



July 11, 2013

Harry Szarpanski,
Deputy Commissioner, Bureau of Long Term Export
NYC Department of Sanitation
44 Beaver Street,
New York, NY 10004

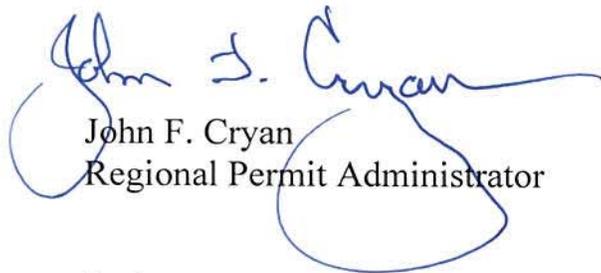
Re: DEC No. 2-6106-00002/00022- Issuance Solid Waste Management Facility
NYC Department of Sanitation – Southwest Brooklyn Converted Marine
Transfer Station

Dear Mr. Szarpanski:

Enclosed is a modified Solid Waste Management permit for the referenced facility. This version replaces the Solid Waste Management Facility permit issued July 13, 2012. The Air State Facility permit, previously issued, remains unchanged. Please read all conditions carefully and place a copy of the permit in the document repository established for this project.

If you have questions on any aspect of this permit, please contact Michelle Moore at 718-4982-4967.

Sincerely,



John F. Cryan
Regional Permit Administrator

Enclosure
File

cc: SWB Distribution

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



DEC PERMIT NUMBER: 2-6106-00002/00022 [2-6106-00002/00023, 2-6106-00002/00024, 2-6106-00002/00025]
FACILITY: Southwest Brooklyn

EFFECTIVE DATE: July 11, 2013
EXPIRATION DATE: July 31, 2017

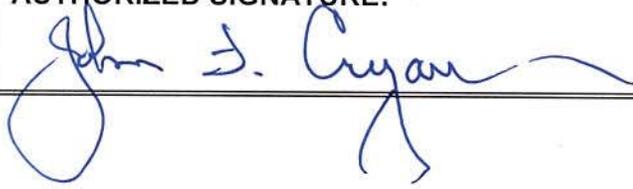
PERMIT
Under the Environmental Conservation Law (ECL)

TYPE of PERMIT: New Renewal Modification Permit to Reconstruct Permit to Operate

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Article 27, Title 7; 6 NYCRR 360: Solid Waste Management | <input checked="" type="checkbox"/> 6 NYCRR 608: Water Quality Certification | <input type="checkbox"/> Article 15, Title 15: Long Island Wells |
| <input checked="" type="checkbox"/> Article 19, Air Pollution Control | <input checked="" type="checkbox"/> Article 25: Tidal Wetlands | <input checked="" type="checkbox"/> Article 15, Title 5: Protection of Waters |

PERMIT ISSUED TO OWNER /OPERATOR: NYC Department of Sanitation	TELEPHONE : 917-237-5501
ADDRESS OF PERMITTEE: 125 Worth Street, New York, NY 10013	
CONTACT PERSON FOR PERMITTED WORK: Harry Szarpanski, Deputy Commissioner, Bureau of Long Term Export 44 Beaver Street, New York, NY 10004	TELEPHONE : 917-237-5501
PROJECT/FACILITY NAME: Southwest Brooklyn Converted Marine Transfer Station	
PROJECT/FACILITY ADDRESS: Bay 41 st Street, 25 th Avenue and Gravesend Bay, Brooklyn, NY 11214	
DESCRIPTION OF AUTHORIZED ACTIVITY: Construction and Operation of a Converted Marine Transfer Station authorized to accept up to 4,290 tons per day of municipal solid waste (MSW) and 5,280 tons per day MSW under emergency conditions, as specified in Special Condition 17 below. The facility is designed to facilitate the transfer of solid waste from collection vehicles into sealed and leakproof containers for export by barge and rail. All solid waste transfer and containerization activities occur within a fully enclosed building. The facility is authorized to operate 24 hours a day, Monday through Saturday; closed Sunday, except for prescribed emergency conditions as identified in the Engineering Report and Operations Manual made a part of this permit.	

All work associated with the authorized activity described above must comply with all of the applicable provisions of 6 NYCRR Part 360 (Solid Waste Management Regulations), effective 29 September 1997. By acceptance of this permit, the Permittee agrees that this permit is contingent upon strict compliance with the ECL, all applicable regulations, and the General Conditions and Special Conditions included herein.

REGIONAL PERMIT ADMINISTRATOR: John F. Cryan	ADDRESS: NYS DEC, Division of Environmental Permits 47-40 21st Street, Long Island City, NY 11101
AUTHORIZED SIGNATURE: 	DATE July 11, 2013

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The Permittee has accepted expressly, by the execution of its application for the subject work, the full legal responsibility for all damages and costs, direct or indirect, of whatever nature and by whomever suffered, for liability it incurs resulting from activity conducted pursuant to this permit or in noncompliance with this permit and has agreed to indemnify and save harmless the State from suits, actions, damages, and costs of every name and description resulting from such activity.

Item B: 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 subject 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.

GENERAL CONDITIONS

General Condition 1: Facility Inspection by the Department

The subject 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 subject work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The Permittee must provide a person to accompany the Department's representative during an inspection of the subject facility when the Department provides written or verbal notification to the Permittee at least 24 hours prior to such inspection.

A copy of this permit, including all general and special conditions therein, all amendments thereto, and all documents referenced therein must be available for inspection by the Department at the project site at all times that activity associated with the subject work is occurring. Failure to produce a copy of such permit, conditions, amendments, or documents upon request by a Department representative is a violation of this permit.

Any sign provided by the Department with this permit must be protected from the weather and posted in a conspicuous location at the subject work site throughout the period during which any of the subject work occurs.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, 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.

General Condition 3: Applications for Permit Renewals or Modifications

The Permittee must submit a separate written application to the Department for renewal, modification, or transfer of this permit, including but not limited to a change in facility operator. 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. The Permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities, major Air Pollution Control (APC) and Solid Waste Management Facilities; and
- b) 30 days before the expiration of all other permit types.

Submission of applications for permit renewal, modification, or transfer are to be submitted to:
 NYSDEC Regional Permit Administrator, Region 2, 47-40 21 Street, Long Island City, NY 11101 (tel. 718/482-4997).

General Condition 4: Permit Modifications, Suspensions, and Revocations by the Department

The Department reserves the right to modify, suspend, or revoke this permit when:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

General Condition 5: Compliance with Other Regulatory Requirements

The Permittee is responsible for obtaining any other permits, approvals, lands, easements, and rights-of-way that may be required for the subject work. The Permittee and its independent contractors, employees, agents, and assigns must comply with all applicable local, State, and federal regulatory requirements.

General Condition 6: Permittee to Ensure that its Contractors to Comply with Permit

The Permittee must ensure that its independent contractors, employees, agents, and assigns read, understand, and comply with this permit, including all General and Special Conditions herein, in general, and General Condition No. 5, above, in particular. Such persons must be subject to the same sanctions for violations of this permit as those prescribed for the Permittee.

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ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities)
 Article 25 (Tidal Wetlands and Article 19 (Air Pollution Control)

7. That 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 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 must not be completed, the owners, must, without expense to the State, and to such extent and in such time and manner as the Department 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.
8. The State of New York must 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.
9. All necessary precautions must be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the project. Any creosote-treated lumber must be weathered for at least six months before it is brought to the subject work site.
10. Any material dredged in association with the work herein permitted must be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain, or deep holes that may have a tendency to cause damage to navigable channels, the banks of a waterway, water quality, sediment quality, or benthic habitat.
11. There must be no unreasonable interference with navigation by the work herein authorized.
12. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the Permittee must, without expense to the State, and to such extent and in such time and manner as the Department may 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.
13. If granted under Article 36, this permit does not signify in any way that the project will be free from flooding.
14. If granted under 6 NYCRR Part 608, the Department hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306, and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
15. In accordance with Title 19, Part 600.4 (c) of the New York Code of Rules and Regulations, the Department hereby certifies that the action described and approved in this permit, if located within the Coastal Zone, is consistent to the maximum extent practicable with the policies and purposes of the New York City Waterfront Revitalization Program.

SPECIAL CONDITIONS

Plans and Specifications:

16. All construction and operation associated with the subject facility must conform to the following documents, including all attachments and appendices: a) City of New York Department of Sanitation, Final Engineering Report for the Southwest Brooklyn Marine Transfer Station Waste Containerization Facility, Part 360 Permit Application, Volume 1, Volume 2 and Volume 3, prepared by HDR Engineering, Inc./ Hydroqual, Inc. and Greeley and Hansen, dated January 2007, and b) Joint Application for Permit, Proposed MTS Conversion Program City of New York Department of Sanitation, prepared by Hydroqual, Inc./ HDR Engineering, Inc., dated February 2007. However, if any portion of such documents conflicts with any provision of this permit, such provision must prevail.

Solid Waste Management:

- 17A. The Converted Marine Transfer Station is authorized to accept the following quantities of MSW as noted in item 12(b) of the permit application referenced in Special Condition 16, above:
 - A Weekly Limit of 11,148 tons that shall not be exceeded in any calendar week, except for an Upset or Emergency Condition;
 - A Maximum Peak Day Limit of 2,106 tons per day that shall not be exceeded on any day, except for an Upset or Emergency Condition;
 - An Upset Condition Limit of 4,290 tons per day that is the result of an event that reduces the processing capacity of one or more elements of the Permittee's waste management system, such as fire or equipment outages, thereby requiring a temporary reallocation of MSW from other wastesheds to this transfer station for a period of a few days duration;
 - An Emergency Condition Limit of 5,280 tons per day caused by public emergency event affecting the entire or a large part of the Permittee's waste management system thereby requiring the Permittee, acting on the basis of protecting the public health, to use the maximum design capacity of this transfer station to remove accumulated refuse from the streets as quickly as possible.

SPECIAL CONDITIONS

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities)
 Article 25 (Tidal Wetlands and Article 19 (Air Pollution Control)

17B. Permittee is required to notify the Department and the Southwest Brooklyn MTS Community Advisory Group (CAG), as soon as practicable, but in no case later than 3 hours, via telephone and e-mail to the Department’s Regional Materials Management Engineer (hereinafter, the “DEC Engineer”) and the Chairperson of the CAG, after the onset of any upset or emergency condition. Such notification shall be on a Department approved form that must list, at a minimum, the following information: the date and time of upset or emergency; type of condition; reason for the need for the condition; detailed underlying cause for the occurrence, if then known; measures taken to address the condition; the expected end date and time of the occurrence; the name of the person who authorized the condition; and the expected number of daily truck trips during the condition. If the expected end date of the condition is delayed, then the Permittee shall notify the Department and the CAG of the reasons for the delay and the modified end date within 24 hours of learning of the expected delay. At the end of the upset or emergency, the balance of the form must be filled out and e-mailed to the Department and the CAG within two business days. The information provided shall include: the date and time when the condition ended; tons of solid waste received per day during the upset or emergency; number of trucks per hour passing over the scale; and unexpected or unusual occurrences during the condition. The above information concerning upset and emergency conditions also shall be posted on the DSNY website within 7 days of any required submittals to the Department and the CAG.

For the purposes of this special condition, an upset condition is a diversion of waste to this facility from other waste transfer stations that are unable to accept and process waste material due to circumstances such as fire, explosion, power outage or severe weather, which results in an increase in waste material brought into the subject facility beyond its permitted daily throughput capacity. During the upset Permittee shall ensure that public health, safety and the environment are adequately protected.

For the purposes of this special condition, an emergency condition results when the Commissioner of DSNY or his/her designee declares that an emergency condition exists, due to circumstances such as fire, explosion, power outage, extreme weather (hurricanes, significant snow fall amounts, ice storms, flooding, etc.), and acts of terrorism. During the emergency Permittee shall ensure that public health, safety and the environment are adequately protected.

18. The facility storage limit shall be no more than 634 tons (2818 cubic yards) on the facility loading floor and 48 full containers of waste on each of two barges moored at the facility, plus 48 full containers stacked on the facility’s pier, for a total of 3,802 tons. DSNY must maintain records of any exceedances of the storage limit, and provide such records to DEC and the CAG, and post them on DSNY’s website within one week of each exceedance.

19. All work, construction and operation associated with the converted marine transfer station and authorized by this permit must comply with all of the applicable provisions of 6 NYCRR Part 360 (Solid Waste Management Regulations), especially Subparts 360-1 and 360-11. However, if any portion of such documents conflicts with any provision of this permit, such provision must prevail.

20. Ninety days prior to commencement of operations, the Permittee must submit one copy of a Final Operations and Maintenance Plan (O&M) to the DEC Engineer and one copy to the Regional Permit Administrator, for review and approval. The O&M must include the following documents: Final Transfer, Transport, and Disposal Plan with the inclusion of specific waste transport and disposal contractor(s), final disposal sites, inclusive of all necessary authorizations, a Barge Security Plan, Person Overboard Procedure, and Standard Barge Mooring Procedure. The authorizations must include a certified copy of each permit or other authorization pertaining for the operation of the treatment or disposal facility to which the solid waste will be brought, issued by a governmental entity having jurisdiction over that facility. Written approval of the O&M, by the DEC Engineer, is required, prior to operation of the facility. A copy of the O&M shall be posted on the DSNY website within 7 days after the Permittee’s submission thereof to the DEC Engineer. A copy of any amendment thereto shall also be posted on the DSNY website within 7 days after the Permittee’s submission thereof to the DEC Engineer. A copy of the final/amended O&M shall be posted on the DSNY website within 7 days after the DEC’s approval thereof.

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SPECIAL CONDITIONS

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities)
 Article 25 (Tidal Wetlands and Article 19 (Air Pollution Control)

21. No less than five business days prior to the dates that the Permittee proposes to commence both the herein-authorized construction and the herein-authorized operation, the Permittee must deliver three completed copies of the attached "Notice of Intent to Commence Construction" or "Notice of Intent to Commence Operation," as appropriate. Two such copies must be so delivered to the Regional Permit Administrator, and one such copy must be so delivered to the DEC Engineer. An additional copy also shall be mailed to the CAG and posted on the DSNY website within 7 days of the mailing.
22. Ninety days prior to the commencement of operations, the Permittee must provide, for approval, to the Regional Permit Administrator and the DEC Engineer, a draft financial assurance for the closure of the facility. Such surety instrument must conform to the requirements of 6 NYCRR Part 360-1.12.

Construction:

- 23A.
 - i) No later than ninety days after the effective date of this permit, and prior to the commencement of construction of the facility, the Permittee must provide the DEC Engineer a draft soil management plan for Departmental approval. The plan shall cover the area of the site where soils will be disturbed on account of construction activities. A copy of the draft soil management plan shall be posted on the DSNY website within 7 days after the Permittee's submission thereof to the DEC Engineer. A copy of any amendment thereto shall also be posted on the DSNY website within 7 days after the Permittee's submission thereof to the DEC Engineer. A copy of the final/amended soil management plan shall be posted on the DSNY website within 7 days after the DEC's approval thereof.
 - ii) The soil management plan shall contain a program for suppressing fugitive dust and particulate matter monitoring at the site. Reasonable fugitive dust suppression techniques must be employed during all site activities which may generate fugitive dust. Particulate monitoring must be employed during the handling of soil, or when activities on site may generate fugitive dust from exposed soil. The plan shall include contingencies, including additional engineering controls, to be implemented if fugitive dust emissions cannot be controlled.
 - iii) Particulate monitoring must be conducted continuously at the upwind and downwind perimeters of the exclusion zone at temporary particulate monitoring stations. The particulate monitoring must be performed using real-time monitoring equipment capable of measuring particulate matter less than 10 micrometers in size (PM-10) and capable of integrating over a period of 15 minutes (or less) for comparison to the airborne particulate action level. The equipment must be equipped with an audible alarm to indicate exceedance of the action level. In addition, fugitive dust migration must be visually assessed during all work activities. The action level will be established at 150 mcg/m³ over a period not to exceed 15 minutes, or when dust is visually observed leaving the work site.
 - iv) If the downwind PM-10 particulate level is 100 micrograms per cubic meter mcg/m³ greater than background (upwind perimeter) for the 15-minute period or if airborne dust is observed leaving the work area, then dust suppression techniques must be employed. Work may continue with dust suppression techniques provided that downwind PM-10 particulate levels do not exceed 150 mcg/m³ above the upwind level and provided that no visible dust is migrating from the work area.
 - v) If, after implementation of dust suppression techniques, downwind PM-10 particulate levels are greater than 150 mcg/m³ above the upwind level or visible dust is observed at the downwind perimeter of the site, work must be suspended and a re-evaluation of activities initiated. Work can resume provided that dust suppression measures and other controls are successful in reducing the downwind PM-10 particulate concentration to within 150 mcg/m³ of the upwind level and in preventing visible dust migration. Also, when extreme wind conditions make dust control ineffective, as a last resort work may need to be suspended.
 - vi) Permittee must comply with any and all measures required in a final soil management plan.

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SPECIAL CONDITIONS

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities)
 Article 25 (Tidal Wetlands and Article 19 (Air Pollution Control)

- 23B.
 - i) The construction and operation of the subject facility must not result in off-site erosion or sedimentation. Before any soil is disturbed on the subject site, the Permittee must erect erosion and sedimentation controls which are adequate to contain construction material, debris and sediments from entering the waterway, and prevent erosion and sedimentation off-site. Such practices may include, but are not limited to, construction fencing, staked hay bales, silt fencing, floating platforms, netting, and containment booms.
 - ii) Before erosion and sedimentation controls are removed, the Permittee must remove and properly dispose of all sediment that has accumulated at such controls. The controls must be maintained until the disturbed soil is stabilized by either an impermeable layer, such as asphalt pavement, or by coverage of two feet of clean fill approved by the DEC Engineer. The later cover must include self-sustaining vegetation, which is adequate to prevent erosion and sedimentation on and off the site
 - iii) Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

- 23C.
 - i) The Permittee shall retain, subject to the approval of the Department, an independent environmental monitor (IEM) who shall be present on-site at all times during excavation or any handling of excavated soils on-site, and shall conduct inspections of the work site weekly during all other construction activities, unless otherwise directed by the Department. The IEM's scope of work shall be determined by the DEC Engineer, and must include oversight of the activities of Permittee to ensure that the Department approved soil management plan, including dust suppression and particulate monitoring, as well as all sediment and erosion controls, are in effect. If any of the above mentioned environmental monitoring or environmental controls are either non-operational or ineffective in controlling dust, erosion or sedimentation, the IEM shall direct the Permittee to cease all construction activities resulting in the dust, the erosion or the sedimentation. The IEM also shall immediately contact the DEC Engineer. The Permittee may appeal an IEM directive to cease any construction activities directly to the DEC Engineer, who shall have ultimate authority in the matter. If the DEC Engineer does not resolve any appeal and communicate the decision to the Permittee within 24 hours of receipt of the Permittee's written appeal, any construction activities suspended or halted by an IEM directive may resume during the pendency of the appeal.
 - ii) The continued retention, discharge, and replacement of the IEM shall be solely at the discretion of the Department, however, the Permittee may request the Department's approval to discharge, replace or modify the duties of the IEM. An IEM candidate shall not be rejected by the Department solely based upon the candidate having any other business with any agency of the City of New York, except that any candidate having business with DSNY shall be automatically excluded from consideration.
 - iii) The DEC Engineer shall maintain regular communication with the IEM and provide, on an expedited basis, any complaints received by the Department. Such complaints shall, at the same time, be sent to a representative of the facility.
 - iv) The Department shall have access at all times to any information obtained by the IEM. The IEM shall keep all information including, but not limited to, inspection reports, field notes, monitoring data, graphics, databases, minutes of meetings and other information in a form approved by and accessible to the Department. A copy of such information shall be posted on the DSNY website and shall be updated within the first thirty days of each calendar quarter.
 - v) The IEM, if an individual, shall possess a New York State Professional Engineer license. If an engineering firm serves as the IEM, the firm must provide an employee of that firm who is a New York State licensed professional engineer.

- 24.
 - i) At the commencement of construction, the Permittee shall visually inspect the integrity of the bulkhead from the surface down to the mud line, and thereafter, inspect it at one year intervals, in order to determine if any structural repairs are needed. If such repairs are required, they must be accomplished as soon as practicable subject to Departmental approval.
 - ii) Also, when construction commences, the Permittee shall check the level of sand fill material in the cellular coffer dams, to ensure that it is at least four feet above mean high water. If it is not, additional sand fill material must be imported to the site, in order to achieve the minimum required level. Thereafter, the level must be checked at five year intervals,

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SPECIAL CONDITIONS

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities)
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- iii) Provide the Department with copies of results obtained under i and ii, above, and shall post a copy thereof on the DSNY website within 7 days after it provides same to the Department.
25. During any proposed construction, and any proposed excavation in particular, in addition to the dust suppression techniques mentioned in Special Condition 23A, all other appropriate health and safety (H&S) measures must be deployed and maintained. A Certified Industrial Hygienist who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them, must be present throughout project construction and must witness all proposed excavation work. The Permittee must identify a second health and safety person, who will perform the functions identified above as a contingency measure. The instructions of such person must be followed.
- 26A. Except as provided in subparagraph (B) of this Special Condition, any proposed change, including but not limited to one that would: (i) affect the hours of facility operation; or (ii) increase the volume(s) or vary the type(s) of any waste accepted at the facility; or (iii) increase the parking or queuing of vehicles associated with the subject facility; or (iv) increase the physical extent of the facility; or (v) increase the transportation, noise, odor, dust, or other impact of the facility, requires prior written authorization from the Department in the form of a permit or permit modification. No such change is to be initiated unless and until obtaining such permit or permit modification. A copy of any request by the Permittee for a permit or permit modification shall be posted on the DSNY website within 7 days after the Permittee requests same from the Department. A copy of each new permit or permit modification granted by the Department to the Permittee shall be posted on the DSNY website within 7 days after the Permittee obtains same from the Department.
- 26B. Any proposed change that would be a minor alteration, such as the re-configuration of the facility's physical plant without the addition of any waste processing equipment, may be performed in accordance with the following procedure: no less than 30 days before initiating any such minor structural or operational alteration(s) to the subject facility, the Permittee must provide written notice, in duplicate, to the DEC Engineer and the Regional Permit Administrator, and shall post a copy of each such notice on the DSNY website within 7 days after the Permittee provides same to the Department. Such notice must include the following: (i) a revised facility site plan, process flow diagram, or other detailed drawing(s), as appropriate, specifically illustrating such change(s); and (ii) a letter which details such change(s); amends the Permittee's Engineering Report or other material, as appropriate; and identifies the Permittee's proposed date to initiate such change(s). The Permittee must not initiate any such change(s) prior to the Permittee's receipt of the DEC Engineer's written authorization for such change(s). Notwithstanding the foregoing, the Department reserves the right to deny or modify the Permittee's requested change, or to require that it be subjected to a full permit or permit modification process, in which case the Permittee shall post a copy of the Department's response on the DSNY website within 7 days after the Permittee receives same.
27. The facility is not authorized to receive catch basin waste, or any industrial waste from NYC Department of Environmental Protection water pollution control plants.
28. In the event of an involuntary shutdown for more than seven consecutive calendar days, the facility must undergo facility shutdown procedures.
29. Unauthorized waste must be removed from the facility as soon as practicable, but not to exceed 90 days after discovery, by a person authorized to transport such waste to a facility approved to receive it for treatment, disposal or transfer
30. The transfer station shall not knowingly or intentionally accept any mercury-added consumer products in accordance with ECL Article 27 Title 21.
31. Except as provided in Special Condition 32, all MSW must be removed from the subject facility within 48 hours after receipt. In the event of a contingency (e.g. barge delay), containerized waste may be held up to 4 days. Permittee shall maintain a record of any exceedances of the time periods required in this special condition. Such records shall be provided to the Department and CAG, and shall be posted on the DSNY website within 7 days of the end of such 48 hour period.

SPECIAL CONDITIONS

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities)
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32. All MSW shall be containerized within 24 hours of receipt, except for waste received on: i) an operating day immediately prior to a holiday, in which case such waste shall be containerized within 48 hours; or ii) on a Saturday preceding a holiday falling on a Monday, in which case such waste shall be containerized within 72 hours. All floor areas that had MSW on them must be cleared of all waste for a one half hour period and cleaned on days when waste is received and records must be maintained to document maintenance activity. Permittee shall maintain a record of any exceedances of the time periods required in this special condition. Such records shall be provided to the Department and the CAG, and shall be posted on the DSNY website within 7 days of the end of such 48 or 72 hour period.
33. The Permittee must not change facility operator unless and until the Permittee: (a) submits the information included in the application form "Solid Waste Management Facilities - Corporate Data" as it pertains to the proposed new operator, and (b) receives the Department's written approval of such change.
34. There shall be no truck queuing on a public street in association with the operation of the subject facility
35. Each door of each subject facility building must remain closed, except to allow vehicles, equipment, or personnel to enter or exit such building. Each facility gate must be kept closed whenever the facility is closed, except to allow vehicles, equipment or personnel to enter or exit such gate.
36. Within 24 hours following the Permittee's receipt of any and all virgin wood, the Permittee must segregate such wood and transfer it to a facility approved by NYS Department of Agriculture and Markets to accept potential Asian Longhorn Beetle host material. For each delivery of material to the herein-permitted facility, which delivery contains virgin wood, the Permittee must maintain a record of (a) the date of such delivery; (b) the origin of the virgin wood in such delivery; (c) the date of the Permittee's disposition of the virgin wood in such delivery, and (d) the manner of the Permittee's disposition of the virgin wood in such delivery. Such record must be maintained on-site for no less than seven years.
37. Daily facility records must include: (a) the date and time of all inbound and outbound trucks; (b) the license plate number of all outbound trucks; and (c) the company name or state of registration of all outbound trucks. Such records must be kept on-site for at least seven years.
38. In order to minimize facility truck traffic, the Permittee will use an electronics package with both inbound and outbound scales to uniquely identify all trucks using the facility, including privately-owned trucks. A computer will accept and record the data sent from both the inbound and outbound scales, including: date and time of weighing transaction; unique truck identifier; measured weights; and calculated "refuse received" weight. A keypad, ticket printer and intercom system will be installed as a contingency in the event that the automatic identification system is not operable.
39. Permittee shall maintain records of the number of inbound waste trucks that cross the inbound scale on a per hour basis.
40. Permittee shall within the first ten calendar days of each month and continuing on a monthly basis thereafter post on the DSNY website basic public information regarding the operation of the site. This shall include, at a minimum, daily throughput rates, hourly and daily number of incoming trucks, information regarding the pesticide and rodenticide usage at the facility including dates of pesticide and/or rodenticide applications, the locations where pesticides and/or rodenticides were applied, the volume by weight (before any dilution) of pesticides and/or rodenticides that were applied, and the full trade names of the pesticide and/or rodenticide products used. The posting of such information shall begin 30 days after the commencement of operation of the facility. The information shall be maintained on the same website for a minimum period of one year.

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41. Permittee shall install video cameras in locations at the Facility to allow for views of the ramp, on-site truck queuing areas and the public street that provides access to the Facility. Permittee shall grant Department staff unrestricted access to these video cameras on a real time basis via a secure internet link. Such access shall be provided no less than 15 days prior to commencement of operations at the facility. In addition, the Permittee shall grant Department staff access to the electronic records of all the facility's video cameras, data and scale house upon request.
42. The Permittee must send MSW only to the solid waste disposal facilities identified in the document(s) cited in Special Condition 16, above.
43. Prior to the expiration of any State permit required to operate any such disposal facility, the Permittee must submit to the DEC Engineer, in duplicate, a complete copy of the renewal or extension of such permit and shall post a copy thereof on the DSNY website within 7 days after the Permittee provides same to the DEC Engineer. If the Permittee fails to submit such copy, or if, for any reason, any such disposal facility loses any governmental authorization required for its operation (including failure to renew permit, permit suspension, permit revocation, facility closure, cessation of operations, or facility abandonment), the Permittee must immediately cease sending MSW to such facility, and must notify the DEC Engineer of such cessation and the reason(s) for same.
44. For each additional disposal facility, to which the Permittee seeks to send MSW, the Permittee must submit the following data to the DEC Engineer: (a) a complete copy of each State authorization required to operate the disposal facility; and (b) a letter from the operator of the disposal facility stating the amount of MSW it would accept from the Permittee, and any conditions it places on such acceptance. Each such additional disposal facility must be approved by the DEC Engineer in writing. For each disposal facility, to which the Permittee seeks to stop sending MSW, the Permittee must submit written notification to the DEC Engineer.
45. Any closure of the subject facility must conform to 6 NYCRR Part 360, and closure plans specified in the Engineering Report noted in Special Condition 16, above.
46. Within 60 days of the start of facility operations, the Permittee must provide to the DEC Engineer, monthly and by remote, electronic access to waste management records maintained at the facility, such as those specified in Special Conditions 38, 39 and 40, including quantities of waste materials transported, daily throughput and unauthorized waste storage and transport.
47. All collection trucks owned and operated by the Permittee that use the facility shall use ultra low sulfur diesel fuel. By the end of 2012, Permittee's collection trucks that use the facility and that were purchased prior to 2007, all of which are certified by the original equipment manufacturer to emit no greater than 0.1 grams of diesel particulate matter per brake horsepower-hour, shall be installed with best available retrofit technology certified to achieve reduction of diesel particulate matter emissions by 90 percent or greater. Permittee's collection trucks that use the facility and purchased during or after 2007 shall be certified by the original equipment manufacturer to emit no greater than 0.01 grams of diesel particulate matter per brake horsepower-hour.

Environmental Monitor Account:

48. a) Payment, as required to support the Department's monitoring requirements of the subject facility, must be provided to the Department for the funding of environmental compliance activities related to the construction and operation of the subject facility. Payment is based on annual Environmental Monitor service costs. The Permittee will be billed annually for each fiscal year beginning 1 April 2013. Subsequent annual payments must be made for the duration of this permit in order to maintain an account balance sufficient to meet the next year's anticipated expenses.

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- b) The Department may revise the required payment on an annual basis to include all costs of monitoring to the Department. The annual revision may take into account factors such as inflation, salary increases, changes in facility operating hours and procedures, and the need for additional Environmental Monitors. Upon written request by the Permittee, the Department will provide the Permittee with a written explanation of the basis for any such revision. If such revision is required, the Department will notify the Permittee of such revision no later than 60 days in advance of such revision.
- c) Prior to making its annual payment, the Permittee will receive and have an opportunity to review an annual work plan that the Department will undertake during the year.
- d) Payments must be made within 30 days after the Permittee's receipt of a bill from the Department. The Permittee must deliver such payment to: NYS Department of Environmental Conservation, 625 Broadway - 10th floor, Albany, NY 12233-5012, Attention: Revenue Accounting. Payments for this account must be in addition to any other funds previously paid by the Permittee for environmental monitoring services prior to 1 April 2013.
- e) Failure to make a required environmental monitor payment is a violation of this permit. The Department may take appropriate action to enforce the payment provisions, including suspension or revocation of this permit.
- f) The Environmental Monitor will, when present at the subject site, abide by all of the Permittee's health and safety and operational requirements and policies; provided, however, that this subparagraph must not be construed as limiting the monitor's powers as otherwise provided for by law and must not result in the monitor's being less protected than the monitor would be if he or she were to abide by state and federal health and safety requirements.

Dredging:

49. No less than 60 days prior to the proposed start date of dredging at the Southwest Brooklyn Marine Transfer Station, which dredging shall not proceed without prior approval by the Department, the Permittee must submit the following documentation for the Department's review to the New York State Department of Environmental Conservation, Bureau of Marine Resources, 47-40 21st Street, Long Island City, NY, 11101, Attention: Steve Zahn, Natural Resources Program Supervisor:

Two copies of a detailed description of the proposed dredging, specific to the location being dredged and inclusive of the following: (i) a bathymetric survey conducted within the previous 3 months; (ii) existing sediment sampling data, and a sediment sampling plan for DEC's approval providing for additional sediment sampling prior to the commencement of dredging, including sampling locations and methods; (iii) sampling results from the additional sampling in the form of (a) bulk sediment chemistry and grain size analysis and (b) including additional testing required for the dredge deposition or placement at an upland location. The specific analytes which must be tested for include VOCs, semi-volatile organics, PCBs and aroclors, pesticides, metals, and Dioxin and Furans and their congeners. Refer to DEC Division of Water, Technical & Operational Guidance Series (TOGS) 5.1.9, "In-water and Riparian Management of Sediment and Dredged Material", November 2004 (http://www.dec.ny.gov/docs/water_pdf/togs519.pdf); (iv) an estimate of amount of material to be dredged; (v) a site plan and cross-sectional diagram with axes, mud lines, dredge lines (historical and proposed), wetlands, and all other pertinent information clearly labeled; (vi) the name and address of dredged material placement location as well as a "letter of acceptance" from the named facility (the Permittee is responsible for conducting all sediment sampling and analysis as required by the selected disposal location); and, (vii) a copy of the permit or other authorization authorizing the activity.

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Note: For disposal locations located within the State of New York, the sediment analysis data is to be included with the letter identifying the disposal location. For disposal locations outside of the State of New York, letters of acceptance from the identified location and the appropriate State regulatory agency are to be provided with the letter identifying the disposal location.

DSNY shall also submit one copy of the proposed dredging report to each of the participants in the issues conference (that is, Raritan Baykeeper, Inc. [d/b/a NY/NJ Baykeeper], Natural Resources Protective Association, Wake Up and Smell the Garbage, Urban Divers Estuary Conservation, the No Spray Coalition, Assembly Member William A. Colton, Esq., the Environmental Defense Fund, American Heritage Democratic Organization, SIBRO Civic Association, and Stephen A. Harrison) at the same time it is submitted to Department Staff.

50. The attached "Notice of Intent to Commence Work" is to be completed and submitted to the Department each time a dredging event is scheduled to occur at the subject marine transfer station.
51. All dredging is to be conducted using an environmental bucket.
- a) An environmental bucket is defined as a bucket constructed with sealing gaskets or overlapping sealed design at the jaws.
 - b) Seals or flaps are to be positioned at locations of vent openings to minimize the loss of material during transport through the water column and into the barge.
 - c) Seals or flaps designed and or installed at the jaws and locations of vent openings must tightly cover these openings while the bucket is lifted through the water column and into the barge.
 - d) Excessive loss of water, sediment or both from the time the bucket breaks the water's surface to the time it crosses the barge gunwale, is not permitted.
Should excessive loss of sediment, water or both be observed the Permittee must halt dredging operations and inspect the bucket for any defects.
Dredging operations are to be suspended until all necessary repairs or replacements are made.
52. The dredging operation is to be conducted in such a manner as to minimize water quality impacts:
- a) Bucket hoist speed shall be limited to approximately 2 feet per second. The bucket shall be lifted in a continuous motion through the water column and into the barge;
 - b) The bucket shall be lowered to the level of the barge gunwales prior to the release of load; and,
 - c) There shall be no barge overflow.
53. Upon completion of all dredging activity, authorized by this permit, the attached "Notice of Completion of Work" is to be provided to the Regional Permit Administrator and shall be posted on the DSNY website within 7 days after the Permittee provides same to the Regional Permit Administrator.
54. Within 90 days of the completion of dredging, the Permittee must submit a post-bathymetric survey to the NYS Department of Environmental Conservation, Region 2 Natural Resources Supervisor, and shall post a copy of same on the DSNY website within 7 days after its submission.
55. Excavated sediments will be placed directly into the conveyance vehicle in a manner which prevents the material from re-entering the waterway. Side casting (double dipping) or temporary storage of dredge material is prohibited.
56. All side slopes of the dredged area shall have a maximum 1:3 slope.

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57. No structures, temporary or permanent, shall be located on subject pier or float without prior written approval from the Department.
58. The following seasonal restrictions shall apply to any new or maintenance dredging activities at the Southwest Brooklyn Converted MTS: Prohibited between November 15th and July 15th.
59. Silt curtains must be used during dredging operations:
 - Silt curtains are to be configured according to tide directions to minimize dispersal of re-suspended sediments;
 - Silt curtains shall be inspected daily to ensure proper alignment and function; and
 - Should repairs to silt curtains be necessary, dredging operations must cease until repairs are completed.
60. DSNY must notify DEC if any shipwreck is encountered during dredging and shall post a copy of any such notification on the DSNY website within 7 days thereafter.

Natural Resources Mitigation:

61. Within 60 days of permit issuance, the Permittee shall submit a proposed conceptual mitigation plan for review and approval to the New York State Department of Environmental Conservation, Region 2 Natural Resources Supervisor. Said plan shall include the following: sites where appropriate wetland restoration activities could occur; an initial estimate of the potential types and amounts of habitat restoration at the site(s); mechanisms for delivering projects at the site(s) (i.e. NYC Department of Sanitation construction, City agency or other partnerships); and an estimate of when the project(s) may be ready to proceed. The mitigation for wetland habitat losses at the site of Southwest Brooklyn Converted MTS, as well as any such losses at the sites of the three other proposed converted marine transfer stations, will be the creation and restoration of, or funding of projects to create and restore, additional tidal wetland areas at locations within the New York Harbor. The Permittee shall post a copy of each proposed conceptual mitigation plan on the DSNY website within 7 days after each submission to the New York State Department of Environmental Conservation, Region 2 Natural Resources Supervisor. Within 7 days after receipt of approval of a proposed conceptual mitigation plan, the Permittee shall post a copy of such plan, together with notice of approval thereof, on the DSNY website.
62. Within 60 days of the approval of the conceptual mitigation plan by the Department, the Permittee and its agent(s) will meet with the Region 2 Natural Resources Supervisor and the Regional Permit Administrator to develop a formal plan of action and time line for the implementation of the proposed plan.
63. No later than 120 days after the approval of the conceptual plan by the Department, the Permittee shall submit a formal plan for Departmental review and acceptance. In addition to mitigation project details, said plan shall include a monitoring plan developed and based upon the "NYS Salt Marsh Restoration and Monitoring Guidelines." The Permittee shall post a copy of such formal plan on the DSNY website within 7 days after each submission for Departmental review and acceptance. Within 7 days after receipt of acceptance from the Department of such formal plan, the Permittee shall post a copy of such formal plan, together with notice of approval thereof, on the DSNY website.
64. The tidal wetland restoration or creation deemed suitable by DEC staff must be completed prior to the first receipt of waste at this facility.
65. All information posted on the DSNY website pursuant to this permit shall be subject to redaction for applicable exemptions under the Freedom of Information Law.

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