Datum of 1988 (NAVD88).

indicated that additional remedial actions might be necessary following ISGS treatment, depending on the interpretation of the performance monitoring result.

- In accordance with the NYSDEC Technical Guidance for Site Investigation and Remediation (DER-10) Section 4.1(d), the hierarchy of preference for addressing source of contamination is removal and/or treatment. Therefore, the Participants evaluated the source removal as a preferred alternative to resolve the incompatibility of the remediation/redevelopment schedule with ISGS treatment.

This work plan describes the background, subsurface conditions, source removal activities, and site maintenance to occur during implementation. The activities described in this work plan will be completed in accordance with the process and requirements of the BCP and the Division of Environmental Remediation (DER) Technical Guidance for Site Investigation and Remediation (DER-10).

SITE BACKGROUND

Site Description

The about 53,329-square-foot (1.23-acre) site is located in Kings County, Brooklyn, New York and is identified as Block 462 and Lot 12 on the Brooklyn Borough Tax Map. The site is bound by 2nd Street to the north, the Gowanus Canal to the east, 3rd Street to the south, and industrial, commercial, and residential buildings followed by Bond Street to the west. The site is currently vacant, and construction activities are planned to commence in December 2025. A site location map is presented as Figure 1.

Environmental History

The site is located in a historically industrial and manufacturing area along the Gowanus Canal. In the 1840s, the canal was a natural estuary (Gowanus Creek) surrounded by farmland and natural wooded areas. In 1849, construction began to convert the estuary into an about 100-foot-wide by 1.8-mile-long transportation system to promote industrial growth and commerce. Construction of the canal was completed by 1869, and by 1870 the surrounding areas had become urbanized and industrial with manufactured gas plants, coal yards, and factories. Since its construction, the canal has been contaminated by former industrial and manufacturing activities lining the canal and ongoing Combined Sewer Overflow (CSO) discharges. The primary contaminant of concern is coal tar.

MGP-related coal tar impacts were identified in soil and groundwater in the eastern part of the site originating from an off-site source. Historically, the former Fulton Municipal Works Former MGP site (Fulton MGP), former Citizens Gas Works MGP site (Citizens MGP), and Metropolitan former MGP site discharged contaminants to the subsurface soil, groundwater and the Gowanus Canal (located adjacent to the east of the site), a National Priority List site, during site operations. USEPA identified Brooklyn Union Gas (now owned by National Grid) as a responsible party for the investigation and remediation of the MGP-related impacts determined to have migrated into the Gowanus Canal.

The Gowanus Canal was designated a Federal Superfund site by the USEPA in 2010, and remediation of the Canal under USEPA oversight began in 2021. The remedy includes an initial dredging to remove contaminated sediment at the base of the canal, in situ stabilization of underlying sediments, a final phase of dredging, and installation of a multilayer cap. The initial dredging and in situ stabilization of the canal north of the 3rd Street bridge (Remediation Target Area [RTA] 1) began in October 2021, and the final phase of RTA 1 dredging was completed in January 2023. Remediation of the Canal is ongoing.

Based on the USEPA Canal-related Upland Source Control Remedy Requirements Matrix (prepared by Jacobs and dated 13 June 2023) (herein referred to as 'the Matrix') and the Remediation Target Area 1 Design 100% Design Package (prepared by B&B Engineers & Geologists of New York, P.C. and dated June 2020), the deepest final dredge line for the Gowanus Canal adjacent to the site is el. -21±. Coal tar-impacted material (i.e., globs/blebs/sheen, coated material and NAPL saturated material) is required to be addressed to a depth of 2 feet below the deepest dredge line of the adjacent Gowanus Canal (el. -23±).

Coal tar-related impacts within the site boundary were primarily observed in intervals from 25 to 35 (el. -18± to -28±), and 40 to 45 feet bgs (el. -33± to -38±). The field observations and analytical results collected beneath the deepest encountered coal tar impacts confirm vertical delineation, which ranges from 31 to 59 feet bgs (el. -23± to -51±). In-situ Stabilization/Solidification (ISS) was implemented from el. –16± to el. –25± (a 5-foot minimum at the target interval of el. –18± to el. –23±, with a 2-foot buffer above and below the treatment interval) (i.e., 24 to 33 feet bgs) in the about 2,300-square-foot area underlying the proposed building footprint. NYSDEC approved the ISS coring results in a letter dated June 30, 2025. ISS column locations are shown on Figure 2.

SOURCE REMOVAL IMPLEMENTATION

Implementation of this source removal work plan will address the remedial action objectives for soil and groundwater within the treatment area. Source removal will be performed by advancing casings to the bottom of the treatment interval, removing source material from within the casing, and replacing it with suitable backfill. This process typically requires a drill rig with casing advancement and auger mixing tools.

Subsurface Considerations

Site grade along the bulkhead varies from about el. 5± to el. 8.5±. The following subsurface considerations must be taken into account during source removal implementation:

- Bulkhead: A bulkhead was constructed along the eastern boundary of the site and completed in August 2017 and must be maintained and protected. The bulkhead sheet pile toe depth is el. -33±, the tie rod elevation varies from about el. -0.030± to el. -0.395±, and the top of the deadman varies from about el. 2.736± to el. 6.683±.

  A 4-foot buffer measured from the inner channel of the bulkhead and deadman sheet piles and a 2-foot buffer on either side of the tie rods must be maintained.

- Hydrodynamic Separator: Prior to source removal, a hydrodynamic separator and associated piping and manhole will be installed and must be maintained and protected, including the foundation structures of these elements. A 2-foot buffer on either side of the hydrodynamic separator, manhole and associated piping must be maintained to protect the infrastructure.

Source material that cannot be removed without risk of damaging bulkhead structures will remain in place following site remediation and will be managed via engineering and institutional controls in accordance with a site management plan (SMP). The layout of the bulkhead and subsurface features with the established buffer zones is provided as Figure 2.

Field Implementation

The about 8,800-square-foot treatment area has coal tar-impacted soil from el. -19± to el. -23± (i.e., about 26 to 30 feet bgs). Source removal activities will therefore be implemented from grade to a minimum of the bottom of the established treatment interval (el. -23±). The soil removed from above the treatment interval is not suitable for reuse based on environmental and geotechnical characteristics, and will be disposed of off-site.

In Situ Waste Characterization

Soil generated during augering/caisson activities will require management in accordance with the Remedial Action Work Plan and Materials Management section below, and waste characterization sampling prior to source removal. Based on the total anticipated volume of 2,300 cubic yards, three waste characterization samples are anticipated. Samples will be collected and analyzed for parameters required by the disposal facility.

Site Preparation

Prior to source removal activities, the followings tasks will be completed:

- Notification to NYSDEC and New York State Department of Health (NYSDOH) a minimum of 7 days prior to the start of work.
- Install hydrodynamic separator/manhole/piping and associated piles and pile caps necessary for fluid management during source removal activities.
- Survey mark-out of existing subsurface bulkhead features and hydrodynamic separator/manhole/piping and associated piles and pile caps, to support protection during the source removal activities.
- Survey source removal locations to establish surface elevation and required depth to reach the bottom of the treatment interval.
- Decommission existing monitoring wells in accordance with NYSDEC policy CP-43.

Source Removal Activities

Material Removal Methodology

Means and methods will ultimately be established by the contractor and will comply with the intent, purpose, and performance requirements of this work plan. Source removal may be accomplished by using a LB36-410 drill rig equipped with a 48- or 60-inch-diameter casing and 42- or 54-inch mixing auger, or other proposed tooling that will accomplish the intended purpose while protecting the existing bulkhead. If an obstruction is encountered, the contractor will either employ a core barrel, a hammer attachment within the casing or a cluster hammer drill to break obstructions. Upon reaching the bottom of the treatment depth (el. -23±), the contractor will advance an auger to remove the coal tar-impacted source material and verify the terminal drilling depth has been achieved using a measuring tape inside the casing and photo documenting the drill rig screen's terminal depth loadout. Drill rig specifications are included as Attachment A.

Approximately 97 60-inch-diameter and 10 48-inch-diameter casings are anticipated to complete the soil removal in the treatment area. From which, about 14 to 22 cubic yards of material is anticipated to be generated in each location, equating to about 2,300 cubic yards in total.

The proposed source removal plan showing the casing layout and buffer zones is shown on Figure 2. A source removal column schedule to be completed during implementation is included in Table 1. The Table 1 depths/elevations are based on proposed locations and a generalized surface grade of el. 7. The source removal column schedule will be updated as part of implementation with as-built conditions.

Backfill

After source removal, the contractor will backfill each location with the casing in place to minimize the potential for running sands or void development. Controlled low-strength material (CLSM) will be placed from the bottom of the treatment interval (el. -23±) to 3 feet above the top of the treatment interval (el. -16±). The CLSM will be followed by either additional CLSM, or dense grade aggregate (DGA) (or equivalent permeable fill) from el. -17± to el. -6±, and another layer of CLSM from el. -6± to the mean low water level (MLWL) (el. -2.6±)[2]. The remainder of each location will then be backfilled above the MLWL using gravel and/or compacted permeable structural fill to grade to comply with the tidal wetlands permit No. 2-6102-00077/00004, which is provided in Attachment B. The work is not a substantive change with respect to the tidal permitted design/impervious surface area. The casing will be removed after backfilling.

The following backfill quantities are anticipated based on the proposed scope:

- About 5 to 8 cubic yards of CLSM is anticipated per location; about 900 cubic yards in total

[2] MLWL was chosen to maintain the permeability of soils immediately beneath the shore public walkway and support NYSDEC Division of Environmental Remediation coordination to obtain permit equivalency with Division of Permits for the wetland classification.

- About 5 to 7 cubic yards of CLSM, DGA or equivalent is anticipated per location; about 800 cubic yards in total
- About 4 to 7 cubic yards of structural fill is anticipated per location; about 750 cubic yards in total

Apart from CLSM, proposed backfill will be submitted to NYSDEC (Request to Import/Reuse Fill or Soil form) for review and approval prior to import. A backfill placement section is provided as Detail #2 on Figure 2.

CAMP

Air monitoring will be conducted for site personnel and the community (CAMP) in accordance with the approved Remedial Action Work Plan (RAWP). Langan will conduct community air monitoring in compliance with the NYSDOH Generic CAMP during ground-intrusive activities and for personnel air monitoring in accordance with the Construction Health and Safety Plan (CHASP) included in the NYSDEC-approved RAWP. A site-specific CAMP detailing implementation and protocols is provided as Attachment C.

Odor Control

During source removal activities, odor suppression techniques will be employed to contain and suppress odors in accordance with the Odor, Dust, and Nuisance Control Plan in the NYSDEC-approved RAWP. All necessary means will be employed to prevent on- and off-site odor nuisances. Specific odor control methods to be used during all remedial activity work under this work plan will include the following:

1. ATMOS Foam units will be deployed and operational for foam coverage across different portions of the work areas (i.e. roll-off containers/stockpile locations, active source removal location), where necessary.
2. The ATMOS odor neutralizer is an odor neutralizing system that converts odor-causing materials into odor free, stable, non-harmful compounds. The odor neutralizing agent comes in a liquid form and is applied via pressure washer(s) or other delivery systems. Dedicated laborers will be used to continuously spray each foam and odor neutralizer unit during source removal, loading, staging, and stockpiling. The contractor will apply the product in the soil disturbance areas as contaminated soil is being exposed during soil movement or source removal activities.
3. ATMOS Foam will be applied to any spoils that are generated during all auger remedial activities:
    a. During consolidation and/or relocation of spoils and associated stockpiles;
    b. General stockpiling of soil;
    c. During trucking load out of stockpiled spoils. During the truck filing, each truck bucket interior will be sprayed;

d. When stockpiles are stagnant, and no additional soil movement is taking place the laborers will ensure that the stockpile is sufficiently coated in foam and covered in polyethylene sheeting (poly);

e. Soil stockpiles should be covered in poly once stockpiling is completed. While stockpiling, one pump will be spraying where the material was generated, and the second pump will be spraying where the material is being stockpiled/relocated. Once stockpiling is completed, poly will be immediately placed on the stockpile and one to two feet skirt of poly will extend beyond the stockpiles. Poly will remain on the stockpile until actively trucking for off-site disposal. If additional material needs to be stockpiled, the material will be added to the end of the stockpile instead of removing poly or a small section of poly will be peeled back so material can be added.

f. When trucking, poly will be removed from the stockpile in small sections. Laborers will peel back the poly to ensure that the stockpile stays covered during trucking. Once material is removed from the stockpile, all exposed material must be sprayed, until only foam or poly is visible. Once the truck is filled, the top of the truck will be sprayed with foam and straps will be put on before the truck is able to leave the site.

g. While moving mats or material for the next source removal location, foam will be sprayed during all soil disturbance activities until work is completed.

h. At the end of the day's activities, all stockpiles will be covered with poly sheeting in preparation for inactive overnight hours.

MATERIALS MANAGEMENT

Soil Management

The soil/fill that is removed from the temporary steel casings will be screened for total organic vapor concentration using a photoionization detector (PID) equipped with a 10.6 eV bulb, and for visual and olfactory indications of environmental impacts (e.g., staining and odor). The soil/fill will be in a lined container or temporarily stockpiled on and covered with poly in a designated on-site area for waste characterization sampling and future off-site disposal at a facility authorized to accept the waste. All materials management will be in accordance with Section 5.4 of the NYSDEC-approved RAWP.

A temporary secondary containment area for wet or saturated soils will be constructed within the equipment staging area. Any liquid that drains from the soil will be containerized. Once the soil has dried adequately, it will be transported off-site at a facility authorized to accept the waste. Typical specs for dewatering boxes are included in Attachment D.

The currently installed turbidity curtain will be adjusted to run adjacent to the treatment area throughout the implementation of this work plan, and the curtain will be periodically inspected and maintained as needed.

Fluid Management

Water displacement is anticipated during backfilling activities. Displaced water, including dewatering fluids, will be handled and disposed of in accordance with applicable local, state, and federal regulations. About 3,400 gallons of displaced water are anticipated per 60-inch-diameter casing location. Any fluid generated during the source removal activities will be added to the dewatering tank and treated prior to discharge into the Gowanus Canal. All operations will comply with the State Pollutant Discharge Elimination System (SPDES) Discharge Permit No. NY0277312 and Long Island Well Permit No. 2-6102-00077/00007, which permit up to 0.14 million gallons of water to be discharged per day. The SPDES discharge and Long Island well permits are provided in Attachment E.

EQUIPMENT STAGING/DECONTAMINATION

Site erosion and sediment controls will be implemented in accordance with the SWPPP and the RAWP. The contractor will transport the equipment required for implementation of source removal in accordance with applicable federal, state, and local requirements. Trucks will enter and exit the site using dedicated ingress/egress points. Equipment will be arranged on site by truck, skid-steer, excavator, and/or moving the machines to the active work zone. A decontamination and staging area will be constructed in compliance with the RAWP. While not in use, drilling equipment will undergo decontamination at the end of each workday.

REPORTING

Daily Field Reports

Daily reports will be prepared and submitted to the NYSDEC and NYSDOH project managers by noon each day following the reporting period and will include:

- Progress updates, including locations in progress and completed each day
- Photographic documentation
- Locations and references to a site map for completed activities
- A summary of any community complaints with relevant details, including contact information
- A summary of CAMP findings, including elevated concentrations and response actions, if any
- An explanation of notable site conditions
- A list of anticipated work for the following reporting day

Daily reports are not intended to notify the NYSDEC of emergencies (e.g., accident, spill), request changes to the work plan, or communicate other sensitive or time-critical information. However, such conditions will also be included in the daily reports. Emergency conditions and changes to the treatability study will be communicated directly to the NYSDEC Project Manager.

SCHEDULE

Pending NYSDEC approval, source removal activities are anticipated to begin in December 2025. Site preparation is anticipated to take about 1 to 2 weeks to complete followed by source removal activities anticipated to be completed within about 6 to 7 weeks.

CERTIFICATION

I, Gerald F. Nicholls, certify that I am currently a Qualified Environmental Professional (as defined in 6 NYCRR Part 375) and that this work plan was prepared in accordance with all applicable statutes and regulations and in substantial conformance with the DER-10.

Sincerely,
Langan Engineering, Environmental, Surveying Landscape Architecture and Geology, D.P.C.

Gerald F. Nicholls, PE, CHMM
Associate Principal

cc: F. Dubinsky, M. Albert (Third Street Owner LLC and 155 Third St., LLC)
L. Gorton, S. Deyette (NYSDEC)
S. McLaughlin, S. Surani (NYSDOH)
P. McMahon, K. Nagotko, G. DeGennaro (Langan)

Enclosures: Table 1 – Source Removal Column Schedule

Figure 1 – Site Location Map
Figure 2 – Source Removal Plan

Attachment A – Drill Rig Specifications
Attachment B – Tidal Wetlands Permit
Attachment C – CAMP
Attachment D – Dewatering Box Specifications
Attachment E – SPDES Discharge and Long Island Well Permits

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TABLE

Table 1
Source Removal Column Schedule
141 3rd Street
BCP Site No. C224336
Langan Project No. 170390001

Column ID	Casing Diameter (in)	Auger Diameter (in)	Planned Removal (CY)	Ground Surface (el.)	Column Depth (feet bgs)	Bottom of Source Removal Column (el.)	CLSM Backfill 1 (top el.)	Gravel, DGA, or CLSM Backfill (top el.)	Shallow Plug (top el.)	Permeable Structural Fill Backfill (top el.)
SR-001	48	42	14.0	7	30	-23	-16	-6	-2.16	7
SR-002	48	42	14.0	7	30	-23	-16	-6	-2.16	7
SR-003	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-004	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-005	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-006	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-007	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-008	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-009	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-010	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-011	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-012	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-013	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-014	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-015	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-016	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-017	48	42	14.0	7	30	-23	-16	-6	-2.16	7
SR-018	48	42	14.0	7	30	-23	-16	-6	-2.16	7
SR-019	48	42	14.0	7	30	-23	-16	-6	-2.16	7
SR-020	48	42	14.0	7	30	-23	-16	-6	-2.16	7
SR-021	48	42	14.0	7	30	-23	-16	-6	-2.16	7
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SR-028	60	54	21.8	7	30	-23	-16	-6	-2.16	7
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SR-031	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-032	60	54	21.8	7	30	-23	-16	-6	-2.16	7
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SR-036	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-037	60	54	21.8	7	30	-23	-16	-6	-2.16	7
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SR-040	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-041	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-042	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-043	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-044	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-045	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-046	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-047	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-048	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-049	60	54	21.8	7	30	-23	-16	-6	-2.16	7

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141 3rd Street
BCP Site No. C224336
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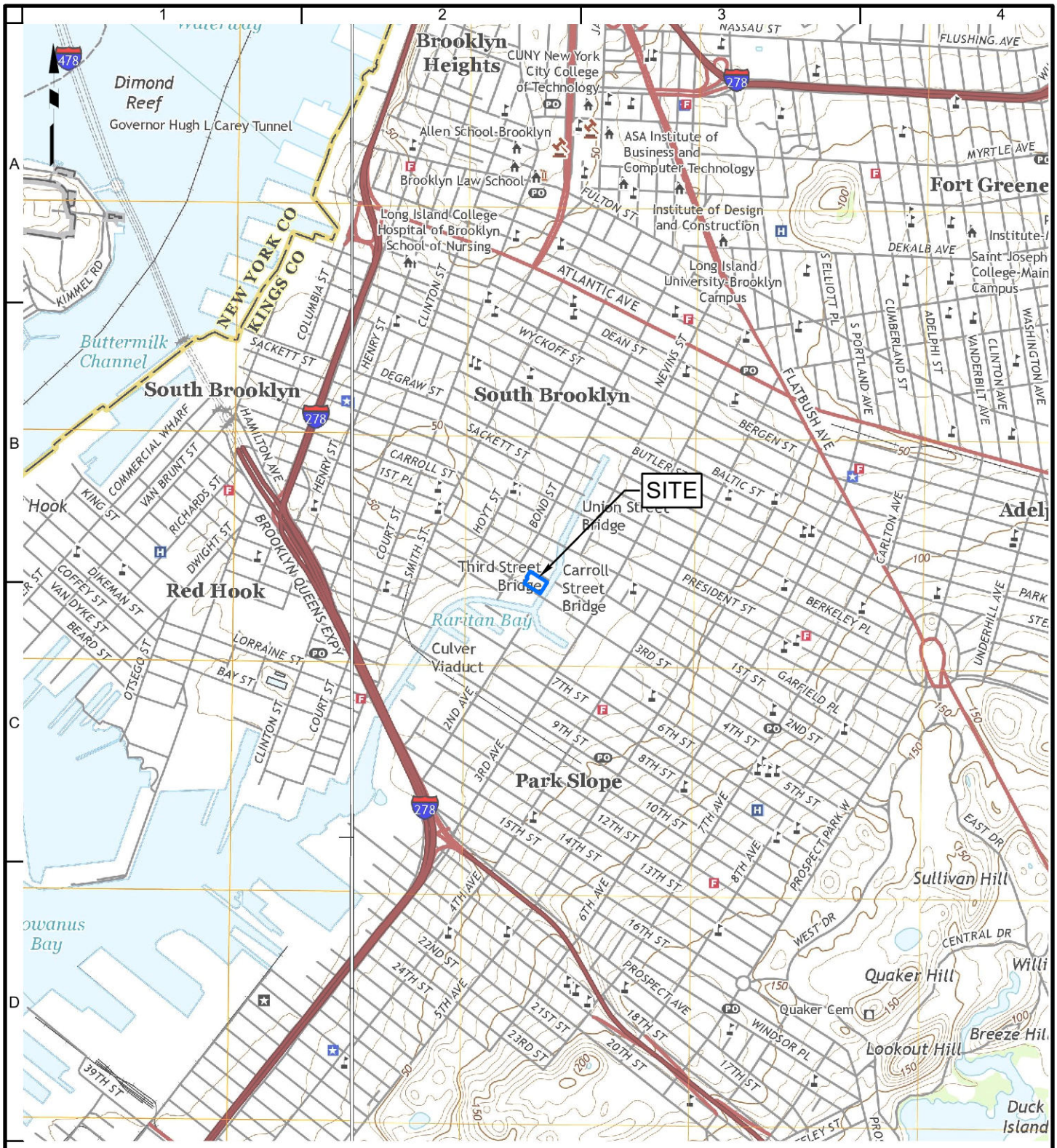
Column ID	Casing Diameter (in)	Auger Diameter (in)	Planned Removal (CY)	Ground Surface (el.)	Column Depth (feet bgs)	Bottom of Source Removal Column (el.)	CLSM Backfill 1 (top el.)	Gravel, DGA, or CLSM Backfill (top el.)	Shallow Plug (top el.)	Permeable Structural Fill Backfill (top el.)
SR-050	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-051	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-052	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-053	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-054	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-055	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-056	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-057	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-058	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-059	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-060	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-061	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-062	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-063	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-064	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-065	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-066	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-067	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-068	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-069	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-070	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-071	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-072	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-073	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-074	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-075	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-076	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-077	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-078	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-079	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-080	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-081	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-082	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-083	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-084	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-085	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-086	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-087	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-088	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-089	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-090	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-091	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-092	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-093	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-094	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-095	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-096	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-097	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-098	60	54	21.8	7	30	-23	-16	-6	-2.16	7

Table 1
Source Removal Column Schedule
141 3rd Street
BCP Site No. C224336
Langan Project No. 170390001

Column ID	Casing Diameter (in)	Auger Diameter (in)	Planned Removal (CY)	Ground Surface (el.)	Column Depth (feet bgs)	Bottom of Source Removal Column (el.)	CLSM Backfill 1 (top el.)	Gravel, DGA, or CLSM Backfill (top el.)	Shallow Plug (top el.)	Permeable Structural Fill Backfill (top el.)
SR-099	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-100	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-101	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-102	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-103	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-104	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-105	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-106	60	54	21.8	7	30	-23	-16	-6	-2.16	7
SR-107	60	54	21.8	7	30	-23	-16	-6	-2.16	7
			2,300							

Notes:
1. el. = Elevation; Elevations are in feet and referenced to the North American Vertical Datum of 1988 (NAVD88)
2. CLSM = Conrolled Low-Strength Material
3. DGA = dense grade aggregate
4. Mean Low Water Level (MLWL) is el. -2.6

FIGURES



LANGAN
360 West 31st Street, 8th Floor
New York, NY 10001-2727
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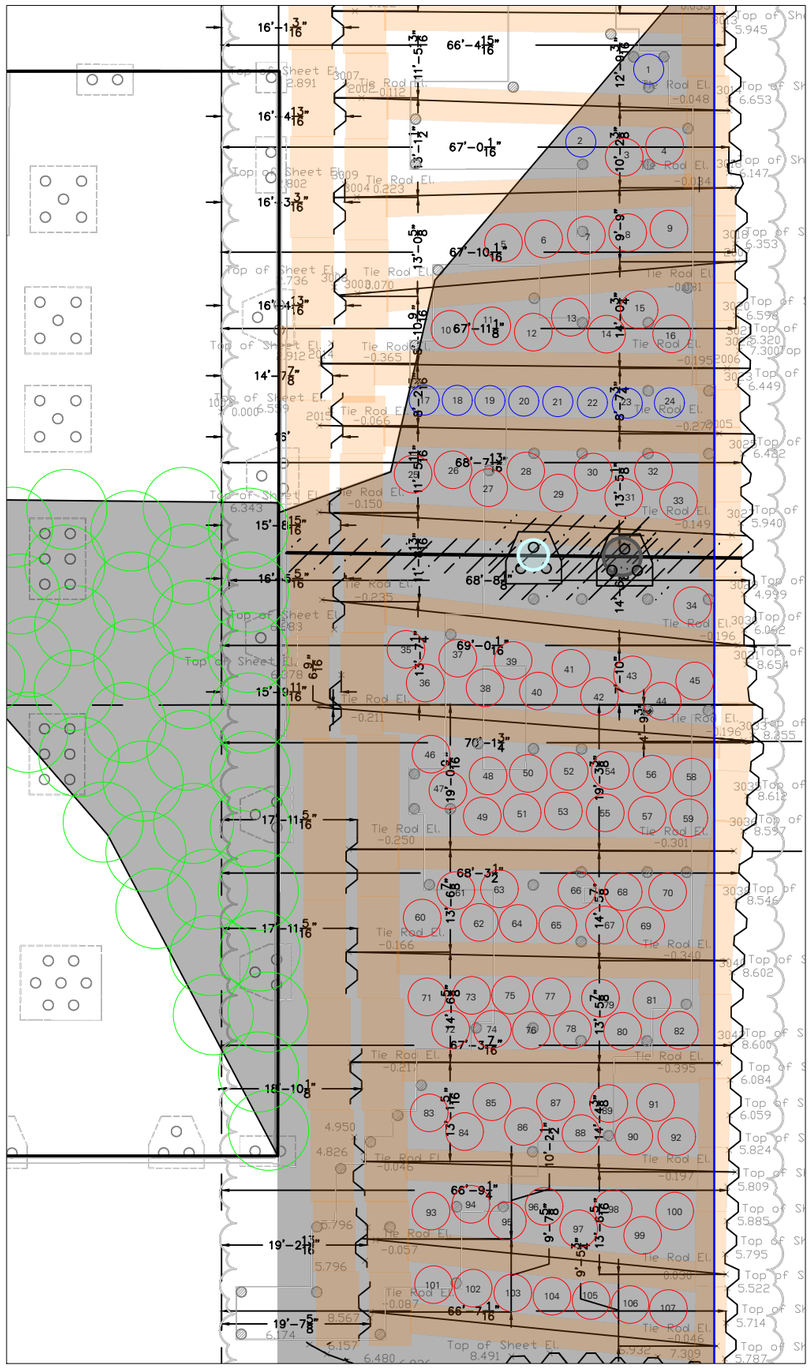
Langan Engineering & Environmental Services, Inc.
Langan Engineering, Environmental, Surveying, Landscape Architecture and Geology, D.P.C.
Langan International LLC

Collectively known as Langan

Project	141 3rd STREET BLOCK No. 462, LOT No. 12 BROOKLYN NEW YORK
Figure Title	SITE LOCATION MAP
Project No.	170390001
Date	6/12/2024
Scale	1"=2,000'
Drawn By	MG
Submission Date	
Figure No.	1

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Path: \\langan.com\data\NY\data0\170390001\ArcGIS\APRX\170390001\170390001v4.aprx Date: 6/12/2024 User: mgeorgalas Time: 2:45 PM



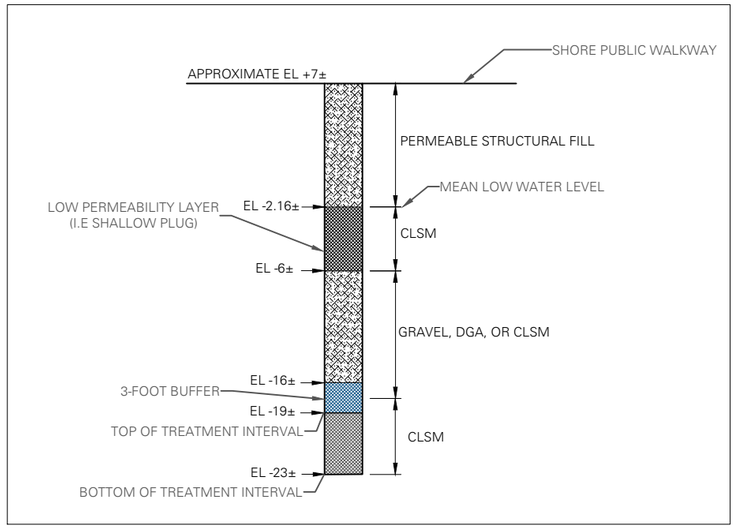
DETAIL 1: SOURCE REMOVAL PLAN

SCALE: 1"=20'



SITE PLAN

SCALE: 1"=60'



DETAIL 2: BACKFILL SECTION

NOT TO SCALE

LEGEND:

- APPROXIMATE SITE BOUNDARY
- PROPOSED BUILDING FOOTPRINT
- APPROXIMATE EXTENT OF MANUFACTURED GAS PLANT WASTE IMPACTS FROM EL -19 TO -23
- APPROXIMATE LOCATION OF ISS COLUMNS
- APPROXIMATE EXTENT OF THE BUFFER ZONE
- APPROXIMATE 60-INCH DIAMETER CASING
- APPROXIMATE 48-INCH DIAMETER CASING
- APPROXIMATE LOCATION OF HYDRODYNAMIC SEPARATOR TANK AND ASSOCIATED PILES/PILE CAP
- APPROXIMATE LOCATION OF MANHOLE AND ASSOCIATED PILES/PILE CAP
- APPROXIMATE LOCATION OF OUTFALL PIPE AND PILE CAP WITH BUFFER ZONE

NOTES:

1. BASE MAP IS TAKEN FROM "OVERALL PILE PLAN", PREPARED BY DATTNER ARCHITECTS, DATED MARCH 12, 2024 AND THE WATERFRONT FINAL REPORT, PREPARED BY LANGAN ENGINEERING, ENVIRONMENTAL, SURVEYING, LANDSCAPING ARCHITECTURE AND GEOLOGY, D.P.C. (LANGAN), DATED MARCH 21, 2018.
2. LOCATION OF THE HYDRODYNAMIC TANK AND OUTFALL PIPE IS TAKEN FROM SHEET NO. C-100.00 'SITE DRAINAGE', PREPARED BY DATTNER ARCHITECTS, DATED JULY 19, 2024.
3. EL = ELEVATION
4. ISS = IN-SITU STABILIZATION/SOLIDIFICATION
5. DGA = DENSE GRADE AGGREGATE
6. CLSM = CONTROLLED LOW-STRENGTH MATERIAL
7. ELEVATIONS HEREIN ARE REFERENCED TO THE NAVD88 (NORTH AMERICAN VERTICAL DATUM OF 1988).
8. INSTALLATION OF BULKHEAD SHEET PILES, DEADMEN, AND TIE RODS WERE COMPLETED IN AUGUST 2017.
9. THE EXTENT OF SOURCE REMOVAL ARE BASED ON THE FINDINGS OF THE REMEDIAL INVESTIGATION REPORT, PREPARED BY LANGAN, JULY 10, 2023.
10. THE SOURCE REMOVAL WILL EXTEND TO A MINIMUM OF EL -23±.
11. THE BUFFER ZONE REPRESENTS TWO FEET FROM EACH SIDE OF THE TIE RODS AND FOUR FEET FROM THE BULKHEAD AND DEADMAN SHEET PILES.

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Project	141 3RD STREET BLOCK No. 462, LOT No. 12 BROOKLYN NEW YORK
Figure Title	SOURCE REMOVAL PLAN
Project No.	170390001
Date	09/08/2025
Drawn By	GD
Checked By	KN
Figure No.	2

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ATTACHMENT A

DRILL SPECS

Drilling Rig

LB 36-410

Litronic®

EN

LB 2005.05



LIEBHERR

Concept and characteristics



LB 36-410

The robust universal machine for a wide variety of applications:

- Kelly drilling
- Auger drilling
- Full displacement drilling
- Double rotary drilling

The solid undercarriage offers excellent stability and low ground bearing pressure.

The uppercarriage with its small swing radius enables operation in restricted space.

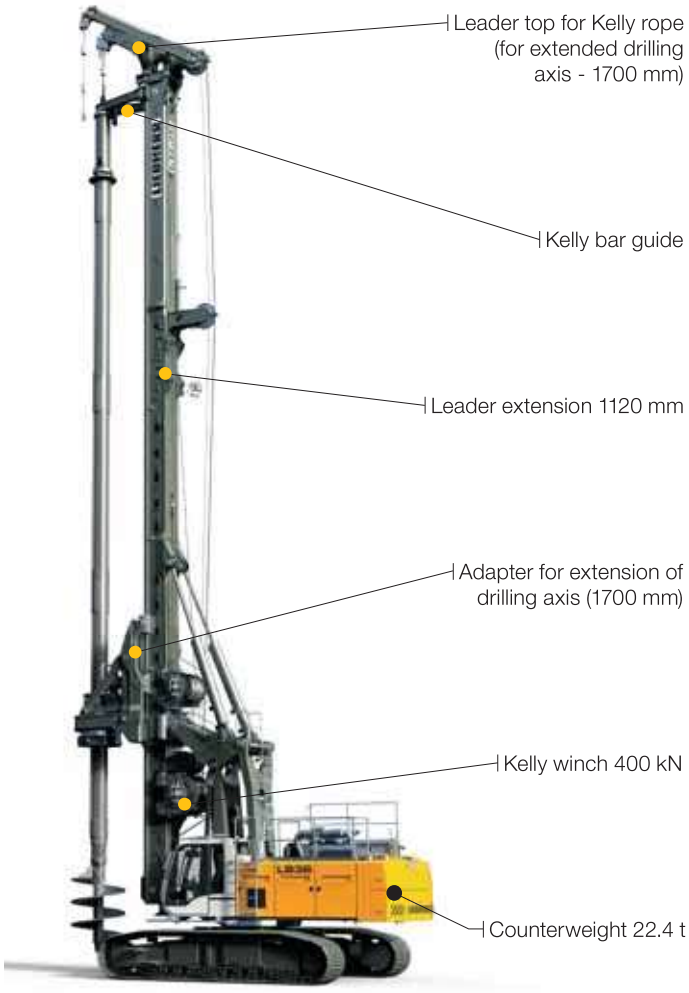
Parallel kinematics with a large working area allow to fold back the leader.

The rigid leader absorbs high torque and is fitted with a rope crowd system for high pull forces.

All winches are mounted on the leader, which provides a direct view of the main winch from the operator‘s cab.

The rotary drive of the BAT series combines exceptional torque with optimum operating comfort.

The powerful Liebherr diesel engine is low in emission and economical through SCR technology.



LB 36-410 with optional equipment

The Litronic control with assistance systems supports the operator:

- Cruise Control for the drilling process
- Joystick control for all machine functions
- Automatic shake-off function for working tools
- Leader inclination memory etc.

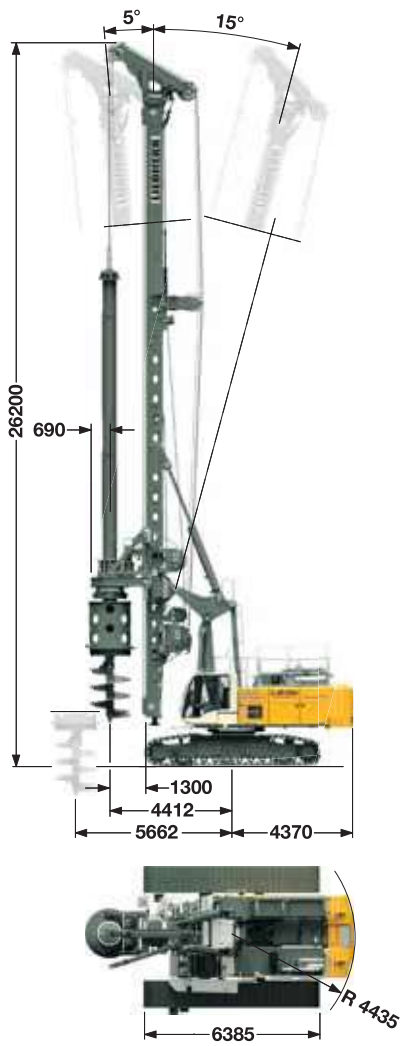
Sophisticated solutions provide safe operation and maintenance of the machine.

- Cab design for optimum visibility
- Acoustic and optic warning
- Walkways on the uppercarriage
- Safety rails on top of the uppercarriage
- Rear and side view cameras etc.

Liebherr Kelly bars feature strongly overlapping elements resulting in less wear.

Precise and robust Liebherr casings and drilling tools provide excellent drilling performance.

Dimensions





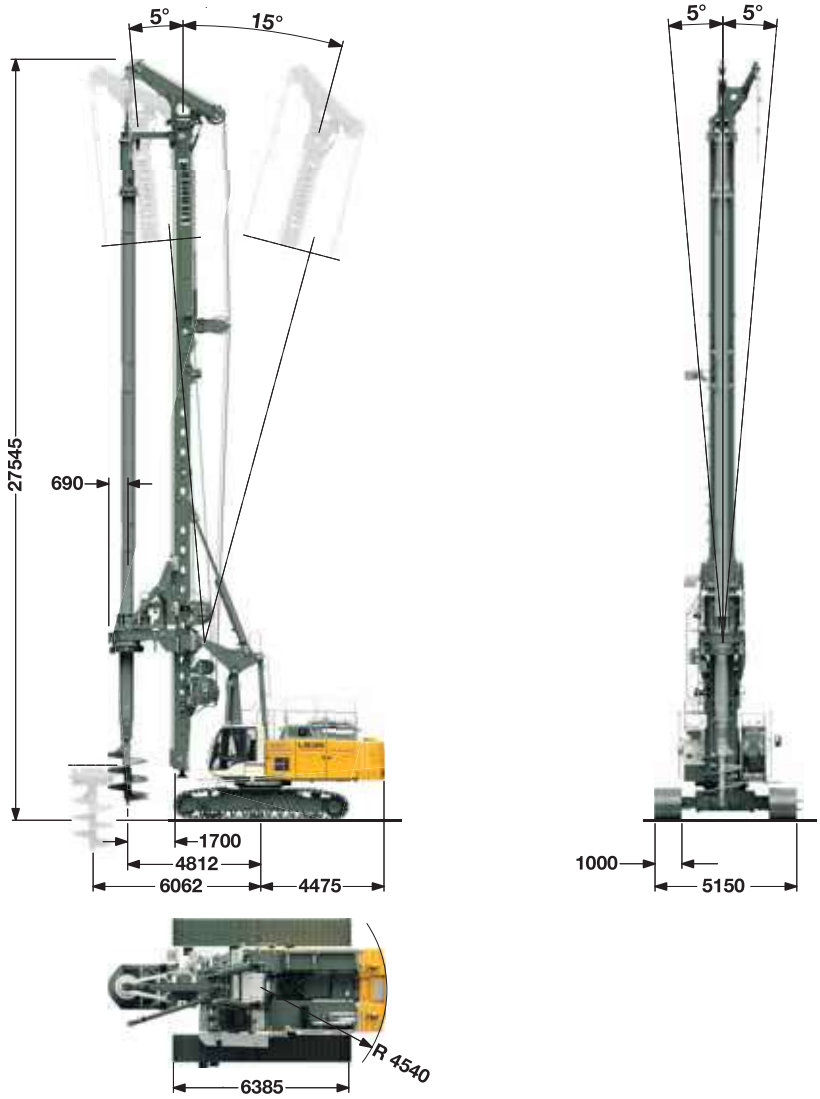
Technical data LB 36-410

Total height	26.2 m
Continuous rig inclination adjustment	
Lateral inclination	± 5°
Forward inclination	5°
Backward inclination	15°

Operating weight

Total weight with 900 mm 3–web shoes	115.0 t
with 1000 mm 3–web shoes	115.7 t

The operating weight includes the basic machine LB 36-410 (with rotary and Kelly bar MD 36/3/30) and 20.6 t counterweight, without equipment for casing oscillator.



Technical data LB 36-410 with optional equipment

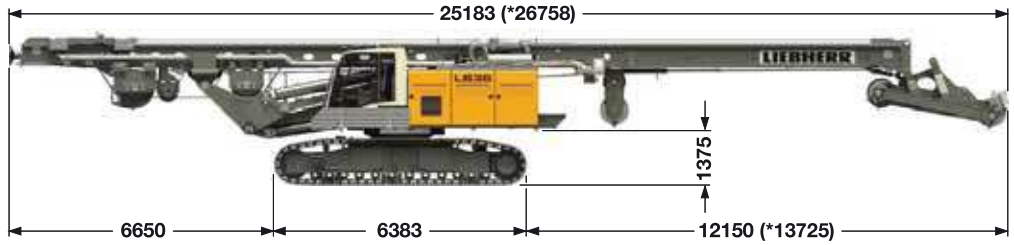
Total height	27.54 m
Continuous rig inclination adjustment	
Lateral inclination	± 5°
Forward inclination	5°
Backward inclination	15°

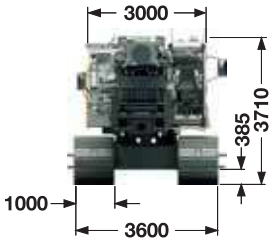
Operating weight

Total weight with 900 mm 3–web shoes	125.6 t
with 1000 mm 3–web shoes	126.3 t

The operating weight includes the basic machine LB 36-410 (with rotary and Kelly bar MD 36/4/54) and 22.4 t counterweight, without equipment for casing oscillator.

Transport dimensions and weights



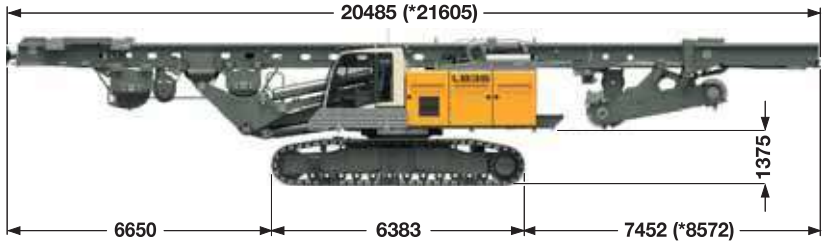


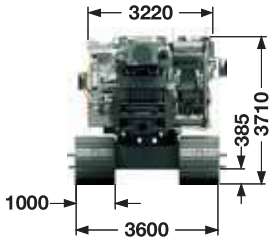
Transport standard

includes the basic machine (ready for operation) with leader, without working tools (such as rotary, Kelly bar etc.) and without counterweight.

Dimensions and weights

Length	25.18 m
Weight complete without counterweight	(*80.3) 78.6 t



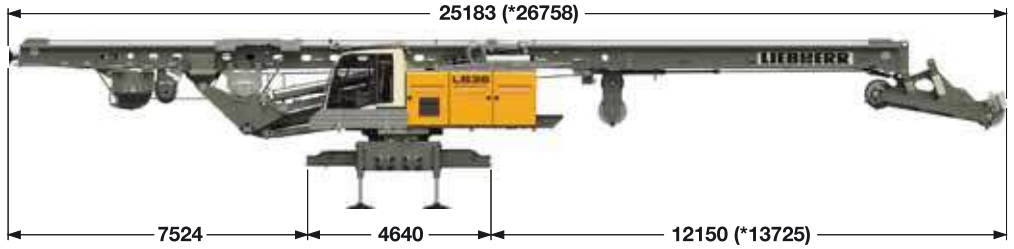


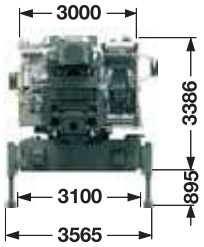
Transport option leader folded

includes the basic machine (ready for operation) with leader, without working tools (such as rotary, Kelly bar etc.) and without counterweight.

Dimensions and weights

Length	20.48 m
Weight complete without counterweight	(*80.7) 79.0 t





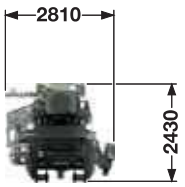
Transport without crawlers

includes the basic machine (ready for operation) with leader, without working tools (such as rotary, Kelly bar etc.), without crawlers and without counterweight.

Dimensions and weights

Length	25.18 m
Weight complete without counterweight	(*61.7) 59.9 t





Transport leader

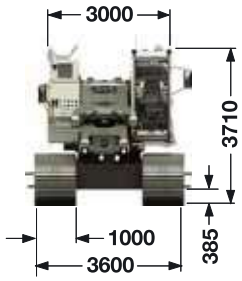
includes the leader without working tools (such as rotary, Kelly bar etc.).

*) Rigs with optional equipment
The figures in this brochure may include options which are not within the standard scope of supply of the machine.

Weights

Weight complete	(*29.1) 27.3 t
Lower part of the leader	1.5 t
Upper part of the leader with leader top	(*4.8) 4.6 t

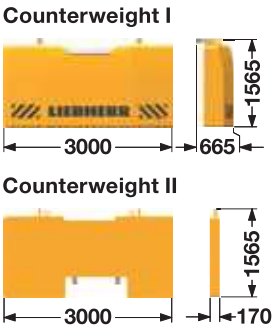




Transport basic machine

without counterweight.

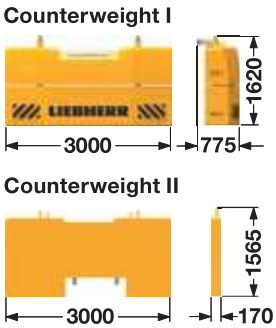
Transport weight without self-assembly system ——— 51.2 t



Counterweight (standard)

Counterweight I ——— 10.2 t

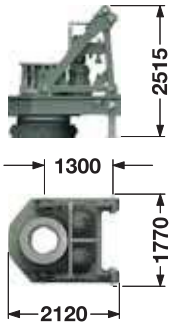
Counterweight II —— 2x 5.2 t



Counterweight (optional equipment)

Counterweight I —— 2x 6.0 t

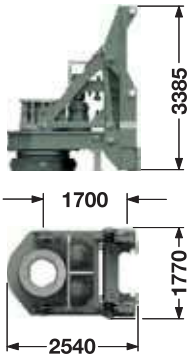
Counterweight II —— 2x 5.2 t



Rotary standard

Transport weight

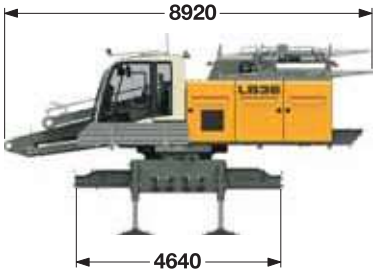
BAT 410 ——— 9.1 t

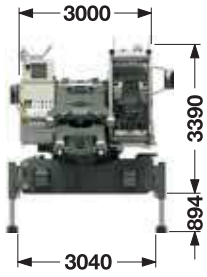


Rotary with optional equipment

Transport weight

BAT 410 ——— 11.1 t

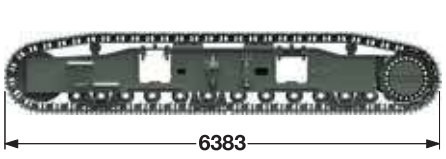


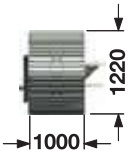


Transport basic machine

Ready for operation, without crawlers and without counterweight.

Transport weight ——— 32.6 t





Crawlers

Crawler left ——— 10.1 t

Crawler right ——— 10.1 t

Weights can vary with the final configuration of the machine.
The figures in this brochure may include options which are not within the standard scope of supply of the machine.

Rotary BAT 410 with shock absorber



Automatic gearbox for best operating comfort

- No stopping required to change gears
- No interruption of the drilling process
- Automatic torque adjustment
- Continuous optimization of speed
- Four electronically adjustable speed ranges

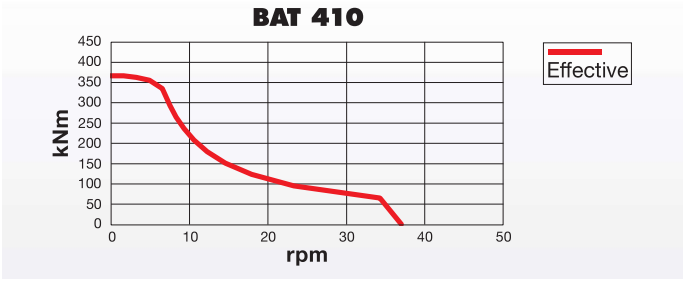
Highest availability through easy set-up

- No mechanical shift gearbox
- Higher availability thanks to less moving parts
- Less maintenance required
- No pressure lubrication necessary
- No interferences through defective lubrication pump
- Simplified hydraulics
- Lower risk of hydraulics leakages

Flexibility through modular design

- Exchangeable drive adapters for use of other Kelly bars
- Exchangeable cardan joint for other casing drivers
- Quickly exchangeable equipment for other methods of operation

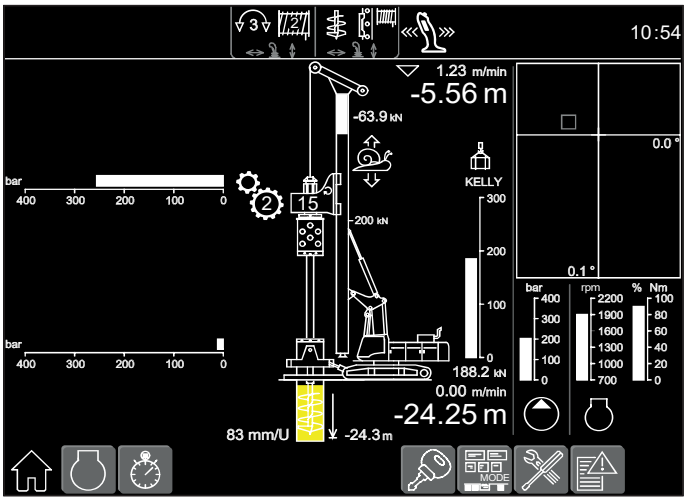




Kelly drilling

LB 36-410





Display for Kelly drilling

Technical data

Rotary drive - torque	0 – 410 kNm
Rotary drive - speed	0 – 37 rpm

Performance data

Max. drilling diameter*	2300 mm uncased
Max. drilling diameter*	2000 mm cased

*) Other drilling diameters available on request

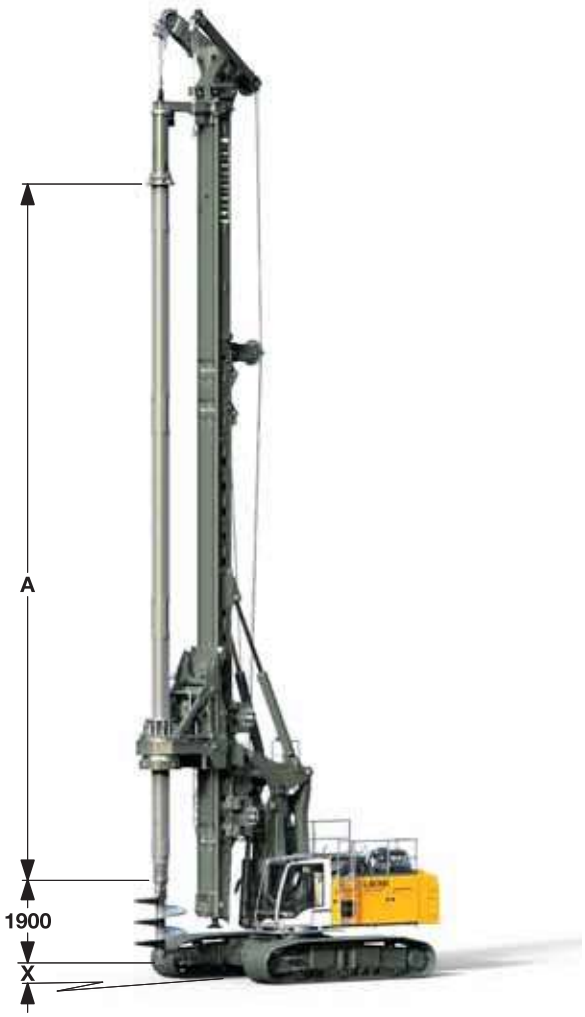
Kelly bars

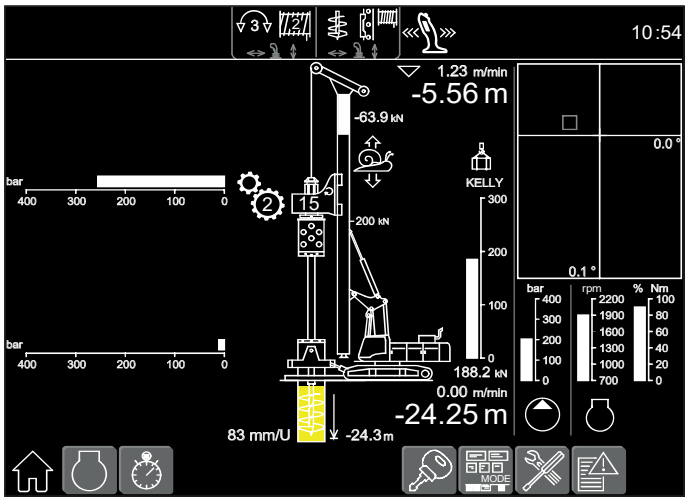
	A	X	Drilling depth	Weight	Kelly Ø
	(mm)	(mm)	(m)	(t)	(mm)
MD 36/3/30	11900	9800	28.0	7.6	470
MD 36/3/36	13900	7800	34.0	8.8	470
MD 36/4/42	12950	8700	40.0	10.3	470
MD 36/4/48	14450	7200	46.0	11.5	470
MD 36/4/54	15950	5700	52.0	12.7	470
MD 36/4/60	17450	4200	58.0	13.9	470
MD 36/4/66	18950	2700	64.0	15.1	470

Other Kelly bars available on request
When using a casing oscillator, value X has to be reduced by 1600 mm.

Kelly drilling

LB 36-410 with optional equipment





Display for Kelly drilling

Technical data

Rotary drive - torque	0 – 410 kNm
Rotary drive - speed	0 – 37 rpm

Performance data

Max. drilling diameter*	3000 mm uncased
Max. drilling diameter*	2500 mm cased

*) Other drilling diameters available on request

Other Kelly bars available on request
When using a casing oscillator, value X has to be reduced by 1600 mm.

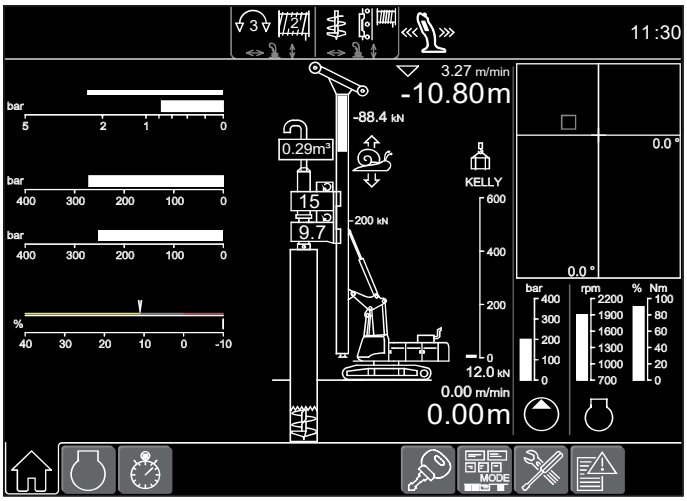
Kelly bars

	A	X	Drilling depth	Weight	Kelly Ø
	(mm)	(mm)	(m)	(t)	(mm)
MD 36/3/30	11900	11100	28.0	7.6	470
MD 36/3/36	13900	9100	34.0	8.8	470
MD 36/4/42	12950	10100	40.0	10.3	470
MD 36/4/48	14450	8600	46.0	11.5	470
MD 36/4/54	15950	7100	52.0	12.7	470
MD 36/4/60	17450	5600	58.0	13.9	470
MD 36/4/66	18950	4100	64.0	15.1	470
MD 36/4/72	20450	2600	70.0	16.3	470
MD 28/5/78	18250	4900	76.0	14.0	508
MD 28/5/84	19450	3700	82.0	15.0	508
MD 28/5/90	20650	2400	88.0	16.8	508

Double rotary drilling

Model DBA 200





Display for double rotary drilling

Technical data

Rotary drive I - torque	0 – 210	kNm
Rotary drive I - speed	0 – 17	rpm
Rotary drive II - torque	0 – 105	kNm
Rotary drive II - speed	0 – 37	rpm

Performance data

Max. drilling diameter*	750	mm
Max. drilling depth**	17.8	m
Max. pull force	900	kN

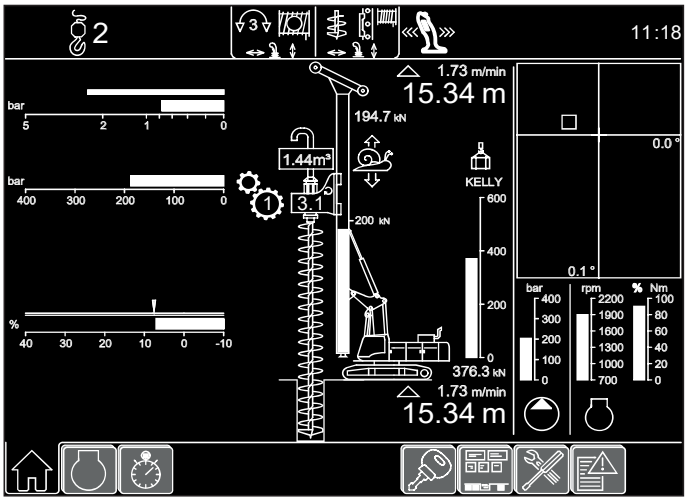
*) Other drilling diameters available on request
**) Other drilling depths available on request

Continuous flight auger drilling





Auger with auger guide



Display for continuous flight auger drilling

Technical data

Rotary drive - torque	0 – 410 kNm
Rotary drive - speed	0 – 37 rpm

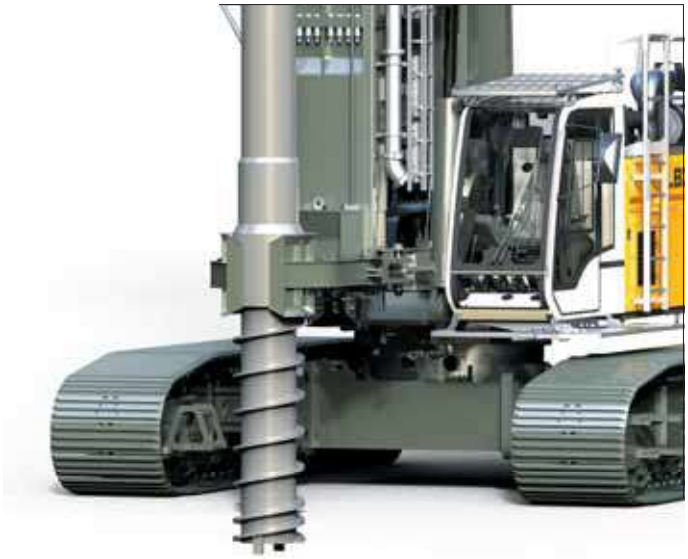
Performance data

Drilling depth with auger cleaner*	17.3 m
Drilling depth with 8 m Kelly extension with auger cleaner	25.3 m
Max. pull force (crowd winch and Kelly winch)	1000 kN
Max. push force (weight of rotary and auger to be added)	200 kN
Max. drilling diameter**	1200 mm

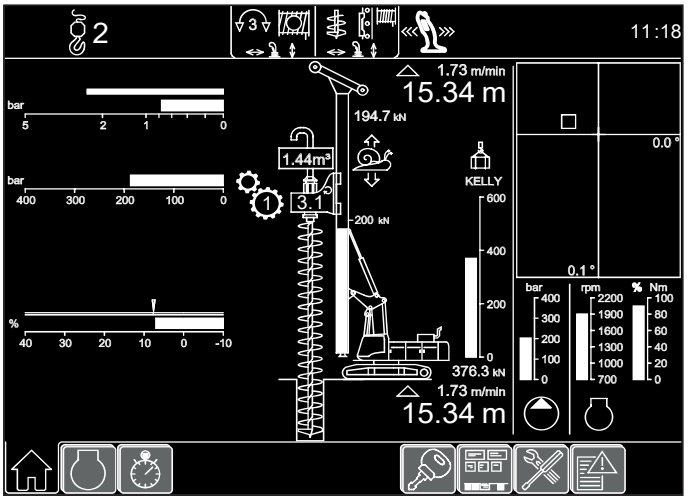
*) Without Kelly extension
**) Other drilling diameters available on request

Full displacement drilling





Full displacement tool with auger guide



Display for full displacement drilling

Technical data

Rotary drive - torque	0 – 410 kNm
Rotary drive - speed	0 – 37 rpm

Performance data

Drilling depth*	17.8 m
Drilling depth with 8 m Kelly extension	25.8 m
Max. pull force (crowd winch and Kelly winch)	1000 kN
Max. push force (weight of rotary and drilling tool to be added)	200 kN
Max. drilling diameter**	600 mm

*) Without Kelly extension
**) Other drilling diameters available on request

Technical description

Engine

Power rating according to ISO 9249, 390 kW (523 hp) at 1700 rpm
Engine type — Liebherr D 946 A7-04
Fuel tank — 700 l capacity with continuous level indicator and reserve warning
Engine complies with 97/68 EC Stage IV and NRMM exhaust certification EPA/CARB Tier 4f.

Hydraulic system

The main pumps are operated by a distributor gearbox. Axial piston displacement pumps work in open circuits supplying oil only when needed (flow control on demand).
The hydraulic pressure peaks are absorbed by the integrated automatic pressure compensation, which relieves the pump and saves fuel.

Pumps for working tools — 2x 350 l/min
Separate pump for kinematics — 180 l/min
Hydraulic oil tank — 800 l
Max. working pressure — 350 bar

The cleaning of the hydraulic oils occurs via an electronically monitored pressure and return filter.
Any clogging is shown on the display in the cab.
The use of synthetic environmentally friendly oil is also possible.

Crawlers

Propulsion through axial piston motor, hydraulically released spring loaded multi–disc brake, maintenance-free crawler tracks, hydraulic chain tensioning device.

Drive speed — 0 – 1.6 km/h
Track force — 814 kN
Width of 3-web grousers — 1000 mm

Option:
Width of 3-web grousers — 900 mm
Transport width — 3500 mm
2-speed hydraulic motor for higher travel speed

Noise emission

Noise emissions correspond with 2000/14/EC directive.
Guaranteed sound pressure level L_{PA} in the cabin — 78.3 dB(A)
Guaranteed sound power level L_{WA} — 112 dB(A)
Vibration transmitted to the hand-arm system of the machine operator — < 2.5 m/s²
Vibration transmitted to the whole body of the machine operator — < 0.5 m/s²

Swing

Consists of triple-row roller bearing with external teeth and two swing drives, fixed axial piston hydraulic motor, spring loaded and hydraulically released multi–disc holding brake, planetary gearbox and pinion.
Selector for 3 speed ranges to increase swing precision.
Swing speed from 0 – 2 rpm is continuously variable.

Control

The control system – developed and manufactured by Liebherr – is designed to withstand extreme temperatures and the many heavy–duty construction tasks for which this machine has been designed.
Complete machine operating data are displayed on a high resolution monitor screen. A GSM/GPRS telematics module allows for remote inquiry of machine data and operational conditions. To ensure clarity of the information on display, different levels of data are shown in enlarged lettering and symbols.
Control and monitoring of the sensors are also handled by this high technology system. Error indications are automatically displayed on the monitor in clear text. The machine is equipped with proportional control for all movements, which can be carried out simultaneously.
Two joysticks are required for operation. Pedal control can be changed to hand control.
Option:
PDE®: Process data recording

Kelly winch with freewheeling

Line pull effective (1st layer) — 300 kN
Rope diameter — 34 mm
Line speed — 0-76 m/min

Option:
Line pull effective (1st layer) — 400 kN
Rope diameter — 38 mm
Line speed — 0-64 m/min

Auxiliary winch

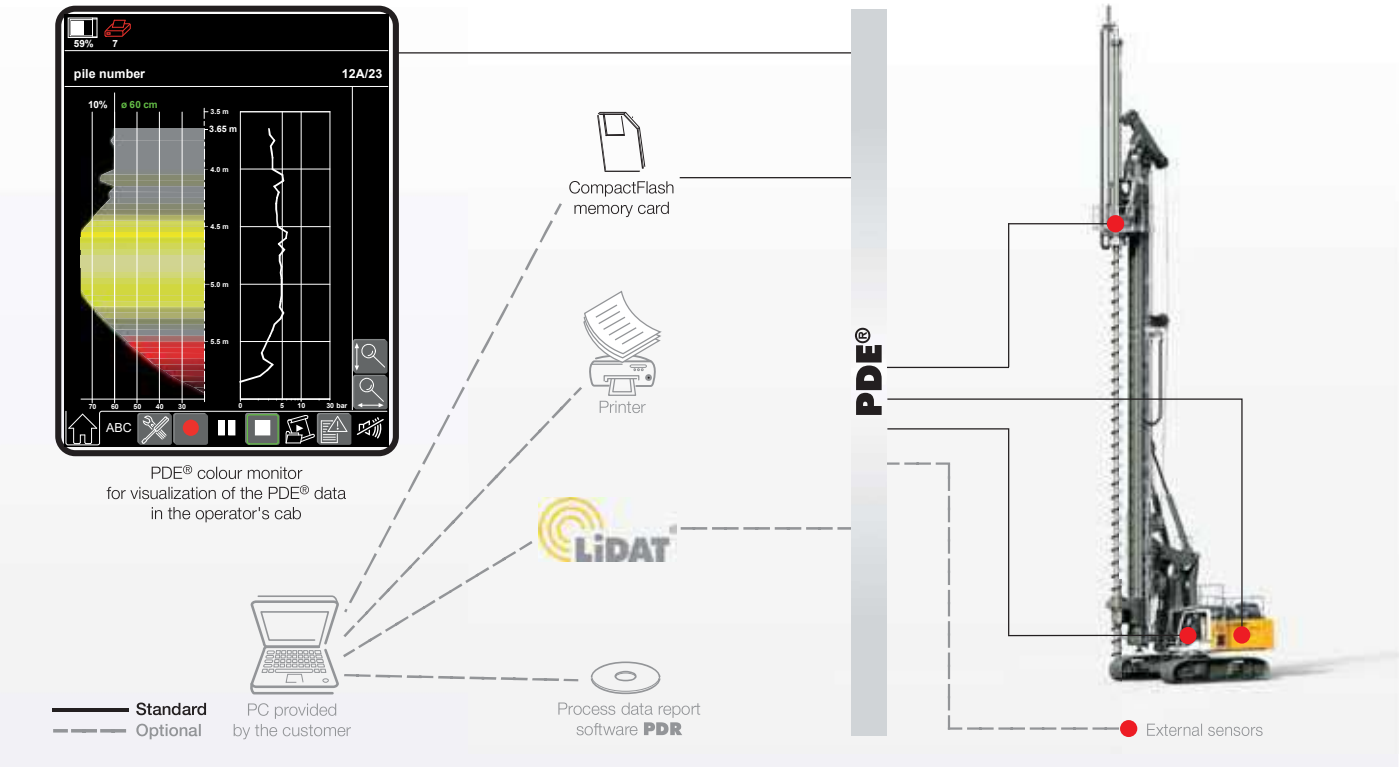
Line pull effective (1st layer) — 100 kN
Rope diameter — 20 mm
Line speed — 0-89 m/min

Rope crowd system

Crowd force push/pull — 400/400 kN
Line pull (effective) — 200 kN
Rope diameter — 28 mm
Travel with standard leader between mechanical limit stops, without extension — 18.5 m
Line speed — 0-70 m/min
The winches are noted for compact, easily mounted design.
Propulsion is via a maintenance-free planetary gearbox in oil bath.
Load support by the hydraulic system; additional safety factor by a spring–loaded, multi–disc holding brake. All line pull values are effective values. The efficiency factor of approx. 25% has already been deducted.

Process data recording system - PDE® (additional equipment)

The Liebherr process data recording system PDE® constantly records the relevant process data during the working process.



Depending on the application the recorded and processed data are displayed on the PDE® touchscreen in the operator's cab, e.g. in the form of an online cast-in-place pile.

At the same time the PDE® is operated using this touchscreen. The operator can enter various details (e.g. jobsite name, pile number, etc.) and start and stop recordings. A recording of every start-stop cycle carried out in the PDE® is established on a CompactFlash memory card.

The PDE® can be configured in a number of ways, e.g. for the connection of external sensors, for the generation of a simple protocol as graphic file and/or for a printout directly in the operator's cab.

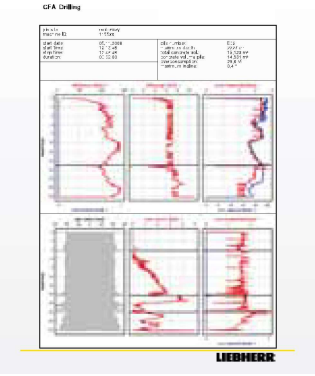
Process data reporting - PDR (additional equipment)

Comprehensive data evaluation and generation of reports on a PC is possible using the software PDR.

Recordings management - The recordings generated by the PDE® system can be imported and managed in PDR. The data can be imported directly from the CompactFlash card or via the Liebherr telematics system LiDAT. Certain recordings, e.g. for a particular day or jobsite, can be found using filter functions.

Viewing data - The data in each record is displayed tabularly. Combining several recordings provides results, for example, regarding the total concrete consumption or the average depth. Furthermore, a diagram editor is available for quick analysis.

Generating reports - A vital element of PDR is the report generator, which allows for the generation of individual reports. These can be printed out directly or stored as pdf files. In the process the size, colour, line thickness or even the desired logo can be configured. Moreover, the reports can be displayed in different languages, e.g. in English and in the national language.



LB 36-410 – 10505378 – Version 02 – 09/2016 Subject to change without notice.

Liebherr-Werk Nenzing GmbH
Dr. Hans Liebherr Str. 1, 6710 Nenzing/Austria
Tel.: +43 50809 41–473, Fax: +43 50809 41–499
crawler.crane@liebherr.com, www.liebherr.com
facebook.com/LiebherrConstruction

ATTACHMENT B

TIDAL WETLANDS PERMIT

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

December 14, 2022

Kenneth Huber
Langan Engineering
360 W 31st St, 8th Floor
New York, NY 10001

Re: NYSDEC Permit No. 2-6102-00077/00004
Third Street Owner LLC – 155 3rd St
Construct building, esplanade
Brooklyn, NY
ECL Article 25 – Tidal Wetlands
NOTICE OF PERMIT ISSUANCE

Dear Kenneth Huber:

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 5 of the permit requires submittal of the attached “Notice of Completion of Work” within 10 days of the completion of work.

If you have any questions, please email dep.r2@dec.ny.gov.

Sincerely,

Lisa E. Horwitz
Environmental Analyst II

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
Third Street Owner LLC

155 3rd St
Brooklyn, NY 11231
(718) 576-3645

Facility:
Third Street Owner LLC Prop - GOWANUS CANAL
155 3RD ST
BROOKLYN, NY 11231

Facility Location: in KINGS COUNTY **Village:** Brooklyn
Facility Principal Reference Point: NYTM-E: 585.316 NYTM-N: 4503.361
Latitude: 40°40'36.2" Longitude: 73°59'25.7"
Project Location: 155 3rd St | Block 462, Lots 12 and 14
Authorized Activity: Construction of a 22-story mixed-use residential and commercial building along with a shore public esplanade, walkway, and supplemental public access areas atop a pile-supported concrete platform.

Permit Authorizations

Tidal Wetlands - Under Article 25
Permit ID 2-6102-00077/00004
New Permit Effective Date: 12/14/2022 Expiration Date: 12/31/2028

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 _12_/_14_/_2022_

Stephen A Watts III Digitally signed by Stephen A Watts III
Date: 2022.12.14 14:18:47 -05'00'

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

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. Project plans prepared by Langan Engineering, titled "155 3rd St," Sheets 1, 2, 8, and 10 of 10, dated July 13, 2022 and received by NYSDEC on July 22, 2022.

b. Proposed site plan prepared by Langan Engineering, titled "155 3rd St," Sheet 9, dated September 13, 2022 and received by NYSDEC on September 20, 2022.

c. Plans prepared by Dattner Architects titled “153rd Street Monadnock Construction and Development 155 3rd Street Brooklyn, NY 11231” Drawings L-100.00 and L-700.00 dated September 14, 2022 and received by NYSDEC on September 20, 2022.

d. Plans prepared by Dattner Architects, titled "155 3rd Street," Drawing No. S-701.00, dated March 23, 2022, revised September 14, 2022, and received by NYSDEC on September 20, 2022.

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, 47-40 21st Street, Long Island City, NY 11101, and via email to r2.naturalresources@dec.ny.gov.

4. **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.

5. **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 NYSDEC Division of Marine Resources, 47-40 21st Street, Long Island City, New York 11101, and via email to r2.naturalresources@dec.ny.gov.

6. **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, NY 11101, and via email to r2.naturalresources@dec.ny.gov within 30 days of the completion of work.

7. **No Interference with Remedial Actions** Work performed under this permit cannot interfere with work under the remedial program, whether it be investigation or remediation.

8. **Best Management Practices** Best management practices will be employed to prevent the loss of sediment, debris, and construction materials from entering the waterways. Such practices may include, but are not limited to staked hay bales, silt fencing, turbidity curtains, and containment booms**.**

9. **Concrete or Leachate Must Not Escape** During construction, concrete or leachate will not escape or be discharged, nor will washings from transit mix trucks, mixers, or other devices enter tidal wetlands and or protected buffer areas**.**

10. **Removal of Debris and Excess Material** Any debris or excess material from construction of this project must be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in tidal wetlands or tidal wetlands adjacent area or protected buffer areas.

11. **Erosion/Sediment Control** All areas of soil disturbance resulting from this project must be stabilized immediately following project completion or prior to permit expiration, whichever comes first. The approved methodologies are as follows:
    a. Stabilization of the entire disturbed area with appropriate vegetation (grasses, etc.).
    b. Stabilized as per specifications identified on approved plans.
    c. Temporarily stabilized with straw or hay mulch or jute matting or other similar natural fiber matting within 1 week of final grading. Temporary stabilization must be maintained until a mature vegetative cover is established.

12. **Storage of Construction Equipment and Materials** The storage of construction equipment and materials must be confined to within the project work site and or upland areas greater than 15 linear feet from the tidal wetland boundary.

13. **Disturbed Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than one (1) week must be contained be a continuous line of staked hay bales/silt curtain (or other NYSDEC approved method) placed on the seaward side between the fill and wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

14. **Clean Fill Only** All fill must consist of “clean” sand, gravel, or soil. The use of material such as asphalt, slag, fly-ash, recycled concrete aggregate (RCA), broken concrete, or demolition debris is strictly prohibited.

15. **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.

16. **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.

17. **Prior Approval of Changes** If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

18. **Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

19. **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.

20. **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.

21. **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.

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, NY11101 -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: 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.

95-20-1 (8/87)—9d

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.

Regional Permit Administrator

Permit Number 2-6102-00077/00004

Expiration Date 12/31/2028

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

Stephen A Watts III
47-40 21st Street
LIC, NY 11101
(718) 482-4997

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

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

Re: NYSDEC Permit No. 2-6102-00077/00004
Third Street Owner LLC – 155 3rd St
Construct building, esplanade
Brooklyn, NY

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

_____
Name of Permittee (please print)

_____
Signature of Contractor

_____
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
N.Y.S.D.E.C Region 2 Office
47-40 21st Street
Long Island City, N.Y. 11101

Re: NYSDEC Permit No. 2-6102-00077/00004
Third Street Owner LLC – 155 3rd St
Construct building, esplanade
Brooklyn, NY

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

_____
Name of Permittee (please print)

_____
Signature of Contractor

_____
Name of Contractor (please print)

_____
Street Address of Contractor

_____
City, State, & Zip Code of Contractor

_____
Telephone Number of Contractor

cc: Environmental Permits
Marine Resources

ATTACHMENT C

CAMP

COMMUNITY AIR MONITORING PLAN

for

141 3rd Street
Brooklyn, New York 11231
BCP Site No. C224336

Prepared for:

Third Street Owner LLC and 155 Third St., LLC
155 3rd Street
Brooklyn, New York 11231

Prepared By:

Langan Engineering, Environmental, Surveying,
Landscape Architecture and Geology, D.P.C.
21 Penn Plaza
360 West 31st Street, 8th Floor
New York, New York 10001

July 2023
Langan Project No. 170390001

LANGAN

1.0 Introduction

This site-specific community air monitoring plan (CAMP) was prepared on behalf of Third Street Owner LLC and 155 Third St., LLC (the Participant) for the property at 141 3rd Street in Brooklyn, New York (the site). The site was accepted into the New York State Brownfield Cleanup Program (BCP) as a Participant and was assigned BCP Site No. C224336. A Brownfield Cleanup Agreement (BCA) was executed on 4 February 2022. The BCA was amended to include an additional lot, and executed on 4 March 2022.

The CAMP was prepared in compliance with the New York State Department of Health (NYSDOH) Generic CAMP and Special Requirements for Work within 20 feet of Potentially Exposed Individuals or Structures, and is intended to mitigate potential exposures of sensitive receptors to nuisance odors and dust resulting from the remedial action and potential coal-tar impacted materials. Based on environmental investigations performed to date, coal-tar impacts were documented in soil beginning at about 30 feet below grade surface (bgs) in the eastern portion of the site. This CAMP is intended for implementation during a treatability study at the site.

2.0 Community Air Monitoring

Monitoring for dust and odors will be conducted during all ground intrusive activities by the Field Team Leader (FTL). Continuous monitoring at the perimeter of the work zones for odor, volatile organic compounds (VOCs), and dust may be required for all ground intrusive activities such as drilling. The work zone is defined as the general area in which machinery is operating in support of remediation activities. A portable photoionization detector (PID) will be used to monitor the work zone and for periodic monitoring for VOCs during activities such as soil and groundwater sampling and well drilling. The site perimeter will be monitored for fugitive dust emissions by visual observations as well as instrumentation measurements (if required). When required, particulate or dust will be monitored continuously with real-time field instrumentation that will meet, at a minimum, the performance standards from DER-10 Appendix 1B.

If VOC monitoring is required, the following actions will be taken based on VOC levels measured:

- If total VOC levels exceed 5 parts per million (ppm) above background for the 15-minute average at the perimeter, work activities will be temporarily halted and monitoring continued. If levels readily decrease (per instantaneous readings) below 5 parts per million (ppm) above background, work activities will resume with continued monitoring.
- If total VOC levels at the downwind perimeter of the hot zone persist at levels in excess of 5 ppm above background but less than 25 ppm, work activities will be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps work activities will resume provided that the total organic vapor level 200 feet downwind of the hot zone or half the distance to the nearest potential receptor or residential/commercial

structure, whichever is less – but in no case less than 20 feet, is below 5 ppm above background for the 15-minute average.

- If the total VOC level is above 25 ppm at the perimeter of the hot zone, activities will be shutdown.

If dust monitoring with field instrumentation is required, the following actions will be taken based on instrumentation measurements:

- If the downwind particulate level is 100 micrograms per cubic meter (µg/m³) greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression must be employed. Work may continue with dust suppression techniques provided that downwind PM10 levels do not exceed 150 µg/m³ above the background level and provided that no visible dust is migrating from the work area.
- If, after implementation of dust suppression techniques, downwind PM10 levels are greater than 150 µg/m³ above the background level, work must be stopped and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM10 concentration to within 150 µg/m³ of the upwind level and in preventing visible dust migration.

3.0 Vapor Emission Response Plan

If the ambient air concentration of organic vapors exceeds 5 ppm above background at the perimeter of the hot zone, boring and well installation activities will be halted or odor controls will be employed, and monitoring continued. When work shut-down occurs, downwind air monitoring as directed by the Health and Safety Officer (HSO) or FTL will be implemented to ensure that vapor emission does not impact the nearest residential or commercial structure at levels exceeding those specified in the Major Vapor Emission section.

If the organic vapor level decreases below 5 ppm above background, sampling and boring and well installation can resume, provided:

- The organic vapor level 200 feet downwind of the hot zone or half the distance to the nearest residential or commercial structure, whichever is less, is below 1 ppm over background, and
- More frequent intervals of monitoring, as directed by the HSO or FTL, are conducted.

4.0 Vapor and Dust Suppression Techniques

Preventative measures for dust generation may include wetting site fill and soil, construction of an engineered construction entrance with gravel pad, use of a truck wash area, covering soils with tarps, and limiting vehicle speeds to five miles per hour.

Work practices to minimize odors and vapors include minimizing open storage of contaminated-source

soil and handling of contaminated material. Offending odor and organic vapor controls may include the application of suppressants, including odor-control (Biosolve Pinkwater or approved equivalent) or placing polyethylene sheeting or non-odorous soil over the odor or VOC source areas for short-term control of the odor and VOCs.

If odors develop and cannot otherwise be controlled, additional means to eliminate odor nuisances will include: use of chemical odorants in spray or misting systems; and use of staff to monitor odors in surrounding neighborhoods.

5.0 Monitoring of Nearby Occupied Structures

This section applies where structures within about 20 feet of the ground-intrusive work may be occupied during the planned remedial action. Where this condition exists, the following will be considered for incorporation into the CAMP:

- One of the CAMP monitoring stations will be placed between the remedial work area and nearest outside wall of the occupied structure. If site conditions warrant, a third station may be used to accomplish this task.
    - If 15-minute-average total VOC concentrations exceed 1 ppm above background near the outside wall or next to intake vents of the occupied structure, periodic VOC monitoring will be performed within the occupied structure.
    - If 15-minute-average total PM10 concentrations exceed 150 µg/m^3 above background near the outside wall or next to intake vents of the occupied structure, work activities will be temporarily suspended until suppression techniques are implemented and concentrations return to background.
- Where nuisances have developed during remedial work and cannot be corrected using the techniques described in Section 6, use of additional engineering controls may be considered, such as vapor/dust barriers or ventilation devices.
- Consideration should be given to scheduling or sequencing ground-intrusive activities during periods when potentially exposed populations may not be occupying the structure.

6.0 Reporting

A summary of CAMP findings, including triggered action levels, will be provided daily to the NYSDEC and NYSDOH project managers as part of daily reporting. Following an exceedance, the subsequent daily report will be prepared and will include a description of the exceedance and mitigation method implemented. In addition to a summary of CAMP findings, daily reports will include:

- An update of progress made during the reporting day;
- Locations of work and quantities of material imported and exported from the site;

- Locations of CAMP monitoring stations, soil stockpiles, and decontamination stations;
- References to map for site activities;
- A summary of any and all complaints with relevant details (names, phone numbers);
- An explanation of notable site conditions;
- Actions anticipated for the next reporting day; and
- Site photographs from the day's remedial activities.

Daily reports are not intended to be the mode of communication for notification to the NYSDEC or the NYSDOH of emergencies (accident, spill), requests for changes to the CAMP or the SMP scope of work, or other sensitive or time critical information; however, such conditions will also be included in the daily reports. Emergency conditions and changes to the CAMP or the SMP scope of work will be addressed directly to the NYSDEC and NYSDOH project managers via personal communication. If site conditions warrant, the remedial engineer may request to change from daily to weekly reports that include the above information.

ATTACHMENT D

DEWATERING BOX SPECS

Data sheet

Type DB-8

DEWATERING BOX 8 M³

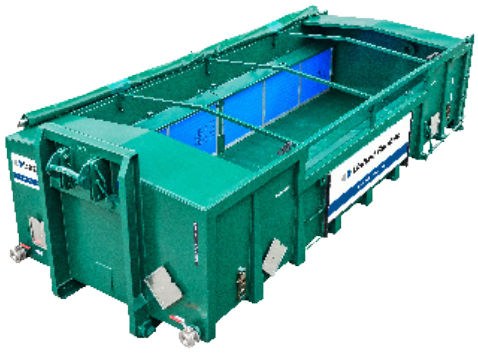
IDEAL USAGE

Projects that require dewatering of sludge

APPLICATIONS

Dewatering of solid waste or sludge with a good dewaterability:

- Coarse sludge, such as plastics and metal particles
- Mineral sludge, such as sand and grits
- Organic sludge, such as leaves, wood, soil or a combination of these



WEIGHT AND MEASURES

Capacity:	8.4 m³
Volume:	8,400 litres (dry) sludge
Filter range:	390 µm
Height:	1,770 mm
Width:	2,547 mm
Length:	6,500 mm
Weight:	3,600 kg (approx.)
Max Temperature:	50 °C

FEATURES

Filling onnections:	PN 16 DN 100 flange in tipping door to connect (sludge) pump or vacuum truck Direct unloading (from vacuum) trucks by using lower side opening Fast grips to secure unloading hoses Removable support beams for easy filling for excavator
Drain valves:	PN 16 DN 50 flanged ball valves SS all corners (x4)
Misc. connections:	4” flange at inside door to connect and elbow
Access:	External ladder of S235 carbon steel

TRANSPORT

Hookloader:	Hook adjustable to different EU standards: 1.57 m and 1.43 m Roller wheels rubber protected (x2) at rear to allow easy and silent sliding on the ground (x1)
Cable lifting:	Frame equipped with connections for cable lifting system
Lifting:	Lifting eyes on top of frame (x4)
Transportation lock:	Designed for various hydraulic locking systems, not suitable for C-lock system

SURFACE DETAILS

Interior coating:	Anti-rust primer (x2); finishing high-solid industrial coating (x2)
Exterior coating:	Anti-rust primer (x2); finishing high-solid industrial coating (x2) of 150 micron
Standard screen:	Polyester 1.8 mm

QUALITY AND SAFETY

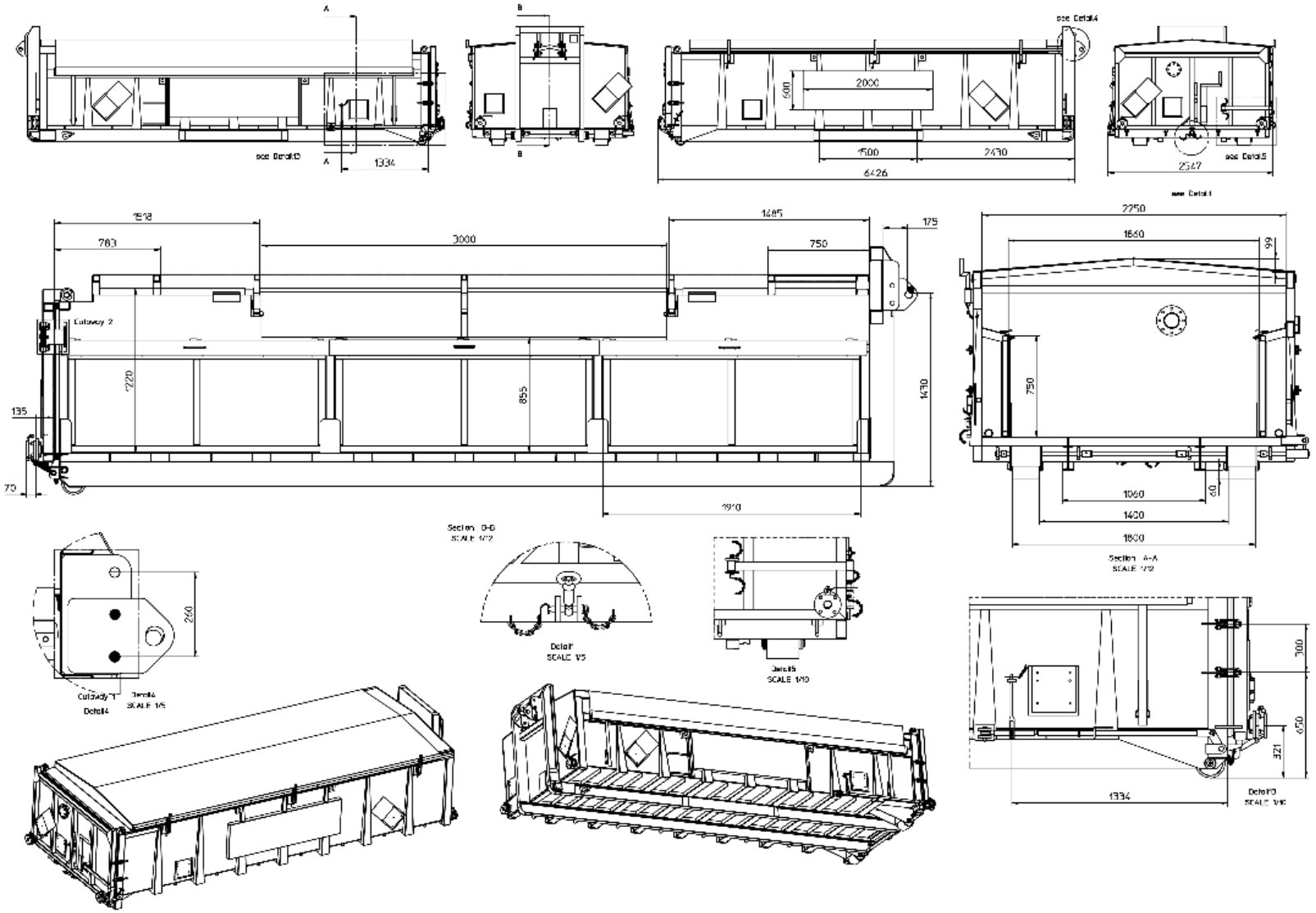
- Quality control inspections level 1, 2, & 3 on a scheduled basis
- Depending on the classification of sludge and the competence of the transporter, the container is equipped for the dewatering and transport of ADR waste
- Hydrostatic water tested
- Special beams to increase construction strength
- Removable permeable screens for easier cleaning & inspection

PATENT

International Patent Pending – PCT/US19/43426

Technical drawing

Type DB-8



20 YARD

Dewatering Roll Off Box

Dewatering Box rentals from Ironclad Environmental Solutions are passive-gravity dewatering containers available in all Roll-tarp, Metal-Lid and Vacuum. Each roll-off box is equipped with a steel-frame screen-insert which creates a French drain system within the individual containers interior. Dewatering boxes are available to separate liquid from sludge and slurry and to simplify waste disposal.



*Photos are representational; actual products vary. Additional product plans and specifications may vary from those shown and are subject to in-stock availability.

Dimensions and Weights

Length: 23′ 1 3/8″

Width: 97″

Height: 4′ 6 3/8″

Capacity: 20 cubic yard (4,040 gallons)

Tare Weight: 9,550 lbs

Construction

Floor: ¼″ A36 plate

Walls: 3/16″ A36 plate

Long Sill: 6 x 2 x ¼″ tubing

Features

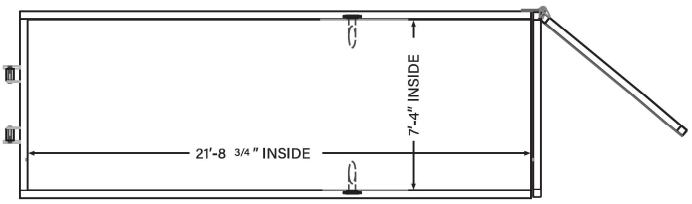
Drain: Two 4″ flanged drain (curb and street)

Liner hooks: 24″ all around

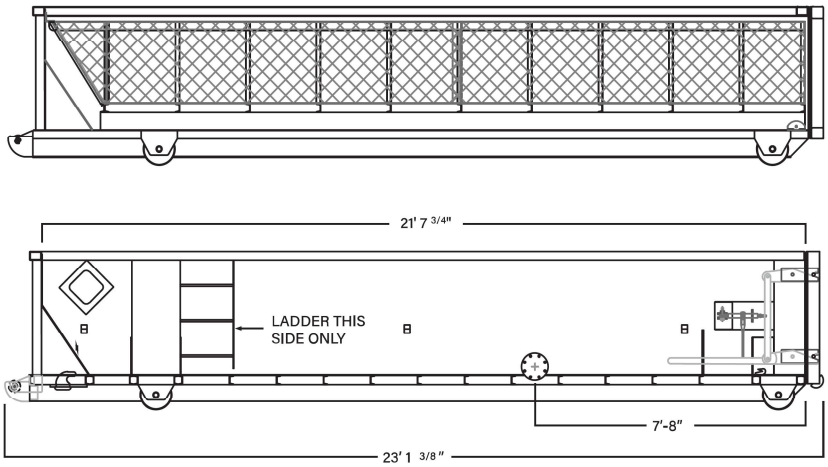
Wheels: 10″ steel

ROLL OFF BOX

Dewatering Box Drawing



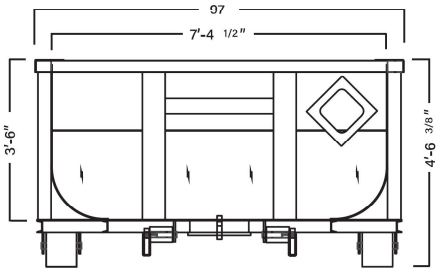
Top View



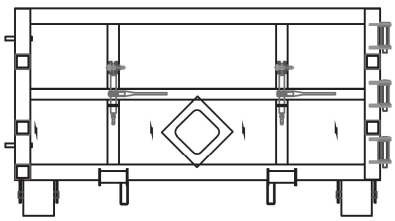
Side View

*Some details not shown in all views. Overall dimensions are normal.

*Photos are representational; actual products vary. Additional product plans and specifications may vary from those shown and are subject to in-stock availability.



Front View



Rear View

ATTACHMENT E

SPDES DISCHARGE AND LONG ISLAND WELL PERMITS

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

September 30, 2025

via email (malbert@monadnockdevelopment.com)
Matthew Albert
Third Street Owner LLC
155 3rd Street
Brooklyn, NY 11231

Re: NYSDEC Permit No. 2-6102-00077/00008; PID 11103, SPDES # NY0277312
Facility: Third Street Owner LLC Prop Redevelopment
155 3rd Street
Brooklyn, NY 11231
NOTICE OF PERMIT ISSUANCE

Dear Permittee,

Enclosed is your State Pollution Discharge Elimination System (SPDES) permit. It is effective beginning October 1, 2025 and expires on September 30, 2030.

Please read all permit conditions carefully. All permit documents must be available upon request by the Department staff and must be distributed to and understood by personnel responsible for the proper operation of the facility and compliance with the discharge limits. Any violation of these permit conditions constitutes a violation of the Environmental Conservation Law.

Be advised, the Uniform Procedures Regulations (6 NYCRR Part 621) provide that an applicant may request an adjudicatory proceeding if a permit is denied or contains conditions which are unacceptable to them. Any such request must be made in writing within 30 calendar days of the date of permit issuance and must be addressed to the Regional Permit Administrator at the letterhead address. A copy of the request must also be sent to the Chief Administrative Law Judge, addressed to Chief Administrative Law Judge, NYSDEC, Office of Hearings and Mediation Services, 625 Broadway, Albany, NY 12233-1550.

If you have any administrative questions regarding this permit, please contact me via email (caitlyn.nichols@dec.ny.gov). Please refer to the above referenced numbers when you are corresponding with this office or when you are applying to renew or modify this permit.

Sincerely,

Caitlyn P. Nichols
Deputy Regional Permit Administrator
Division of Environmental Permits

ecc: NYSDEC RWE
NYSDEC DOW
USEPA Region 2
IEC
NYCDEP
NYCDOHMH
RPA/File

State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT

SIC Code:	**1794**	NAICS Code:		SPDES Number:	**NY0277312**
Discharge Class (CL):	**04**			DEC Number:	**2-6102-00077/00008**
Toxic Class (TX):	**N**			Effective Date (EDP):	**October 1, 2025**
Major-Sub Drainage Basin:	**17 - 01**			Expiration Date (ExDP):	**September 30, 2030**
Water Index Number:	**(MW1.3) UB-EB-1**	Item No.:	**890.6 - 7**	Modification Dates (EDPM):	
Compact Area:	**IEC**				

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. '1251 et.seq.)

PERMITTEE NAME AND ADDRESS					
Name:	**Third Street Owner LLC**	Attention:	**Matthew Albert**		
Street:	**155 3rd Street**				
City:	**Brooklyn**	State:	**NY**	Zip Code:	**11231**
Email:	**malbert@monadnockdevelopment.com**	Phone:	**(718) 576 - 3645**		

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL														
Name:	**Third Street Owner LLC Prop Redevelopment**													
Address / Location:	**155 3rd Street**										County:	**Kings**		
City:	**Brooklyn**						State:	**NY**			Zip Code:	**11231**		
Facility Location:		Latitude:	**40**	°	**40**	’	**36**	” N	& Longitude:	**73**	°	**59**	’	**25** ” W
Primary Outfall No.:	**001A**	Latitude:	**40**	°	**51**	’	**44**	” N	& Longitude:	**73**	°	**54**	’	**50** ” W
Wastewater Description:	**Groundwater Construction Dewatering**	Receiving Water:	Gowanus Canal				NAICS:	**-**	Class:	**SD**	Standard:	**SD**		

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:
BWP Permit Coordinator (permit.coordinator@dec.ny.gov)
BWP Permit Writer
RWE (Selvin.Southwell@dec.ny.gov)
RPA
EPA Region II (Region2_NPDES@epa.gov)

Permit Administrator:	Stephen A. Watts III
Address:	47-40 21 St Street, Long Island City, NY 11101
Signature	Date 09/30/2025

Stephen A Watts III Digitally signed by Stephen A Watts III
Date: 2025.09.30 15:53:10 -04'00'

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DEFINITIONS....3
PERMIT LIMITS, LEVELS AND MONITORING....4
SPECIAL CONDITIONS....5
BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES....5
DISCHARGE NOTIFICATION REQUIREMENTS....7
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MONITORING LOCATIONS....9
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RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS....11

DEFINITIONS

TERM	DEFINITION
7-Day Geo Mean	The highest allowable geometric mean of daily discharges over a calendar week.
7-Day Average	The average of all daily discharges for each 7-days in the monitoring period. The sample measurement is the highest of the 7-day averages calculated for the monitoring period.
12-Month Rolling Average (12 MRA)	The current monthly value of a parameter, plus the sum of the monthly values over the previous 11 months for that parameter, divided by the number of months for which samples were collected in the 12-month period.
30-Day Geometric Mean	The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Action Level	Action level means a monitoring requirement characterized by a numerical value that, when exceeded, triggers additional permittee actions and department review to determine if numerical effluent limitations should be imposed.
Compliance Level / Minimum Level	A compliance level is an effluent limitation. A compliance level is given when the water quality evaluation specifies a Water Quality Based Effluent Limit (WQBEL) below the Minimum Level. The compliance level shall be set at the Minimum Level (ML) for the most sensitive analytical method as given in 40 CFR Part 136, or otherwise accepted by the DEC.
Daily Discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day.
Daily Maximum	The highest allowable Daily Discharge.
Daily Minimum	The lowest allowable Daily Discharge.
Effective Date of Permit (EDP or EDPM)	The date this permit is in effect.
Effluent Limitations	Effluent limitation means any restriction on quantities, quality, rates and concentrations of chemical, physical, biological, and other constituents of effluents that are discharged into waters of the state.
Expiration Date of Permit (ExDP)	The date this permit is no longer in effect.
Instantaneous Maximum	The maximum level that may not be exceeded at any instant in time.
Instantaneous Minimum	The minimum level that must be maintained at all instants in time.
Monthly Average	The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
Outfall	The terminus of a sewer system, or the point of emergence of any waterborne sewage, industrial waste or other wastes or the effluent therefrom, into the waters of the State.
Range	The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown.
Receiving Water	The classified waters of the state to which the listed outfall discharges.
Sample Frequency / Sample Type / Units	See DEC's "DMR Manual for Completing the Discharge Monitoring Report for the SPDES" for information on sample frequency, type and units.

PERMIT LIMITS, LEVELS AND MONITORING

OUTFALL	DESCRIPTION	RECEIVING WATER	EFFECTIVE	EXPIRING
001A	Groundwater Construction Dewatering	Gowanus Canal	October 1, 2025	September 30, 2030

PARAMETER	EFFLUENT LIMITATION					MONITORING REQUIREMENTS				FN
	Type	Limit	Units	Limit	Units	Sample Frequency	Sample Type	Location Inf.	Location Eff.	
Flow	Daily Maximum	Monitor	MGD	0.14	MGD	Continuous	Recorder		X	
pH	Daily Minimum	6.0	SU			Daily	Grab		X	
	Daily Maximum	9.0	SU							
Total Suspended Solids (TSS)	Monthly Average	20	mg/L			Monthly	Grab	X	X	1
Total Suspended Solids (TSS)	Daily Maximum	40	mg/L			Monthly	Grab	X	X	1
Oil & Grease	Monthly Average	15	mg/L			Monthly	Grab			
Total Mercury	Daily Maximum	50	ng/L			Monthly	Grab	X	X	
Total Cadmium	Daily Maximum	80	ug/L			Monthly	Grab	X	X	
Total Copper	Daily Maximum	95	ug/L			Monthly	Grab	X	X	2
Total Lead	Daily Maximum	130	ug/L			Monthly	Grab	X	X	
Total Nickel	Daily Maximum	370	ug/L			Monthly	Grab	X	X	
Total Zinc	Daily Maximum	420	ug/L			Monthly	Grab	X	X	

FOOTNOTES:

1. Effluent shall not exceed 15% of influent concentration values for TSS.

2. This is a Compliance Level. The calculated WQBEL is 95.

SPECIAL CONDITIONS

BEST MANAGEMENT PRACTICES (BMPs) FOR INDUSTRIAL FACILITIES

Note that for some facilities, especially those with few employees or limited industrial activities, some of the below BMPs may not be applicable. It is acceptable in these cases to indicate "Not Applicable" for the portion(s) of the BMP Plan that do not apply to your facility, along with an explanation.

1. **General** - The permittee shall develop, maintain, and implement a Best Management Practices (BMP) plan to prevent releases of significant amounts of pollutants to the waters of the State through plant site runoff; spillage and leaks; sludge or waste disposal; and stormwater discharges including, but not limited to, drainage from raw material storage. The BMP plan shall be documented in narrative form and shall include the 13 minimum BMPs and any necessary plot plans, drawings, or maps. Other documents already prepared for the facility such as a Safety Manual or a Spill Prevention, Control and Countermeasure (SPCC) plan may be used as part of the plan and may be incorporated by reference. A copy of the current BMP plan shall be submitted to the DEC as required in item (2.) below and a copy must be maintained at the facility and shall be available to authorized DEC representatives upon request.

2. **Compliance Deadlines** – The initial BMP plan shall be submitted in accordance with the Schedule of Submittals to the Regional Water Engineer. The BMP plan shall be implemented within 6 months of submission, unless a different time frame is approved by the Department. The BMP plan **shall be reviewed annually** and shall be modified whenever (a) changes at the facility materially increase the potential for releases of pollutants; (b) actual releases indicate the plan is inadequate, or (c) a letter from the DEC identifies inadequacies in the plan. The permittee shall certify in writing, as an attachment to the December Discharge Monitoring Report (DMR), that the annual review has been completed. Subsequent modifications to or renewal of this permit does not reset or revise these deadlines unless a new deadline is set explicitly by such permit modification or renewal.

3. **Facility Review** - The permittee shall review all facility components or systems (including but not limited to material storage areas; in-plant transfer, process, and material handling areas; loading and unloading operations; storm water, erosion, and sediment control measures; process emergency control systems; and sludge and waste disposal areas) where materials or pollutants are used, manufactured, stored or handled to evaluate the potential for the release of pollutants to the waters of the State. In performing such an evaluation, the permittee shall consider such factors as the probability of equipment failure or improper operation, cross-contamination of storm water by process materials, settlement of facility air emissions, the effects of natural phenomena such as freezing temperatures and precipitation, fires, and the facility's history of spills and leaks. The relative toxicity of the pollutant shall be considered in determining the significance of potential releases. The review shall address all substances present at the facility that are identified in the SPDES application Form NY-2C (available at https://www.dec.ny.gov/docs/permits_ej_operations_pdf/form2c.pdf) or that are required to be monitored for by the SPDES permit.

4. **13 Minimum BMPs:** Whenever the potential for a release of pollutants to State waters is determined to be present, the permittee shall identify BMPs that have been established to prevent or minimize such potential releases. Where BMPs are inadequate or absent, appropriate BMPs shall be established. In selecting appropriate BMPs, the permittee shall consider good industry practices and, where appropriate, structural measures such as secondary containment and erosion/sediment control devices and practices. USEPA guidance for development of stormwater elements of the BMP is available in *Developing Your Stormwater Pollution Prevention Plan A Guide for Industrial Operators*, February 2009, EPA 833-B-09-002. As a minimum, the plan shall include the following BMPs:

1. BMP Pollution Prevention Team
2. Reporting of BMP Incidents
3. Risk Identification & Assessment
4. Employee Training
5. Inspections and Records
6. Security
7. Preventive Maintenance
8. Good Housekeeping
9. Materials/Waste Handling, Storage, & Compatibility
10. Spill Prevention & Response
11. Erosion & Sediment Control
12. Management of Runoff
13. Street Sweeping

BMPs FOR INDUSTRIAL FACILITIES (continued)

5. **Stormwater Pollution Prevention Plans (SWPPPs) Required for Discharges of Stormwater from Construction Activity to Surface Waters -** A SWPPP shall be developed prior to commencing any construction activity that will result in soil disturbance of one or more acres of uncontaminated area[1]. (Note: the disturbance threshold is 5000 SF in the New York City East of Hudson Watershed). The SWPPP shall conform to the current version of the SPDES General Permit for Stormwater Discharges from Construction Activity (CGP), including the *New York Standards and Specifications for Erosion and Sediment Control* and *New York State Stormwater Management Design Manual.* The permittee shall submit a copy of the SWPPP and any amendments thereto to the local governing body and any other authorized agency having jurisdiction or regulatory control over the construction activity **at least 30 days prior to soil disturbance**. The SWPPP shall be maintained on-site and submitted to the Department only upon request. When a SWPPP is required, a properly completed *Notice of Intent* (NOI) form shall be submitted (available at www.dec.ny.gov/chemical/43133.html) prior to soil disturbance. Note that submission of the NOI is required for informational purposes; the permittee is not eligible for and will not obtain coverage under any SPDES general permit for stormwater discharges. SWPPPs must be developed for subsequent site disturbances in accordance with the above requirements. The permittee is responsible for ensuring that the provisions of each SWPPP are properly implemented.

DISCHARGE NOTIFICATION REQUIREMENTS

(a) The permittee shall install and maintain identification signs at all outfalls to surface waters listed in this permit, unless the Permittee has obtained a waiver in accordance with the Discharge Notification Act (DNA). Such signs shall be installed before initiation of any new discharge location.

(b) Subsequent modifications to or renewal of this permit does not reset or revise the deadline set forth in (a) above, unless a new deadline is set explicitly by such permit modification or renewal.

(c) The Discharge Notification Requirements described herein do not apply to outfalls from which the discharge is composed exclusively of storm water, or discharges to ground water.

(d) The sign(s) shall be conspicuous, legible and in as close proximity to the point of discharge as is reasonably possible while ensuring the maximum visibility from the surface water and shore. The signs shall be installed in such a manner to pose minimal hazard to navigation, bathing or other water related activities. If the public has access to the water from the land in the vicinity of the outfall, an identical sign shall be posted to be visible from the direction approaching the surface water.

The signs shall have **minimum** dimensions of eighteen inches by twenty-four inches (18" x 24") and shall have white letters on a green background and contain the following information:

N.Y.S. PERMITTED DISCHARGE POINT

SPDES PERMIT No.: NY_____

OUTFALL No. :____

For information about this permitted discharge contact:

Permittee Name: _____

Permittee Contact: _____

Permittee Phone: ( ) - ### - ####

OR:

NYSDEC Division of Water Regional Office Address:

NYSDEC Division of Water Regional Phone: ( ) - ### -####

(e) Upon request, the permittee shall make available electronic or hard copies of the sampling data to the public. In accordance with the RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS page of your permit, each DMR shall be maintained (either electronically or as a hard copy) on record for a period of five years.

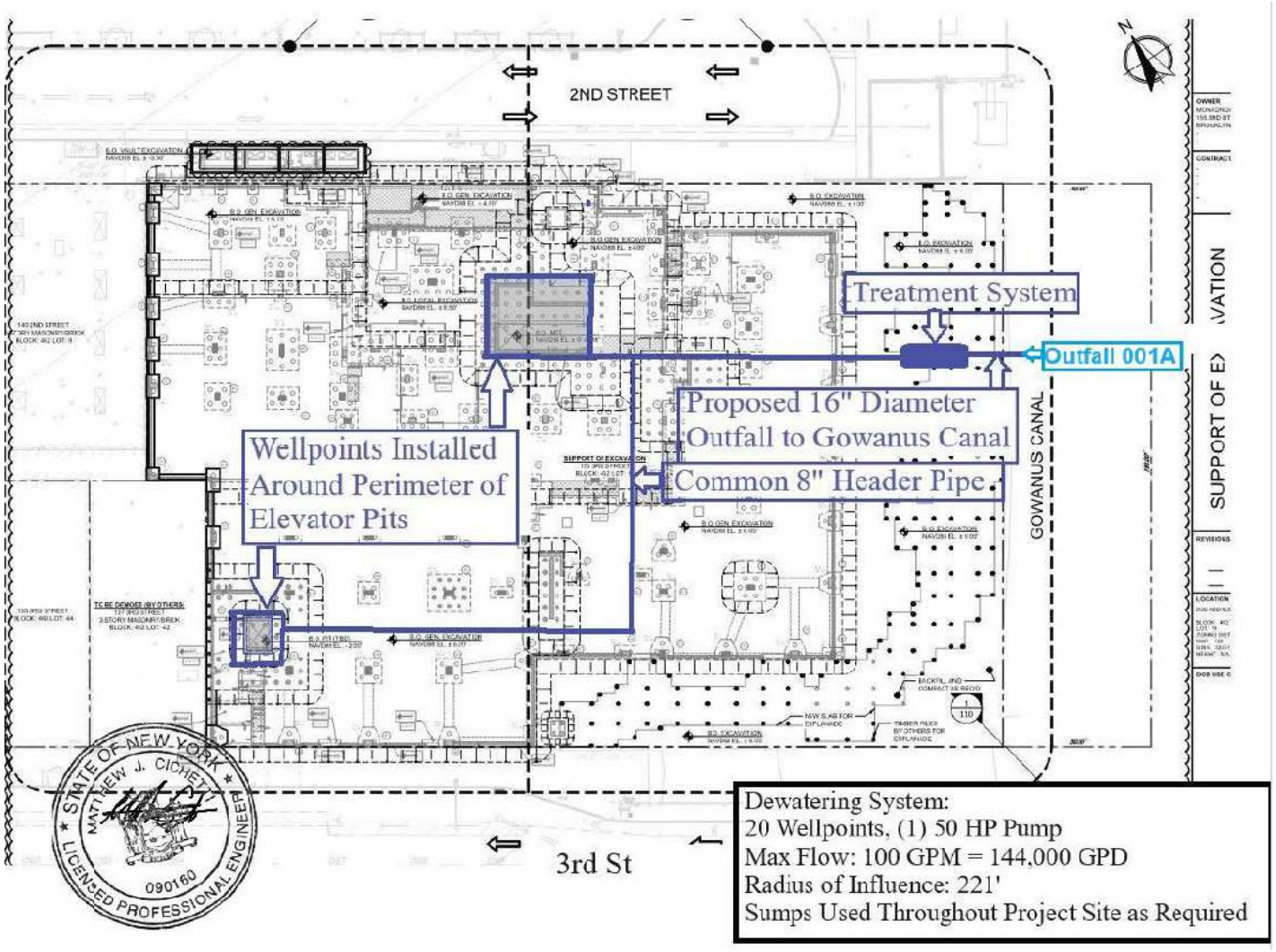
(f) The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection.

MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) specified below:

Influent: Prior To Settling Tank

Effluent: After the Effluent Pump

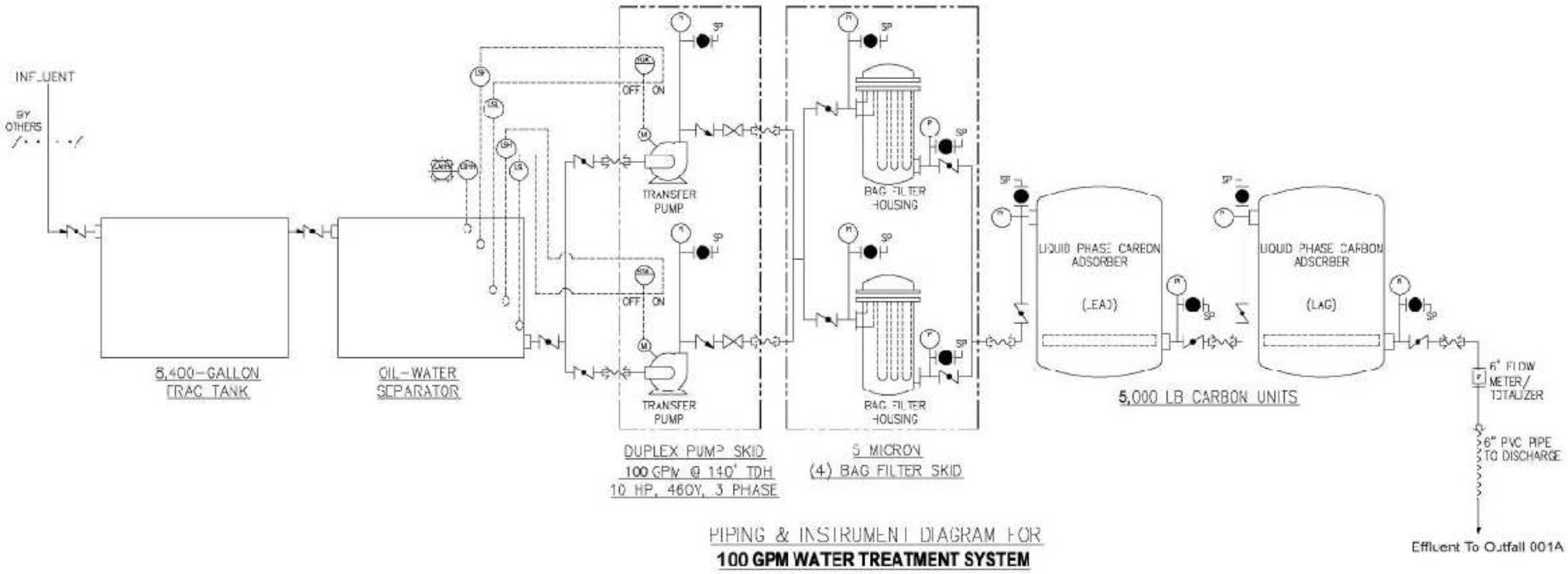


MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the locations(s) specified below:

Influent: Prior To Settling Tank

Effluent: After the Effluent Pump



PIPING & INSTRUMENT DIAGRAM FOR
100 GPM WATER TREATMENT SYSTEM

GENERAL REQUIREMENTS

A. The regulations in 6 NYCRR Part 750 are hereby incorporated by reference and the conditions are enforceable requirements under this permit. The permittee shall comply with all requirements set forth in this permit and with all the applicable requirements of 6 NYCRR Part 750 incorporated into this permit by reference, including but not limited to the regulations in paragraphs B through H as follows:

B. General Conditions

1.	Duty to comply	6 NYCRR 750-2.1(e) & 2.4
2.	Duty to reapply	6 NYCRR 750-1.16(a)
3.	Need to halt or reduce activity not a defense	6 NYCRR 750-2.1(g)
4.	Duty to mitigate	6 NYCRR 750-2.7(f)
5.	Permit actions	6 NYCRR 750-1.1(c), 1.18, 1.20 & 2.1(h)
6.	Property rights	6 NYCRR 750-2.2(b)
7.	Duty to provide information	6 NYCRR 750-2.1(i)
8.	Inspection and entry	6 NYCRR 750-2.1(a) & 2.3

C. Operation and Maintenance

1.	Proper Operation & Maintenance	6 NYCRR 750-2.8
2.	Bypass	6 NYCRR 750-1.2(a)(17), 2.8(b) & 2.7
3.	Upset	6 NYCRR 750-1.2(a)(94) & 2.8(c)

D. Monitoring and Records

1.	Monitoring and records	6 NYCRR 750-2.5(a)(2), 2.5(a)(6), 2.5(c)(1), 2.5(c)(2), & 2.5(d)
2.	Signatory requirements	6 NYCRR 750-1.8 & 2.5(b)

E. Reporting Requirements

1.	Reporting requirements for non-POTWs	6 NYCRR 750-2.5, 2.6, 2.7, &1.17
2.	Anticipated noncompliance	6 NYCRR 750-2.7(a)
3.	Transfers	6 NYCRR 750-1.17
4.	Monitoring reports	6 NYCRR 750-2.5(e)
5.	Compliance schedules	6 NYCRR 750-1.14(d)
6.	24-hour reporting	6 NYCRR 750-2.7(c) & (d)
7.	Other noncompliance	6 NYCRR 750-2.7(e)
8.	Other information	6 NYCRR 750-2.1(f)

F. Sludge Management
The permittee shall comply with all applicable requirements of 6 NYCRR Part 360.

G. SPDES Permit Program Fee
The permittee shall pay to the DEC an annual SPDES permit program fee within 30 days of the date of the first invoice, unless otherwise directed by the DEC, and shall comply with all applicable requirements of ECL 72-0602 and 6 NYCRR Parts 480, 481 and 485. Note that if there is inconsistency between the fees specified in ECL 72-0602 and 6 NYCRR Part 485, the ECL 72-0602 fees govern.

H. Water Treatment Chemicals (WTCs)
New or increased use and discharge of a WTC requires prior DEC review and authorization. At a minimum, the permittee must notify the DEC in writing of its intent to change WTC use by submitting a completed *WTC Notification Form* for each proposed WTC. The DEC will review that submittal and determine if a SPDES permit modification is necessary or whether WTC review and authorization may proceed outside of the formal permit administrative process. The majority of WTC authorizations do not require SPDES permit modification. In any event, use and discharge of a WTC shall not proceed without prior authorization from the DEC. Examples of WTCs include biocides, coagulants, conditioners, corrosion inhibitors, defoamers, deposit control agents, flocculants, scale inhibitors, sequestrants, and settling aids.

1. WTC use shall not exceed the rate explicitly authorized by this permit or otherwise authorized by the DEC.
2. The permittee shall maintain a logbook of all WTC use, noting for each WTC the date, time, exact location, and amount of each dosage, and the name of the individual applying or measuring the chemical. The logbook must also document that adequate process controls are in place to ensure excessive levels of WTCs are not used.
3. The permittee shall submit a completed WTC Annual Report Form each year that they use and discharge WTCs. This form shall be submitted in electronic format and attached to either the December DMR or the annual monitoring report required below. The *WTC Notification Form and WTC Annual Report Form* are available from the DEC's website at: http://www.dec.ny.gov/permits/93245.html

RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

A. The monitoring information required by this permit shall be retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent.

B. Discharge Monitoring Reports (DMRs): Completed DMR forms shall be submitted for each month reporting period in accordance with the DMR Manual available on DEC's website.

DMRs must be submitted electronically using the electronic reporting tool (NetDMR) specified by DEC. Instructions on the use of NetDMR can be found at: How To Complete And Submit Discharge Monitoring Reports (DMRs) - NYSDEC. **Hardcopy paper DMRs will only be accepted if a waiver from the electronic submittal requirements has been granted by DEC to the facility.**

The first monitoring period begins on the effective date of this permit, and, unless otherwise required, the reports are due no later than the 28th day of the month following the end of each monitoring period.

C. Additional information required to be submitted by this permit shall be summarized and reported to the Regional Water Engineer and Bureau of Water Permits at the following addresses:

Department of Environmental Conservation
Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505 Phone: (518) 402-8111

Department of Environmental Conservation
Regional Water Engineer, Region 2
One Hunters Point Plaza, Long Island City, New York, 11101-5407 Phone: (718) 482-4933

D. Annual SPDES Monitoring Reports: An annual report shall be submitted to DEC by February 1st each year. The report shall summarize information for January to December of the previous year and shall be submitted electronically, or in hardcopy format, utilizing the SPDES Annual Report Form available on the DEC's website.

Hard copy submission of the Annual Report shall be submitted to the Regional Water Engineer at the address below:

Department of Environmental Conservation
Regional Water Engineer, Region 2
One Hunters Point Plaza, Long Island City, New York, 11101-5407 Phone: (718) 482-4933

E. Monitoring and analysis shall be conducted using sufficiently sensitive test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

F. More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.

G. Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.

H. Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.

I. Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.

SPDES Permit Fact Sheet
Third Street Owner LLC
Third Street Owner LLC Prop Redevelopment
NY0277312



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Summary of Permit Changes

A new State Pollutant Discharge Elimination System (SPDES) permit has been drafted for the Third Street Owner LLC Prop Redevelopment. The changes to the permit are summarized below:

This fact sheet summarizes the information used to determine the effluent limitations (limits) and other conditions contained in the permit. General background information including the regulatory basis for the effluent limitations and other conditions are in the Appendix linked throughout this fact sheet.

Administrative History

6/16/2023 The Third Street Owner LLC submitted a NY-2C permit application.

The Notice of Complete Application, published in the Environmental Notice Bulletin and newspapers, contains information on the public notice process.

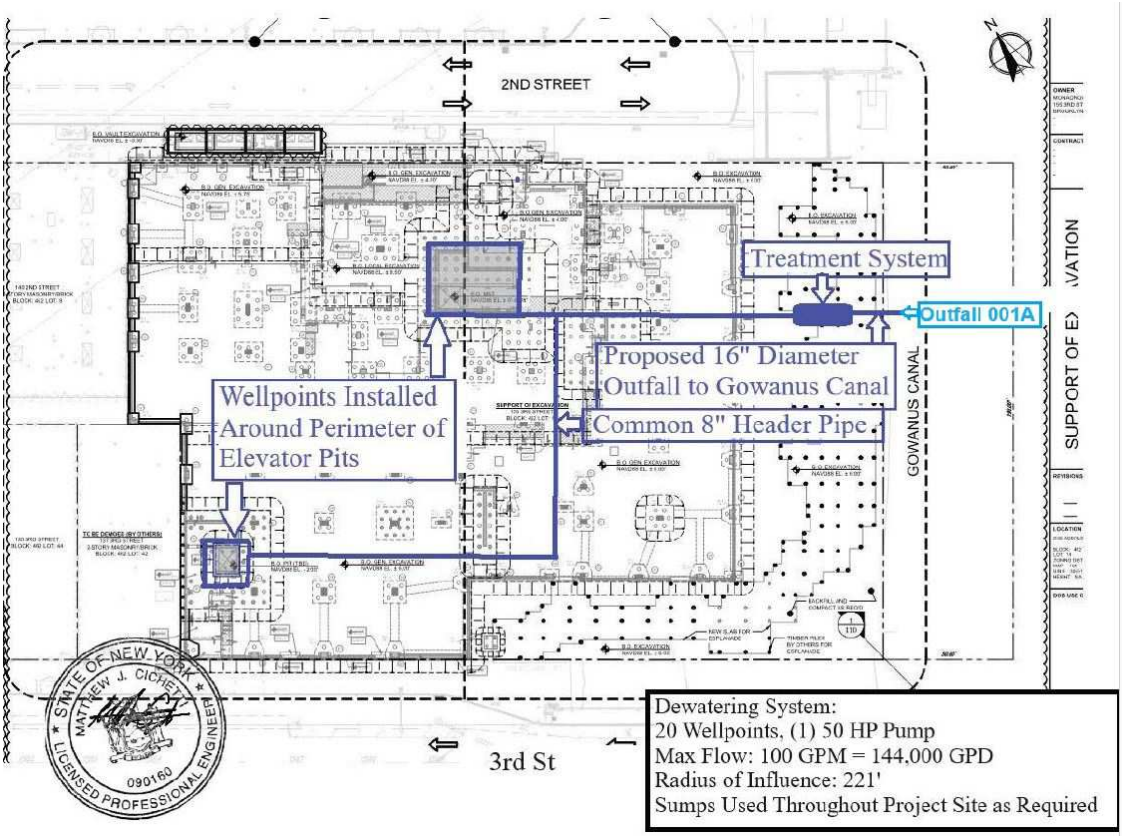
Facility Information

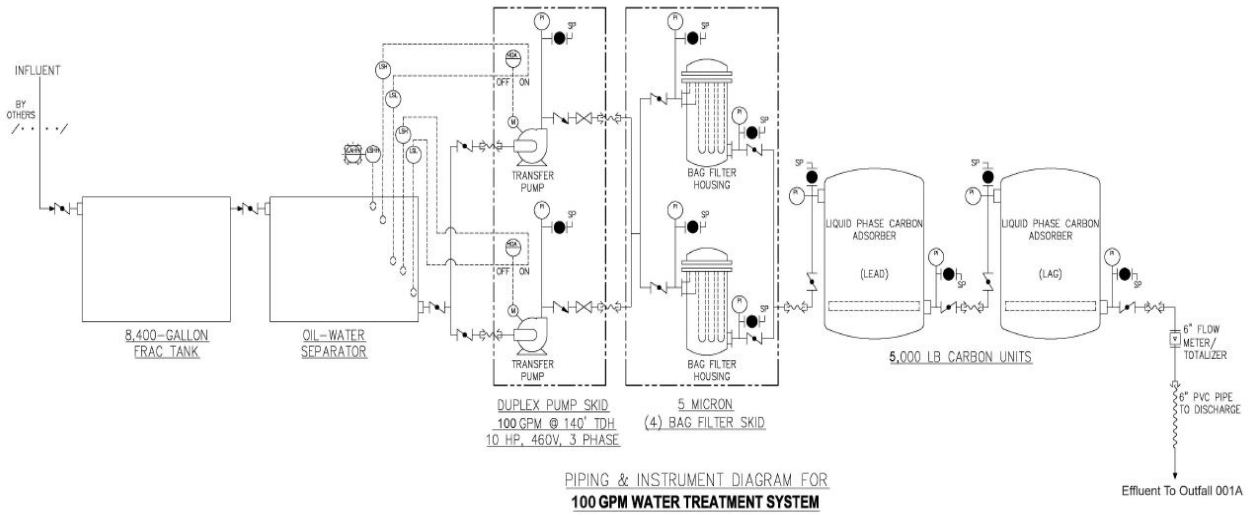
This is an industrial facility (SIC code(s) 1794) that produces effluent and is subject to categorical effluent limit guidelines (ELG) (see summary table at the end of this factsheet). Effluent consists of groundwater. The current treatment system was constructed in 2025 to provide a groundwater treatment system and includes the following treatment units:

- Primary Treatment: Settling Tank
- Secondary Treatment: Bag Filters
- Tertiary Treatment: Activated Carbon Filters

The outfall is a 16” diameter outfall discharging to the Gowanus Canal.

Site Overview





PIPING & INSTRUMENT DIAGRAM FOR
100 GPM WATER TREATMENT SYSTEM

Existing Effluent Quality

The Pollutant Summary Table presents the existing effluent quality and effluent limitations. The existing effluent quality was determined from the application submitted by the permittee on 6/16/2023 with water samples taken on 1/27/2022 and on 6/2/2023.

Receiving Water Information

The facility proposes to discharge via the following outfall:

Outfall No.	SIC Code	Wastewater Type	Receiving Water
001A	1794	Groundwater Construction Dewatering	Gowanus Canal, Class SD

Impaired Waterbody Information

The Gowanus Canal segment (PWL No. 1701-0011) was first listed on the 2018 New York State Section 303(d) List of Impaired/TMDL Waters as impaired due to garbage, refuse, and Oxygen demand from CSOs, Urban, Storm, and Municipal sewers. The segment continues to be listed as of the 2020 NYS Section 303(d) List. A TMDL has not been developed to address the impairment and, therefore, there are no applicable wasteload allocations (WLAs) for this facility.

Permit Requirements

The technology based effluent limitations (TBELs), water quality-based effluent limitations (WQBELs), Existing Effluent Quality and a discussion of the selected effluent limitation for each pollutant present in the discharge are provided in the Pollutant Summary Table.

Antidegradation

The permit contains effluent limitations which ensure that the best usages of the receiving waters will be maintained. The Notice of Complete Application published in the Environmental Notice Bulletin contains information on the State Environmental Quality Review (SEQR)[1] determination. Appendix Link

Discharge Notification Act Requirements

In accordance with the Discharge Notification Act (ECL 17-0815-a), the permittee is required to post a sign at each point of wastewater discharge to surface waters, unless a waiver is obtained. This requirement is new.

Additionally, the permit contains a requirement to make the DMR sampling data available to the public upon request. This requirement is new.

[1] As prescribed by 6 NYCRR Part 617

OUTFALL AND RECEIVING WATER SUMMARY TABLE

Outfall	Latitude	Longitude	Receiving Water Name	Water Class	Water Index No. / Priority Waterbody Listing (PWL) No.	Major / Sub Basin	Hardness (mg/l)	1Q10 (MGD)	7Q10 (MGD)	30Q10 (MGD)	Critical Effluent Flow (MGD)	Dilution Ratio		
												A(A)	A(C)	HEW
001A	40° 51' 44" N	73° 54' 50" W	Gowanus Canal	SD	(MW1.3) UB-EB-1 PWL: 1701/0011	17/01	-	-	-	-	0.14	-	-	-

POLLUTANT SUMMARY TABLE

Outfall 001A

Outfall #	001A	**Description of Wastewater:** Groundwater Construction Dewatering														
		Type of Treatment: Settling, Filtration, and Activated Carbon.														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[2]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
General Notes: Existing discharge data from 01/27/2022 and 06/02/2023 was obtained from the application provided by the permittee. All applicable water quality standards were reviewed for development of the WQBELs. The standard and WQBEL shown below represent the most stringent. The technology based effluent limitations (TBELs) were developed from TOGS 1.2.1 Att.C, for category H (carbon adsorption) treatment systems.																
Flow Rate	MGD	Daily Max	Monitor	001A Actual Average	-	**0.14**	Design Flow	No alterations that will impair the waters for their best usages.					703.2	-	Monitor	
	Consistent with 40CFR Part 133.102 and TOGS 1.3.3, a monthly average flow limitation equal to the average daily design capacity of the treatment plant is specified.															
pH	SU	Minimum	6.0	6.25 Actual Min	2/0	**6.0**	40 CFR 133.102	-	-	6.5 – 8.5	Range	6.5 - 8.5	703.3	-	TBEL	
		Maximum	9.0	7.79 Actual Max	2/0	**9.0**										
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the TBEL is protective of the WQS. Additionally, consistent with NYCRR 703.3, the normal range shall not be extended by more than one-tenth (0.1) of a pH unit.															
Total Suspended Solids (TSS)	mg/L	Monthly Avg	20	-	-	**20**	TOGS 1.2.1	-	None from sewage, industrial wastes or other wastes that will cause deposition or impair the waters for their best usages.				703.2	-	TBEL	
		7 Day Avg	40	1940	1/1	**40**	TOGS 1.2.1									
	Consistent with TOGS 1.2.1, TBELs reflect the available treatment technology listed in Attachment C. Given the available dilution, an effluent limitation equal to the TBEL, and consistent with TOGS 1.3.3, is protective of water quality standards.															

Outfall #	001A	**Description of Wastewater:** Groundwater Construction Dewatering **Type of Treatment:** Settling, Filtration, and Activated Carbon.														
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement	
			Permit Limit	Existing Effluent Quality[2]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis			
Oil & Grease	mg/L	Monthly	15	x	x	**15**	TOGS 1.2.1	-	Narrative: No residue attributable to sewage, industrial wastes or other wastes, nor visible oil film nor globules of grease.				703.2	-	TBEL	
Total Mercury	ng/L	Daily Max	50	-	0/2	**50**	TOGS 1.3.10	-	-	0.7	H(FC)	8.23(Total)	-	-	TBEL	
	Consistent with 40 CFR 122.45 © Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 10:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.176 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007.															
Additional Pollutants Detected																
Total Cadmium	ug/L	Daily Max	80	51.8	2/0	200/**80**	TOGS 1.2.1	-	-	21	A(A)	211.26(total)	703.5	-	TBEL	
	Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 10:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.006 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007.															
Total Copper	ug/L	Daily Max	95	600	2/0	1300/610	TOGS 1.2.1	-	-	7.9(a)	A(A)	**95.20**(Total)	703.5	-	WQBEL	
	Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 10:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.205 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007.															
Total Lead	ug/L	Daily Max	130	549	2/0	280/**130**	TOGS 1.2.1	-	-	204(a)	A(A)	2146.08(Total)	703.5	-	TBEL	
	Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 10:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.052 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007.															
Total Nickel	ug/L	Daily Max	370	537	2/0	550/**370**	TOGS 1.2.1	-	-	74(a)	A(A)	747.4(Total)	703.5	-	TBEL	
	Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 10:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.010 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007.															

Outfall #	001A	**Description of Wastewater:** Groundwater Construction Dewatering													
		Type of Treatment: Settling, Filtration, and Activated Carbon.													
Effluent Parameter	Units	Averaging Period	Existing Discharge Data			TBELs		Water Quality Data & WQBELs						ML	Basis for Permit Requirement
			Permit Limit	Existing Effluent Quality[2]	# of Data Points Detects / Non-Detects	Limit	Basis	Ambient Bkgd. Conc.	Projected Instream Conc.	WQ Std. or GV	WQ Type	Calc. WQBEL	Basis		
Total Zinc	ug/L	Daily Max	420	594	2/0	1000/**420**	TOGS 1.2.1	-	-	95	A(A)	1004.15(Total)	703.5	-	TBEL
	Consistent with 40 CFR 122.45 (C) Metals. All permit effluent limitations, standards, or prohibitions for metals shall be expressed in terms of "total recoverable metal" as defined in 40 CFR part 136. A default dilution of 10:1 per TOGS 1.3.1 was used to calculate effluent limits. The WQBEL was calculated from the chronic water quality standard, dilution ratio, and an assumed negligible upstream ambient concentration. A metals translator of 1.057 was applied to convert from the dissolved to total form in accordance with the EPA Document 823-B-96-007.														

Appendix: Regulatory and Technical Basis of Permit Authorizations

The Appendix is meant to supplement the fact sheet for multiple types of SPDES permits. Portions of this Appendix may not be applicable to this specific permit.

Regulatory References

The provisions of the permit are based largely upon 40 CFR 122 subpart C and 6 NYCRR Part 750 and include monitoring, recording, reporting, and compliance requirements, as well as general conditions applicable to all SPDES permits. Below are the most common citations for the requirements included in SPDES permits:

- Clean Water Act (CWA) 33 section USC 1251 to 1387
- Environmental Conservation Law (ECL) Articles 17 and 70
- Federal Regulations
  - 40 CFR, Chapter I, subchapters D, N, and O
- State environmental regulations
  - 6 NYCRR Part 621
  - 6 NYCRR Part 750
  - 6 NYCRR Parts 700 - 704 – Best use and other requirements applicable to water classes
  - 6 NYCRR Parts 800 – 941 - Classification of individual surface waters
- NYSDEC water program policy, referred to as Technical and Operational Guidance Series (TOGS)
- USEPA Office of Water Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E

The following is a quick guide to the references used within the fact sheet:

SPDES Permit Requirements	Regulatory Reference
Anti-backsliding	6 NYCRR 750-1.10(c)
Best Management Practices (BMPS) for CSOs	6 NYCRR 750-2.8(a)(2)
Environmental Benefits Permit Strategy (EBPS)	6 NYCRR 750-1.18, NYS ECL 17-0817(4), TOGS 1.2.2 (revised January 25,2012)
Exceptions for Type I SSO Outfalls (bypass)	6 NYCRR 750-2.8(b)(2), 40 CFR 122.41
Mercury Multiple Discharge Variance	Division of Water Program Policy 1.3.10 (DOW 1.3.10)
Mixing Zone and Critical Water Information	TOGS 1.3.1 & Amendments
PCB Minimization Program	40 CFR Part 132 Appendix F Procedure 8, 6 NYCRR 750-1.13(a) and 750-1.14(f), and TOGS 1.2.1
Pollutant Minimization Program (PMP)	6 NYCRR 750-1.13(a), 750-1.14(f), TOGS 1.2.1
Schedules of Compliance	6 NYCRR 750-1.14
Sewage Pollution Right to Know (SPRTK)	NYS ECL 17-0826-a, 6 NYCRR 750-2.7
State Administrative Procedure Act (SAPA)	State Administrative Procedure Act Section 401(2), 6 NYCRR 621.11(l)
State Environmental Quality Review (SEQR)	6 NYCRR Part 617
USEPA Effluent Limitation Guidelines (ELGs)	40 CFR Parts 405-471
USEPA National CSO Policy	33 USC Section 1342(q)
Whole Effluent Toxicity (WET) Testing	TOGS 1.3.2
General Provisions of a SPDES Permit Department Request for Additional Information	NYCRR 750-2.1(i)

Outfall and Receiving Water Information

Impaired Waters

The NYS 303(d) List of Impaired/TMDL Waters identifies waters where specific best usages are not fully supported. The state must consider the development of a Total Maximum Daily Load (TMDL) or other strategy to reduce the input of the specific pollutant(s) that restrict waterbody uses, in order to restore and protect such uses. SPDES permits must include effluent limitations necessary to implement a waste load allocation (WLA) of an EPA-approved TMDL (6 NYCRR 750-1.11(a)(5)(ii)), if applicable. In accordance with 6 NYCRR 750-1.13(a), permittees discharging to waters which are on the list but do not yet have a TMDL developed may be required to perform additional monitoring for the parameters causing the impairment. Accurate monitoring data is needed

to determine the existing capabilities of the wastewater treatment plants and to assure that WLAs are allocated equitably.

Existing Effluent Quality

The existing effluent quality is determined from a statistical evaluation of effluent data in accordance with TOGS 1.2.1 and the USEPA Office of Water, Technical Support Document for Water Quality-based Toxics Control, March 1991, Appendix E (TSD). The existing effluent quality is equal to the 95th (monthly average) and 99th (daily maximum) percentiles of the lognormal distribution of existing effluent data. When there are greater than three non-detects, a delta-lognormal distribution is assumed, and delta-lognormal calculations are used to determine the monthly average and daily maximum pollutant concentrations. Statistical calculations are not performed for parameters where there are less than ten data points. If additional data is needed, a monitoring requirement may be specified either through routine monitoring or a short-term high intensity monitoring program. The Pollutant Summary Table identifies the number of sample data points available.

Permit Requirements

Basis for Effluent Limitations

Sections 101, 301, 304, 308, 401, 402, and 405 of the CWA and Titles 5, 7, and 8 of Article 17 ECL, as well as their implementing federal and state regulations, and related guidance, provide the basis for the effluent limitations and other conditions in the permit.

When conducting a full technical review of an existing permit, the previous effluent limitations form the basis for the next permit. Existing effluent quality is evaluated against the existing effluent limitations to determine if these should be continued, revised, or deleted. Generally, existing limitations are continued unless there are changed conditions at the facility, the facility demonstrates an ability to meet more stringent limitations, or in response to updated regulatory requirements. Pollutant monitoring data is also reviewed to determine the presence of additional contaminants that should be included in the permit based on a reasonable potential analysis to cause or contribute to a water quality standards violation.

Antidegradation Policy

New York State implements the antidegradation portion of the CWA based upon two documents: (1) Organization and Delegation Memorandum #85-40, “Water Quality Antidegradation Policy” (September 9, 1985); and, (2) TOGS 1.3.9, “Implementation of the NYSDEC Antidegradation Policy – Great Lakes Basin (Supplement to Antidegradation Policy dated September 9, 1985) (undated).” The permit for the facility contains effluent limitations which ensure that the existing best usage of the receiving waters will be maintained. To further support the antidegradation policy, SPDES applications have been reviewed in accordance with the State Environmental Quality Review Act (SEQR) as prescribed by 6 NYCRR Part 617.

Effluent Limitations

In developing a permit, the Department determines the technology-based effluent limitations (TBELs) and then evaluates the water quality expected to result from technology controls to determine if any exceedances of water quality criteria in the receiving water might result. If there is a reasonable potential for exceedances of water quality criteria to occur, water quality-based effluent limitations (WQBELs) are developed. A WQBEL is designed to ensure that the water quality standards of receiving waters are met. In general, the CWA requires that the effluent limitations for a particular pollutant are the more stringent of either the TBEL or WQBEL.

Technology-based Effluent Limitations (TBELs) for Industrial Facilities

A TBEL requires a minimum level of treatment for industrial point sources based on currently available treatment technologies or Best Management Practices (BMPs). CWA sections 301(b) and 402, ECL sections 17-0509, 17-0809 and 17-0811, and 6 NYCRR 750-1.11 require technology-based controls on effluents. TBELs are set based upon an evaluation of New Source Performance Standards (NSPS), Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), Best Practicable Technology Currently Available (BPT), and Best Professional Judgment (BPJ).

USEPA Effluent Limitation Guidelines (ELGs) Applicable to Facility

In many cases, BPT, BCT, BAT and NSPS limitations are based on effluent guidelines developed by USEPA for specific industries, as promulgated under 40 CFR Parts 405-471. Applicable guidelines, pollutants regulated by these guidelines, and the effluent limitation derivation for facilities subject to these guidelines is in the USEPA Effluent Limitation Guideline Calculations Table.

Best Professional Judgement (BPJ)

For substances that are not explicitly limited by regulations, the permit writer is authorized to use BPJ in developing TBELs. Consistent with section 402(a)(1) of the CWA, and NYS ECL section 17-0811, the DEC is authorized to issue a permit containing "any further limitations necessary to ensure compliance with water quality standards adopted pursuant to state law". BPJ limitations may be set on a case-by-case basis using any reasonable method that takes into consideration the criteria set forth in 40 CFR 125.3. Applicable state regulations include 6 NYCRR 750-1.11. The BPJ limitation considers the existing technology present at the facility, the statistically calculated existing effluent quality for that parameter, and any unique or site-specific factors relating to the facility. Technology limitations generally achievable for various treatment technologies are included in TOGS 1.2.1, Attachment C. These limitations may be used for the listed parameters when the technology employed at the facility is listed.

Technology-based Effluent Limitations (TBELs)

CWA sections 301(b)(1)(B) and 304(d)(1), 40 CFR 133.102, ECL section 17-0509, and 6 NYCRR 750-1.11 require technology-based controls, known as secondary treatment. These and other requirements are summarized in TOGS 1.3.3. Where the TBEL is more stringent than the WQBEL, the TBEL is applied as a limit in accordance with TOGS 1.3.3. Equivalent secondary treatment, as defined in 40 CFR 133.105, allow for effluent limitations of the more stringent of the consistently achievable concentrations or monthly/weekly averages of 45/65 mg/L, and the minimum monthly average of at least 65% removal. Consistently achievable concentrations are defined in 40 CFR 133.101(f) as the 95th percentile value for the 30-day (monthly) average effluent quality achieved by the facility in a period of two years. The achievable 7-day (weekly) average value is equal to 1.5 times the 30-day average value calculated above. Equivalent secondary treatment applies to those facilities where the principal treatment process is either a trickling filter or a waste stabilization pond; the treatment works provides significant biological treatment of municipal wastewater; and, the effluent concentrations consistently achievable through proper operation and maintenance of the facility cannot meet traditional secondary treatment requirements. There are no federal technology-based standards for toxic pollutants from POTWs. A statistical analysis of existing effluent data, as described in TOGS 1.2.1, may be used to establish other performance-based TBELs.

Water Quality-Based Effluent Limitations (WQBELs)

In addition to the TBELs, permits must include additional or more stringent effluent limitations and conditions, including those necessary to protect water quality. CWA sections 101 and 301(b)(1)(C), 40 CFR 122.44(d)(1), and 6 NYCRR Parts 750-1.11 require that permits include limitations for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. Additionally, 6 NYCRR Part 701.1 prohibits the discharge of pollutants that will cause impairment of the best usages of the receiving water as specified by the water classifications at the location of discharge and at other locations that may be affected by such discharge. Water quality standards can be found under 6 NYCRR Parts 700-704. The limitations must be stringent enough to ensure that water quality standards are met at the point of discharge and in downstream waters and must be consistent with any applicable WLA which may be in effect through a TMDL for the receiving water. These and other requirements are summarized in TOGS 1.1.1, 1.3.1, 1.3.2, 1.3.5 and 1.3.6. The DEC considers a mixing zone analysis, critical flows, and reasonable potential analysis when developing a WQBEL.

Mixing Zone Analyses

In accordance with TOGS 1.3.1., the DEC may perform additional analysis of the mixing condition between the effluent and the receiving waterbody. Mixing zone analyses using plume dispersion modeling are conducted in accordance with the following:
"EPA Technical Support Document for Water Quality-Based Toxics Control" (March 1991); EPA Region VIII's "Mixing Zones and Dilution Policy" (December 1994); NYSDEC TOGS 1.3.1, "Total Maximum Daily Loads and Water Quality-Based Effluent Limitations" (July 1996); "CORMIX v11.0" (2019).

Critical Flows

In accordance with TOGS 1.2.1 and 1.3.1, WQBELs are developed using dilution ratios that relate the critical low flow condition of the receiving waterbody to the critical effluent flow. The critical low flow condition used in the dilution ratio will be different depending on whether the limitations are for aquatic or human health protection. For chronic aquatic protection, the critical low flow condition of the waterbody is typically represented by the 7Q10 flow and is calculated as the lowest average flow over a 7-day consecutive period within 10 years. For acute aquatic protection, the critical low flow condition is typically represented by the 1Q10 and is calculated as the lowest 1-day flow within 10 years. However, NYSDEC considers using 50% of the 7Q10 to be equivalent to the 1Q10 flow. For the protection of human health, the critical low flow condition is typically represented by the 30Q10 flow and is calculated as the lowest average flow over a 30-day consecutive period within 10 years. However, NYSDEC considers using 1.2 x 7Q10 to be equivalent to the 30Q10. The 7Q10 or 30Q10 flow is used with the critical effluent flow to calculate the dilution ratio. The critical effluent flow can be the maximum daily flow reported on the permit application, the maximum of the monthly average flows from discharge monitoring reports for the past three years, or the facility design flow. When more than one applicable standard exists for aquatic or human health protection for a specific pollutant, a reasonable potential analysis is conducted for each applicable standard and corresponding critical flow to ensure effluent limitations are sufficiently stringent to ensure all applicable water quality standards are met as required by 40 CFR 122.44(d)(1)(i). For brevity, the pollutant summary table reports the results of the most conservative scenario.

Reasonable Potential Analysis (RPA)

The Reasonable Potential Analysis (RPA) is a statistical estimation process, outlined in the 1991 USEPA Technical Support Document for Water Quality-based Toxics Control (TSD), Appendix E. This process uses existing effluent quality data and statistical variation methodology to project the maximum amounts of pollutants that could be discharged by the facility. This projected instream concentration (PIC) is calculated using the appropriate ratio and compared to the water quality standard (WQS). When the RPA process determines the WQS may be exceeded, a WQBEL is required. The procedure for developing WQBELs includes the following steps:

1) identify the pollutants present in the discharge(s) based upon existing data, sampling data collected by the permittee as part of the permit application or a short-term high intensity monitoring program, or data gathered by the DEC;

2) identify water quality criteria applicable to these pollutants;

3) determine if WQBELs are necessary (i.e. reasonable potential analysis (RPA)). The RPA will utilize the procedure outlined in Chapter 3.3.2 of EPA's Technical Support Document (TSD). As outlined in the TSD, for parameters with limited effluent data the RPA may include multipliers to account for effluent variability; and,

4) calculate WQBELs (if necessary). Factors considered in calculating WQBELs include available dilution of effluent in the receiving water, receiving water chemistry, and other pollutant sources.

The DEC uses modeling tools to estimate the expected concentrations of the pollutant in the receiving water and develop WQBELs. These tools were developed in part using the methodology

referenced above. If the estimated concentration of the pollutant in the receiving water is expected to exceed the ambient water quality standard or guidance value (i.e. numeric interpretation of a narrative water quality standard), then there is a reasonable potential that the discharge may cause or contribute to an exceedance of any State water quality standard adopted pursuant to NYS ECL 17-0301. If a TMDL is in place, the facility's WLA for that pollutant is applied as the WQBEL.

For carbonaceous and nitrogenous oxygen demanding pollutants, the DEC uses a model which incorporates the Streeter-Phelps equation. The equation relates the decomposition of inorganic and organic materials along with oxygen reaeration rates to compute the downstream dissolved oxygen concentration for comparison to water quality standards.

The Division of Water has been using the TMDL approach in permit limit development for the control of toxic substances. Since the early 1980's, the loading capacity for specific pollutants has been determined for each drainage basin. Water quality-limiting segments and pollutants have been identified, TMDLs, wasteload allocations and load allocations have been developed, and permits with water quality-based effluent limits have been issued. In accordance with TOGS 1.3.1, the Division of Water implements a Toxics Reduction Strategy which is committed to the application of the TMDL process using numeric, pollutant-specific water quality standards through the Watershed Approach. The Watershed Approach accounts for the cumulative effect of multiple discharges of conservative toxic pollutants to ensure water quality standards are met in downstream segments.

Minimum Level of Detection

Pursuant to 40 CFR 122.44(i)(1)(iv) and 6 NYCRR 750-2.5(d), SPDES permits must contain monitoring requirements using sufficiently sensitive test procedures approved under 40 CFR Part 136. A method is "sufficiently sensitive" when the method's minimum level (ML) is at or below the level of the effluent limitation established in the permit for the measured pollutant parameter; or the lowest ML of the analytical methods approved under 40 CFR Part 136. The ML represents the lowest level that can be measured within specified limitations of precision and accuracy during routine laboratory operations on most effluent matrices. When establishing effluent limitations for a specific parameter (based on technology or water quality requirements), it is possible that the calculated limitation will fall below the ML established by the approved analytical method(s). In these instances, the calculated limitation is included in the permit with a compliance level set equal to the ML of the most sensitive method.

Monitoring Requirements

CWA section 308, 40 CFR 122.44(i), 6 NYCRR 750-1.13, and 750-2.5 require that monitoring be included in permits to determine compliance with effluent limitations. Additional effluent monitoring may also be required to gather data to determine if effluent limitations may be required. The permittee is responsible for conducting the monitoring and reporting results on Discharge Monitoring Reports (DMRs). The permit contains the monitoring requirements for the facility. Monitoring frequency is based on the minimum sampling necessary to adequately monitor the facility's performance and characterize the nature of the discharge of the monitored flow or pollutant. Variable effluent flows and pollutant levels may be required to be monitored at more frequent intervals than relatively constant effluent flow and pollutant levels (6 NYCRR 750-1.13). For industrial facilities, sampling frequency is based on guidance provided in TOGS 1.2.1. For municipal facilities, sampling frequency is based on guidance provided in TOGS 1.3.3.

NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

September 30, 2025

via email (malbert@monadnockdevelopment.com)

Matthew Albert
Third Street Owner LLC
155 3rd Street
Brooklyn, NY 11231

Re: NYSDEC Permit No. 2-6102-00077/00007; PID 11103
Facility: Third Street Owner LLC Prop Redevelopment
155 3rd Street
Brooklyn, NY 11231
Temporary Construction Dewatering
ECL Article 15, Title 15 - Long Island Well
NOTICE OF PERMIT ISSUANCE

Dear Permittee:

Enclosed is your Long Island Well permit for the above referenced project. It is effective beginning October 1, 2025 and expires on September 30, 2030.

Please read all permit conditions carefully. All permit documents must be available at the site upon request by Department staff and must be distributed to and understood by personnel responsible for the proper operation of the facility and compliance with the permit requirements. Any violation of these permit conditions constitutes a violation of the Environmental Conservation Law.

Please note that the maximum withdrawal rate authorized by this permit is 0.14 million gallons per day.

If you have any administrative questions regarding this permit, please contact me via email (caitlyn.nichols@dec.ny.gov). Please refer to the above referenced numbers when you are corresponding with this office or when you are applying to renew or modify this permit.

Sincerely,

Caitlyn P. Nichols
Deputy Regional Permit Administrator
Division of Environmental Permits

ecc: NYSDEC DOW
NYSDEC DER
RPA/File

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
THIRD STREET OWNER LLC
155 3rd St
Brooklyn, NY 11231
(718) 576-3645

Facility:
Third Street Owner LLC Prop Redevelopment
155 3RD ST|Between 2nd And 3rd St.
BROOKLYN, NY 11231

Facility Location: in KINGS COUNTY **Village:** Brooklyn
Facility Principal Reference Point: NYTM-E: 585.316 NYTM-N: 4503.361
Latitude: 40°40'36.2" Longitude: 73°59'25.7"
Project Location: 1553rd Street
Authorized Activity: Install and operate a temporary construction dewatering system with a proposed maximum withdrawal of up to 0.14 million gallons per day to site redevelopment work, including installation of elevator pits and foundation for a new multi-story mixed use building. Pumped and treated groundwater is to be discharged via an on-site storm sewer. Pumped and treated groundwater is to be discharged to the Gowanus Canal via an on-site storm sewer.
The discharge is subject to the conditions and flow limits in SPDES permit NY0277312.

Permit Authorizations

Long Island Well Temporary Dewatering - Under Article 15, Title 15
Permit ID 2-6102-00077/00007
New Permit Effective Date: 10/1/2025 Expiration Date: 9/30/2030

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

Stephen A Watts III
Digitally signed by Stephen A Watts III
Date: 2025.09.30 15:50:48 -04'00'

Authorized Signature: _____ Date 09 / 30 / 2025

Permit Components

LONG ISLAND WELL TEMPORARY DEWATERING PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

LONG ISLAND WELL TEMPORARY DEWATERING PERMIT CONDITIONS

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 Cichetti Engineering PLLC.

2. **Conformance with Plans - Addenda** In addition to any 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. Drawing titled, "Dewatering System" undated, signed and stamped by Matthew Cichetti, P.E., and received by NYSDEC on March 19, 2025;

   b. Region 2 Long Island Well Dewatering System Detail Sheet, signed by Matt Cichetti, dated June 20, 2024 and received by NYSDEC on July 3, 2024; and

   c. Application package received by NYSDEC on March 7, 2024 and addenda received by NYSDEC on July 3, 2024, January 9, 2025, February 7, 2025 and March 19, 2025.

3. **Dewatering Wells, Pumps, Pump Capacities and Maximum Withdrawal** This permit authorizes the following:

- **Method of Dewatering –** Wellpoints System
  - Dewatering Wellpoints – 20 (2" diameter & 25' deep)
  - Installed Pumps – 1
  - Pump Capacity – 50 HP
- **Method of Dewatering – Sumping**
  - Installed Pumps – 30 maximum concurrent sumps
  - Pump Capacity – 1 HP
- **Maximum Withdrawal –** 144,000 gallons per day (GPD)

Any increase in the number of wells/wellpoints, pumps and/or pump capacity must be authorized, in writing, by the Division of Water. Depending on site conditions, a reduction in the number of wells or pumps does not require authorization. An increase to the maximum withdrawal rate authorized requires a permit modification.

4. **Notice of Intent to Commence Work** At least five (5) days prior to commencement of the permitted activity, Permittee must complete and submit the attached "Notice of Intent to Commence Work" to NYSDEC Region 2 Division of Water (Attention: Atiq Rahman), 47-40 21st Street, Long Island City, New York 11101.

5. **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 NYSDEC Region 2 Division of Water (Attention: Atiq Rahman), 47-40 21st Street, Long Island City, New York 11101.

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

7. **Daily Pump Log** A daily pump log 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.

8. **Groundwater Monitoring Work Plan** The Permittee shall install and monitor new and existing wells as described in the approved Dewatering Monitoring and Reporting Work Plan, dated December 2, 2024, prepared by Cichetti Engineering PLLC, signed and stamped by Matthew Cichetti, P.E., and received by NYSDEC on January 9, 2025. Any changes to that workplan must be approved by the Division of Environmental Remediation and shall be submitted in writing to:

Aaron Fischer
NYSDEC Division of Environmental Remediation
Aaron.Fischer@dec.ny.gov

9. **Decommissioning of Groundwater Wells** The Permittee must properly cap, seal and disconnect from the system any water wells that are not approved for use by the Department. Wells that are to be abandoned must be decommissioned in a manner consistent with the Department's Water Well Decommissioning Recommendations: https://www.dec.ny.gov/lands/86955.html

10. **Handling of Contaminated Groundwater** The permittee is fully responsible for proper handling and all costs associated with the proper sampling, treatment and disposal of any contaminated groundwater.

11. **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.

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, NY11101 -5401

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Long Island Well Temporary Dewatering.

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.

95-20-1 (8/87)—9d

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.

Regional Permit Administrator

Permit Number 2-6102-00077/00007

Expiration Date 09/30/2030

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

Stephen A Watts III
47-40 21st Street
LIC, NY 11101
(718) 482-4997

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

NYSDEC Division of Water
DOW.R2@dec.ny.gov
NYSDEC Region 2 Office
47-40 21st Street
Long Island City, NY 11101

Re: NYSDEC Permit No. 2-6102-00077/00007; PID 11103
TEMPORARY CONSTRUCTION DEWATERING
Facility: Third Street Owner LLC Prop Redevelopment
155 3rd Street
Brooklyn, NY 11231

To whom it may concern:

In accordance with Long Island Well Condition 4 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 Long Island Well conditions therein, and agree to comply with all such conditions. Further, I understand that prior to undertaking any modification to the permitted work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

_____
Signature of Permittee

_____
Name of Permittee (please print)

_____
Signature of Contractor

_____
Name of Contractor (please print)

_____
Street Address of Contractor

_____
City, State, & Zip Code of Contractor

_____
Telephone Number of Contractor

WARNING

The permittee and their 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.

NOTICE OF COMPLETION OF WORK

Date: _____

NYSDEC Division of Water
DOW.R2@dec.ny.gov
NYSDEC Region 2 Office
47-40 21st Street
Long Island City, NY 11101

Re: NYSDEC Permit No. 2-6102-00077/00007; PID 11103
TEMPORARY CONSTRUCTION DEWATERING
Facility: Third Street Owner LLC Prop Redevelopment
155 3rd Street
Brooklyn, NY 11231

To whom it may concern:

In accordance with Long Island Well Condition 5 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

_____
Name of Permittee (please print)

_____
Signature of Contractor

_____
Name of Contractor (please print)

_____
Street Address of Contractor

_____
City, State, & Zip Code of Contractor

_____
Telephone Number of Contractor