

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 3, 2015

Sarah Dolinar
SWM Director Environmental Review/BCO
DSNY SOLID WASTE MANAGEMENT
125 WORTH ST RM 726
NEW YORK, NY 10013

Re: Southwest Brooklyn Marine Transfer Station Permit, Modification 2
DEC ID# 2-6106-00002/00024 (WQC) /00025 (TW) /00026 (EF)
NYC-DOS SOUTHWEST BKLYN MTS
BAY 41ST ST & GRAVESEND BAY|25TH AVENUE
BROOKLYN, NY 11214

Dear Ms. Dolinar:

Enclosed is your Southwest Brooklyn Marine Transfer Station (Dredging) Permit, which has been modified to extend the fish window through December 15th, in the year 2015 only. This permit is effective December 3, 2015 and expires July 31, 2017.

Please read all permit conditions carefully. Note that aside from the modification of Natural Resource Permit Conditions No. 15, all other conditions of Permit # 2-6106-00002/00024, 00025, and 00026 remain as previously written and must be observed by the applicant.

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 project and compliance with the permit requirements. Any violation of these permit conditions constitutes a violation of the Environmental Conservation Law.

If you have technical questions on the Permit, please contact Katie Axt, NYSDEC Dredge Team Leader at (917) 480-1360 or myself at (718) 482-4969 for administrative questions.

Please acknowledge receipt of the Permit via email at sandra.reyes-guerra@dec.ny.gov or by phone at the above number.

Sincerely,



Sandra Reyes-Guerra
Environmental Analyst II
Division of Environmental Permits



Department of
Environmental
Conservation



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

NYC DEPT OF SANITATION
125 WORTH ST

NEW YORK, NY 10013-4006

Facility:

NYC-DOS-SOUTH WEST BKLYN MTS
BAY 41 ST & GRAVESEND BAY|25TH
AVENUE

BROOKLYN, NY 11214

Facility Location: in KINGS COUNTY **Village:** BROOKLYN

Facility Principal Reference Point: NYTM-E: 585.1 NYTM-N: 4493.8

Latitude: 40°35'26.3" Longitude: 73°59'39.6"

Project Location: NYC DOS-SW BKLYN MTS, BAY 41 ST & GRAVESEND BAY| 25TH AVE

Authorized Activity: Permit Modification 1 - Modify permit to allow use of digger bucket and extend fish window through December 4th, in the year 2015 only. Dredging events in all other years will comply with the seasonal restrictions noted in the original permit (see Condition No. 15 - Previous Condition No. 58).

Permit Modification 2 - Modify permit Condition No. 15 (Previous Condition No. 58), to extend fish window through December 15th, in the year 2015 only. Dredging events in all other years will comply with the seasonal restrictions noted in the original permit.

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 2-6106-00002/00025

New Permit

Effective Date: 7/13/2012

Expiration Date: 7/31/2017

Modification # 1

Effective Date: 11/17/2015

Expiration Date: 7/31/2017

Modification # 2

Effective Date: 12/3/2015

Expiration Date: 7/31/2017

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 2-6106-00002/00024

New Permit

Effective Date: 7/13/2012

Expiration Date: 7/31/2017

Modification # 1

Effective Date: 11/17/2015

Expiration Date: 7/31/2017

Modification # 2

Effective Date: 12/3/2015

Expiration Date: 7/31/2017

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

Permit ID 2-6106-00002/00026

Modification # 0

Effective Date: 11/17/2015

Expiration Date: 7/31/2017

Modification # 1

Effective Date: 12/3/2015

Expiration Date: 7/31/2017



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: _____

A handwritten signature in blue ink, appearing to be 'SAW', written over a horizontal line.

Date 12 / 03 / 2015



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by HDR Engineering, Inc. and Greeley and Hansen, and as cited in Previous Condition no. 16.

2. Previous Condition No. 16

A. 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.

B. Modification 1 --

1. Letter regarding Request for Permit Amendments on Dredging, prepared by NYC DOS, and dated November 13, 2015.
2. Letter regarding Request and Justification for Use of Digging Bucket and Extended Dredging Window, prepared by HDRinc and dated November 13, 2015.

3. Dredge Operations subject to Independent Environmental Monitor Dredge operations are subject to oversight by the Independent Environmental Monitor as authorized by previously issued permit conditions 23C.i – 23C.v. as in original permit 2-6106-00002/00022, issued July 13, 2012.



4. Previous Condition No. 25 During any proposed construction, and any proposed excavation in particular, in addition to the dust suppression techniques mentioned in Special Condition 23A as in original permit 2-6106-00002/00022, issued July 13, 2012, 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.

5. Previous Condition No. 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.
- 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.

6. Previous Condition No. 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/waterpdf/togs519.pdf>); (iv) an estimate of amount of material to be dredged; (v) a site plan and cross-sectional diagram with axes, mudlines, 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.

Note:

- a). 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.
- b). 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 Steven A. Harrison) at the same time it is submitted to Department Staff.

This condition has been satisfied by the Dredge and Disposal Plan, 02325-0010001 prepared and submitted by Greeley and Hansen on February 5, 2015. The Dredge and Disposal Plan includes the use of sensor monitoring software during dredging operations. Based on the submission, Authorization to Proceed was granted by NYSDEC on October 21, 2015.

7. Previous Condition No. 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.

8. Previous Condition No. 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) The environmental bucket must be equipped with a monitoring system that ensures bucket closure prior to raising the bucket through the water column. If full closure is not achieved, the load must be released at depth and a new cycle commenced.



e) 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.

f) In locations where the environmental bucket (as specified above), meets refusal, a digging bucket will be permitted to remove large rock debris and compacted sediments of sand and/or gravel to project depth.

9. Previous Condition No. 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.

10. Previous Condition No. 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.

11. Previous Condition No. 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.

12. Previous Condition No. 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.

13. Previous Condition No. 56 All side slopes of the dredged area shall have a maximum 1:3 slope.

14. Previous Condition No. 57 No structures, temporary or permanent, shall be located on subject pier or float without prior written approval from the Department.

15. Previous Condition No. 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. Dredging will be permitted through December 15th, in the year 2015. Dredging events in all other years will comply with the seasonal restrictions noted above.

16. Previous Condition No. 59 Silt curtains must be used during dredging operations:

a) Silt curtains are to be configured according to tide directions to minimize dispersal of re-suspended sediments;

b) Silt curtains shall be inspected daily to ensure proper alignment and function; and

c) Should repairs to silt curtains be necessary, dredging operations must cease until repairs are completed.

17. Previous Condition No. 60 DSNY must notify DEC if any shipwreck is encountered during dredging.



18. Previous Condition No. 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.

19. Previous Condition No. 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.

20. Previous Condition No. 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."

21. Previous Condition No. 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.

22. 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.

23. 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.

24. 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.



25. No Interference With Navigation There shall be no unreasonable interference with navigation by the work herein authorized.

26. 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.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation 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.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

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

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

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



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

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

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.