

City of New York
Department of Sanitation



APPENDIX J – PERMITS

**SOUTHWEST BROOKLYN
MARINE TRANSFER STATION**

June 2018

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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:
SOUTHWEST BROOKLYN MARINE
TRANSFER STATION
Bay 41st Street, 25th Avenue & Gravesend Bay
Brooklyn, NY 11214

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

Facility Principal Reference Point: NYTM-E: 584.817 NYTM-N: 4493.634
Latitude: 40°35'21.0" Longitude: 73°59'51.7"

Project Location: Bay 41st Street, 25th Avenue & Gravesend Bay

Authorized Activity: Construction and Operation of a Converted Marine Transfer Station authorized to accept up to 2,106 tons per day of municipal solid waste (MSW), 4,290 tons per day MSW during upset conditions and 5,280 tons per day MSW under emergency conditions, as specified in Waste Throughput Condition below. The Converted Marine Transfer Station is designed to facilitate the transfer of solid waste from collection vehicles into sealed and leak-proof 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.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 2-6106-00002/00022

Renewal

Effective Date: 8/1/2017

Expiration Date: 7/31/2022

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 07/31/2017



Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by multiple entities on multiple dates (see Conformance with Plans - Addenda).
2. **Conformance with Plans - Addenda (formerly Special Condition (SC)# 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;
 - 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; and
 - c) The documents cited above as modified with a modification request dated January 17, 2017, including drawings as prepared by Solai Sundaram, P.E., of Greeley & Hansen, LLC.

However, if any portion of such documents conflicts with any provision of this permit, such provision must prevail.

3. **Submissions Format** Unless otherwise accepted by the DEC Engineer, the Permittee's submission to the department must conform to the following requirements. Each submission must be a "hard copy" and in duplicate. Each duplicate must be accompanied by an electronic version of the document in an OCR-PDF format. Engineering Reports should include a sleeve containing a searchable OCR-PDF copy of the report and related documents on a CD.

The CD must contain a OCR-PDF file for each separately bound volume of the report, each large-format drawing, and any cover letter. For those documents prepared by a professional engineer, appropriate portions of the document must display the engineer's seal and signature (e.g., the report's cover and the report's large-format drawings). The engineer's seal and signature must be reflected on the applicable OCR-PDF files located on the CD. In addition each OCR-PDF file on the CD should be named to reflect its content (e.g., "Facility Name" Engineering Report, "Site Plan" Drawing No 1, Cover Letter, etc).



4. Waste Throughput (formerly SC# 17A) The Converted Marine Transfer Station is authorized to accept the following quantities of MSW as noted in documents cited in "Conformance with Plans – Addenda" condition above:

- a) A Weekly Limit of 11,148 tons that shall not be exceeded in any calendar week, except for an Upset or Emergency Condition;
- b) 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;
- c) 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; and
- d) 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.

5. Notification (formerly SC# 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.

6. Storage Limits (formerly SC# 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.

7. Compliance with Solid Waste Management Regulations (formerly SC# 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.

8. Final Operations and Maintenance Plan (formerly SC# 20) Ninety (90) 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 seven (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 seven (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 seven (7) days after the DEC's approval thereof.

9. Notice of Intent to Commence Operation (formerly SC# 21) No less than five (5) business days prior to the date that the Permittee proposes to commence the herein-authorized operation, the Permittee must deliver three (3) completed copies of the attached "Notice of Intent to Commence Operation". 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 seven (7) days of the mailing.

10. Maintenance of Surety (formerly SC# 22) Ninety (90) 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.



11. Soil Management Plan (formerly SC# 23A)

a) No later than ninety (90) days, prior to the commencement of additional construction of the facility, the Permittee must provide the DEC Engineer a draft amendment to the existing 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 seven (7) days after the Permittee's submissions thereof to the DEC Engineer. A copy of any amendment thereto shall also be posted on the DSNY website within seven (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 DSNY's website within seven (7) days after the DEC's approval thereof.

b) 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.

c) 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.

d) 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.

e) 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.

f) Permittee must comply with any and all measures required in a final soil management plan.

12. Erosion & Sediment Control (formerly SC# 23B)

a) 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 that: 1) are adequate to contain construction material, debris and sediments from



entering the waterway; and 2) 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.

b) 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 latter cover must include self-sustaining vegetation, which is adequate to prevent erosion and sedimentation on and off the site.

13. Maintenance of Tidal Waters & Wetlands (formerly SC# 23B) Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

14. Independent Environmental Monitor (formerly SC# 23C)

a) 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.

b) 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.

c) 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.

d) 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 (30) days of each calendar quarter.



e) 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.

15. Bulkhead & Cellular Cofferdams (formerly SC# 24)

a) The Permittee shall visually inspect the integrity of the bulkhead from the surface down to the mud line at one year intervals starting from the initial inspection, 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.

b) 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, at five (5) year intervals. If the level of fill is not at least four feet above mean high water, additional sand fill material must be imported to the site, in order to achieve the minimum required level.

c) Provide the Department with copies of results obtained under a) and b) above, and shall post a copy thereof on the DSNY website within 7 days after it provides same to the Department.

16. Health & Safety Measures (formerly SC# 25) During any proposed construction, and any proposed excavation in particular, in addition to the dust suppression techniques mentioned in "Soil Management Plan" condition, 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.

17. Permit Modification (formerly SC# 26A & 26B)

a) Except as provided in subparagraph (b) of this 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.

b) 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.

18. Unacceptable Wastes from NYC Department of Environmental Protection (formerly SC# 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.

19. Involuntary Shutdown (formerly SC# 28) In the event of an involuntary shutdown for more than seven (7) consecutive calendar days, the facility must undergo facility shutdown procedures.

20. Unauthorized Wastes (formerly SC# 29) Unauthorized waste must be removed from the facility as soon as practicable, but not to exceed ninety (90) days after discovery, by a person authorized to transport such waste to a facility approved to receive it for treatment, disposal or transfer.

21. Mercury Containing Material (formerly SC# 30) The transfer station shall not knowingly or intentionally accept any mercury-added consumer products in accordance with ECL Article 27 Title 21.

22. Waste Removal Time Frames (formerly SC# 31) Except as provided in "Containerizing Time Frames" condition, 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 four (4) days. Permittee shall maintain a record of any exceedance 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 seven (7) days of the end of such 48-hour period.

23. Containerizing Time Frames (formerly SC# 32) All MSW shall be containerized within 24 hours of receipt, except for waste received on: a) an operating day immediately prior to a holiday, in which case such waste shall be containerized within 48 hours; or b) 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 seven (7) days of the end of such 48-hour or 72-hour period.

24. Facility Operator (formerly SC# 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.

25. Street Queuing (formerly SC# 34) There shall be no truck queuing on a public street in association with the operation of the subject facility.



26. Closed Door Policy (formerly SC# 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.

27. Longhorn Beetle Quarantine (formerly SC# 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 (7) years.

28. Record - Truck Tracking (formerly SC# 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 (7) years.

29. Minimizing Truck Traffic (formerly SC# 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.

30. Record - Truck Rate (formerly SC# 39) Permittee shall maintain records of the number of inbound waste trucks that cross the inbound scale on a per hour basis.

31. Website Posting of Information (formerly SC# 40) Permittee shall within the first ten (10) 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 thirty (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.

32. Videos Cameras (formerly SC# 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 fifteen (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.



33. Authorized Disposal Facilities (formerly SC# 42, 43 & 44) The Permittee must send MSW only to the solid waste disposal facilities identified in the document(s) cited in "Conformance with Plans - Addenda" condition above.

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 seven (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.

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.

34. Facility Closure (formerly SC# 45) Any closure of the subject facility must conform to 6 NYCRR Part 360 and closure plans specified in the Engineering Report noted in "Conformance with Plans - Addenda" condition above.

35. Electronic Access to Waste Management Records (formerly SC# 46) Within sixty (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 "Minimizing Truck Traffic", "Record - Truck Tracking", "Record - Truck Rate" and "Website Posting of Information" conditions, including quantities of waste materials transported, daily throughput and unauthorized waste storage and transport.

36. Ultra-low Sulfur Diesel Fuel (formerly SC# 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.

37. Monitor Provision (formerly SC# 48)

a. The Permittee must fund the environmental monitoring services performed by the Department related to the operation of the subject facility. These monitoring services and associated requirements include, but are not limited to inspections, compliance monitoring, enforcement, preparation for and attendance at meetings, preparation and analysis of documents, and the equipment and supplies used to support these monitoring services.



- b. Funds necessary to support the subject monitoring services must be provided to the Department by the Permittee on an annual basis. The sum to be provided must be based on the cost of the Department's annual environmental monitoring services of the subject facility, and is subject to annual revision. Said annual payments must be made by the Permittee as long as the subject facility is being constructed or operated under the terms of this permit, or until the monitoring requirement no longer exists, whichever comes first.
- c. The Permittee shall be billed for the subject environmental monitoring services annually, each fiscal year, beginning on April 1. If this permit is effective subsequent to April 1, the Permittee may be billed for an amount sufficient to meet the anticipated cost of monitoring the subject facility through the end of the current fiscal year.
- d. The Department may revise the subject required payment on an annual basis to include all of the Department's costs associated with monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in operating hours and procedures, and an increase or decrease in the amount of monitoring necessary. Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any such revision. If such a revision is required, the Department will notify the Permittee of the pending revision no less than 60 days in advance of the effective date of the revision.
- e. Prior to making its annual payment, the Permittee will receive, and have an opportunity to review, an annual work plan of the monitoring services that the Department will undertake during the following year.
- f. Payments must be in advance of the period in which they will be expended, and must be made within 30 days of receiving a bill from the Department. Payments shall be addressed to: NYS DEC, Bureau of Revenue Accounting (10th Floor), 625 Broadway, Albany, NY 12233-5012, Attn: Bureau Chief of Revenue Accounting.
- g. Failure to make the required payments shall be a violation of this Permit. The State reserves all rights to take appropriate action to enforce the above-described payment provisions.

38. FOIL Redaction (formerly SC# 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 (FOIL).

GENERAL CONDITIONS - Apply to ALL Authorized Permits:
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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 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

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.

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sanitation

HARRY SZARPANSKI, P.E.
Assistant Commissioner

Bureau of Long Term Export
44 Beaver Street, 12th Floor
New York, New York 10004
Telephone (917) 237-5501
Fax (212) 269-0788

January 29, 2007

Mr. John Cryan, Regional Permit Administrator
New York State Department of Environmental Conservation, Region 2
Division of Regulatory Services
47-40 21st Street
Long Island City, NY 11101

**RE: Southwest Brooklyn Converted Marine Transfer Station
January 2007 Final Part 360 Permit Application**

Dear Mr. Cryan:

The New York City (City) Department of Sanitation (DSNY) is pleased to submit to the New York State Department of Environmental Conservation (NYSDEC) the enclosed two (2) signed and sealed originals and two (2) signed and sealed copies of the above-referenced January 2007 Final Part 360 Permit Application (Final Application) for completeness review and public comment. The Final Application addresses both the June 22, 2005 comments DSNY received from NYSDEC on the April 2005 Final Part 360 Permit Applications for the Converted Marine Transfer Stations (Converted MTSs) and the comments in NYSDEC's January 4, 2007 Notice of Incomplete Application (NOIA).

This submittal also updates various DSNY operating protocols, forms and plans, including in part:

- On-site Fuel Storage (Main Document, Section 2.3.6 – On-Site Equipment Refueling Area);
 - DSNY Right-To-Know Policy (Appendix A – Training Plan, Attachment 3);
 - DSNY Lockout/Tagout Procedures (Appendix A – Training Plan, Attachment 4);
 - DSNY Medical Duty Assignment (Appendix A – Training Plan, Attachment 6);
 - DSNY Petroleum Spill Procedure (Appendix A – Training Plan, Attachment 7);
 - City of New York Radioactive Materials License (Appendix B – Contingency Plan, Attachment 8);
 - DS-66 DOS Export Tonnage Delivery Receipt (Appendix F – Reports and Forms, Attachment 9);
 - DS-281 BBM Request for Services (Appendix F – Reports and Forms, Attachment 10);
- (Over)

www.nyc.gov/sanitation

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printed on recycled paper

- DS-371 Waste Disposal – Equipment Down Report (Appendix F – Reports and Forms, Attachment 11);
- DS-76A Non-DSNY Tonnage Delivery Receipt (Appendix F – Reports and Forms, Attachment 12);
- Construction Plan and Schedule (Appendix H – Construction Plan and Schedule); and
- Transfer, Transport and Disposal Plan (Appendix I - Transfer, Transport and Disposal Plan).

As you know, the City's approved Comprehensive Solid Waste Management Plan (SWMP) for the 2006 - 2025 planning period authorizes development of four Converted MTSs in combination with other elements of the City's Long Term Export Program for DSNY-managed Waste, including 20-year service agreements for rail export from private transfer stations in the Bronx, Brooklyn and Queens, and a long term contract with the Essex County Resource Recovery Facility to receive deliveries in DSNY collection vehicles of waste from the former West 59th and West 135th Street MTS wastesheds in Manhattan. The SWMP also incorporates by reference the development of the Staten Island Transfer Station, a truck-to-container-to-rail facility for DSNY-managed waste generated in Staten Island that began operations on December 11, 2006. This Final Part 360 Permit Application is one of four being submitted by DSNY for construction and operating permits for each of the Converted MTSs.

DSNY, as lead agency, has certified the completion of and provided NYSDEC with copies of the SWMP Final Environmental Impact Statement (FEIS) and related Findings Statement. The FEIS, which reported that no significant unmitigated adverse impacts were predicted from development of the four Converted MTSs, provides the required CEQR/SEQRA environmental review of the Converted MTSs, a NYSDEC prerequisite to the issuance of a Notice of Complete Application. The FEIS also includes a description of the outreach and enhanced public participation program, consistent with NYSDEC's Environmental Justice (EJ) policy that DSNY implemented as part of the SWMP DEIS scoping process, DEIS public hearings and at subsequent EJ informational meetings at the four host Community Boards held in January 2005.

As a continuation of the EJ process, DSNY will:

- Place Final Permit Applications for each Converted MTS for public review in the two public repositories established for each Converted MTS and will forward all public comments received on each Final Application to NYSDEC for consideration in its completeness review.
- Submit a revised Public Participation Plan (PPP) for NYSDEC approval and schedule informational EJ meetings in each Converted MTS EJ area, prior to public hearings that NYSDEC will hold, and conduct the EJ outreach process for these EJ meetings described in an approved PPP.

To assist NYSDEC in the review of this Application, we have attached a response to the NOIA (Comment and Response Document). The Comment and Response Document is inserted in the plastic sleeve on the rear cover pocket of Volume I of this Application.

To further facilitate NYSDEC's review, DSNY will shortly transmit under separate cover a compact disk containing PDF files of these January 29, 2007 submittals in both revision highlighted and clean text versions. The highlighted text will identify the specific changes made in the April 2005 Applications in response to the NOIA and, among other things, to update various DSNY operating protocols, forms and plans noted in the second paragraph of this transmittal letter.

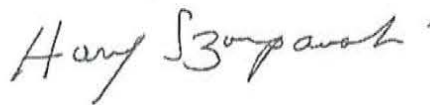
A Final Permit Application Update for the State Facility Air Permits for the Hamilton Avenue Converted MTS is also being submitted under separate cover on January 29, 2007. The Final Permit Application Update addresses the reduction in waste throughput at the MTS set forth in the SWMP FEIS. The waste throughput values are revised in the Limited Potential to Emit Calculation contained herein and in the Item 12(b) Attachment sections. The effect on the potential to emit is insignificant because the annual waste throughput was revised downward by only one percent (1%). No change to major/minor facility and trivial/exempt source status occurs due to the proposed waste throughput change.

Revised Final Applications for Part 608/661 Joint Permits are being prepared and will be submitted to NYSDEC in the near future.

We look forward to NYSDEC's review of this Final Part 360 Permit Application. Please do not hesitate to call if you have any questions or comments.

Thank you for your time and attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Szarpanski".

Harry Szarpanski

Enclosures (4 copies)

cc: M. Moore, NYSDEC, Region 2, Regulatory Services (w/o encl.)
K. Brezner, NYSDEC, Region 2, Solid Waste & Hazardous Materials - 1 copy
T. Williams, NYSDEC, Albany, Div. of Solid & Hazardous Materials (w/o encl.)
Howard Feuer, DM, Brooklyn CB 11 Office/Public Repository - 1 copy
Ed Jelen, New Utrecht Public Library/Public Repository - 1 copy



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF SOLID WASTE

APPLICATION FOR A SOLID WASTE MANAGEMENT FACILITY PERMIT

Please read all instructions before completing this application

Please TYPE or PRINT clearly

DEPARTMENT USE ONLY	
DEC APPLICATION NUMBER	
FACILITY CODE	

1. TYPE OF APPLICATION (Check All Applicable Boxes): <input checked="" type="checkbox"/> Permit to Construct <input checked="" type="checkbox"/> Initial (New) <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Permit to Operate <input type="checkbox"/> Subsequent Stage (New) <input type="checkbox"/> Modification		2. APPLICANT IS THE: <input checked="" type="checkbox"/> Facility Owner <input checked="" type="checkbox"/> Facility Operator			
3. FACILITY OWNER'S NAME New York City Department Of Sanitation		4. FACILITY OPERATOR'S NAME New York City Department Of Sanitation			
5. ENGINEER'S NAME AND P.E. LICENSE NO. Bruce J. Howie, PE #081013		6. FACILITY NAME AND LOCATION (Attach USGS Topo Map showing exact location) Name Southwest Brooklyn Marine Transfer Station			
Address 44 Beaver Street 12th floor		Address 44 Beaver Street 12th floor			
City New York		City New York			
State/Zip Code New York 10004		State/Zip Code New York 10004			
Telephone Number (917) 237 - 5501		Telephone Number (917) 237 - 5501			
7. SITE OWNER'S NAME New York City Department Of Sanitation		8. TYPE OF FACILITY (Check all applicable boxes) <input type="checkbox"/> Landfill (Specify category) _____ <input type="checkbox"/> Research, Development and Demonstration <input type="checkbox"/> Land Application <input checked="" type="checkbox"/> Transfer Station <input type="checkbox"/> Solid Waste Incineration <input type="checkbox"/> Medical Waste <input type="checkbox"/> Refuse Derived Fuel Processing <input type="checkbox"/> Waste Tire Storage <input type="checkbox"/> Composting <input type="checkbox"/> Landfill Gas Recovery <input type="checkbox"/> Recyclables Handling and Recovery <input type="checkbox"/> Waste Oil <input type="checkbox"/> Other (Describe) _____		9. IS APPLICATION BEING FILED BY OR ON BEHALF OF A MUNICIPALITY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name. New York City	
10. FEE AMOUNT ENCLOSED No fee \$ required		11. NAME(S) OF ALL MUNICIPALITIES SERVED New York City			
12. SOLID WASTE HANDLED a. List wastes to be accepted <u>Municipal Solid Waste</u> _____ b. Quantity (Specify Units) Existing "approved design capacity" <u>N/A</u> Proposed "approved design capacity" <u>See attached sheet</u>		13. PROVIDE THE FOLLOWING INFORMATION WHERE APPLICABLE a. Facility area proposed in the application <u>1.48</u> acres b. Facility area ultimately planned <u>1.48</u> acres c. Ultimate facility height above existing ground level <u>96</u> feet d. Total site area <u>24.616</u> acres e. Existing landfill area on this site and adjacent properties <u>N/A</u> acres			
14. IS A VARIANCE REQUESTED FROM ANY PROVISION OF 6 NYCRR PART 360? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, cite the specific provision(s)					
15. CERTIFICATION: I hereby affirm under penalty of perjury that information provided on this form and attached statements and exhibits was prepared by me or under my supervision and direction and is true to the best of my knowledge and belief, and that I have the authority or am authorized as Assistant Commissioner _____ (title) of NYC Department of Sanitation, Bureau of Long-Term Export (Entity) to sign this application pursuant to 6 NYCRR Part 360. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> 1-29-07 Date </div> <div> Signature </div> <div> Harry Szarpanski Print Name </div> </div>					

REGIONAL DRA COPY



sanitation

Kathryn Garcia Commissioner

Sarah Dolinar
SWM Dir., Environmental
Compliance/Compliance

44 Beaver Street
12th Floor
New York, NY 10004
nyc.gov/sanitation

212.437.4508
sdolinar@dsny.nyc.gov

memo

To: Adam Conanan
From: Sarah Dolinar 
Date: December 25, 2017
Re: Part 360 Permit Website Posting Requirements for the MTSs

The Part 360 Solid Waste Management Facility permits (hereafter, Permit or Permits), issued by NYSDEC for the Marine Transfer Stations contain Special Conditions that impose DSNY website posting requirements. I have reviewed the Permits and herein describe and provide the Special Condition that contains DSNY website posting requirements for the West 59th Street, Hamilton Avenue, North Shore and East 91st MTS Permits.

Because there are numerous Special Conditions with posting requirements in the Southwest Brooklyn MTS Permit, I describe the posting requirements and attach a copy of the Southwest Brooklyn MTS Permit that has been marked up to indicate the Special Conditions that impose posting requirements so that you can refer to the text of each Special Condition.

Hamilton Avenue MTS Permit - The only website posting requirement in the Permit is the one we are already complying with – **Special Condition 43**. **Special Condition 43** states:

Permittee shall on a monthly basis post on the DSNY website basic public information regarding the operation of the site. This shall include, at a minimum, daily throughput rates, hourly number of incoming trucks, the posting of such information shall begin 30 days after commencement of operation of the facility. The information shall be maintained on the same website for a minimum period of one year.

North Shore MTS Permit - There are no DSNY website posting requirements for this Permit.

West 59th Street MTS Permit - There are no DSNY website posting requirements for this Permit.

East 91st Street MTS Permit - **Special Condition 51** of the Permit (same as for Hamilton Ave MTS) states:

Permittee shall on a monthly basis post on the NYCDOS website basic public information regarding the operation of the site. This shall include, at a minimum, daily throughput rates, hourly number of incoming trucks, the posting of such information shall begin 30 days after commencement of operation of the facility. The information shall be maintained on the same website for a minimum period of one year.

NOTE: We complied with **Special Condition 27a)** of the Permit years ago by posting, prior to the start of construction, recommendations on ways to provide a safety buffer or barrier around the perimeter of the construction site. The information was removed when the new DSNY website was developed, but need **not** be re-posted. **Special condition 26a)** states:

Permittee shall have a Professional Engineer licensed by the State of New York review the construction plans for the subject facility and make recommendation on ways to provide a safety buffer or barrier, as appropriate, around the perimeter of the construction site. These recommendations shall be issued, with his/her Professional Engineer's stamp, within six months of the issuance of this permit, and before the commencement of any construction. Such recommendations shall be made known to the public via the NYCDOS website (www.nyc.gov/sanitation), and shall be strictly followed by the Permittee.

Southwest Brooklyn MTS Permit – The Permit imposes DSNY website posting requirements during construction and operation. Some posting requirements during construction continue into operation; these are labeled ONGOING.

Construction Posting Requirements:

1. See attached **Special Condition 11** which requires DSNY to post to the DSNY website the draft Soil Management Plan, any amendment thereto and the final/amended Soil Management Plan.
2. See attached **Special Condition 14** which requires DSNY to post to the DSNY website the Independent Environmental Monitoring (IEM) Reports for the preceding quarter within the first 30 days of each quarter.
3. **ONGOING** See attached **Special Condition 15** which requires DSNY to post to the DSNY website the annual Bulkhead Inspection Report and, every five years, the Cellular Cofferdam Inspection Report within seven days of mailing reports to NYSDEC.

4. **ONGOING** See attached **Special Condition 17** which requires DSNY to post to the DSNY website a permit modification request, a new permit or a permit modification that was granted by NYSDEC, within 7 days of submission to NYSDEC.

Operating Posting Requirements:

1. See attached Permit for **Special Condition 5** which requires that DSNY post information regarding emergency or upset conditions on the DSNY website within 7 days of any required submittals to NYSDEC and the CAG (within 3 hours of upset or emergency condition).

2. See attached Permit for **Special Condition 6** which requires that DSNY maintain records of any exceedances of the facility storage limit and provide such records to DEC and the CAG and post them on DSNY's website within one week of each exceedance.

3. See attached Permit for **Special Condition 8** which requires that DSNY post to the DSNY website the draft O&M Manual, any amendment thereto and the final/amended O&M Manual within 7 days of submission to NYSDEC and within 7 days of approval by NYSDEC.

4. See attached Permit for **Special Condition 9** which requires that DSNY post to the DSNY website the Notice of Intent to Commence Operation within 7 days of mailing to NYSDEC.

5. **ONGOING** See attached Permit for **Special Condition 15** which requires DSNY to post to the DSNY website the annual Bulkhead Inspection Report and, every five years, the Cellular Cofferdam Inspection Report within 7 days of mailing reports to NYSDEC.

6. **ONGOING** See attached Permit for **Special Condition 17** which requires DSNY to post to the DSNY website a request for a permit modification or a new permit or modification granted by NYSDEC or a denial of a new permit or modification within 7 days of mailing to NYSDEC or receipt from NYSDEC.

7. See attached Permit for **Special Condition 22** which requires DSNY to post to the DSNY website its record of any exceedance of the waste removal time frames of the Permit within 7 days of the end of such 48-hour period.

8. See attached Permit for **Special Condition 23** which requires DSNY to post to the DSNY website its record of any exceedances of the containerizing time frames of the Permit within 7 days of the end of the 48-hour or 72 hour period.

9. See attached Permit for **Special Condition 31** which requires DSNY to post to the DSNY website within the **first 10 calendar days of each month**, basic information regarding the operation of the facility. This information includes daily throughput rates, hourly **and daily** number of incoming trucks, **information regarding the pesticide and**

rodenticide usage at the facility including dates of applications, location of applications, full trade names of products used. Posting should begin with 30 days of commencement of operation and be maintained on the website for one year.

Attachment (1): Part 360 Solid Waste Management Facility Permit for Southwest Brooklyn MTS



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF

Regulatory Branch

NOV 14 2013

SUBJECT: Department of the Army Permit Number NAN-2009-00077 Issued to New York City Department of Sanitation for Regulated Marine Work for Southwest Brooklyn Marine Transfer Station in Gravesend Bay at Brooklyn, Kings County, New York

NYC Department of Sanitation
Attn: Dennis Diggins, Deputy Commissioner
Solid Waste Management
125 Worth Street, Room 725
New York, NY 10013

Dear Deputy Commissioner Diggins:

Enclosed is the subject issued Department of the Army permit for your agency's regulated work. Your agency is required to submit to this office the dates of commencement and completion of your agency's authorized regulated work. Enclosed are two forms for your agency to use to submit the required dates.

If for any reason, a change in your agency's plans or construction methods is found necessary, please contact us immediately to discuss possible modification of the issued permit. Any changes must be approved before they are undertaken.

In order for us to better serve you, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/business/buslinks/regulat/index.php?survey>

If any questions should arise concerning this matter, please contact Ms. Jodi M. McDonald Chief of Regulatory Branch (917) 790-8720.

Sincerely,

Thomas M. Creamer
Chief of Operations, Readiness,
and Regulatory Functions Division

Enclosures

Regulatory Branch

SUBJECT: Department of the Army Permit Number NAN-2009-00077 Issued to New York City Department of Sanitation for Regulated Marine Work for Southwest Brooklyn Marine Transfer Station in Gravesend Bay at Brooklyn, Kings County, New York

MAILING LABELS

NYC Department of Sanitation

Attn: Dennis Diggins, Deputy Commissioner

Solid Waste Management

125 Worth Street, Room 725

New York, NY 10013



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF:
CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Eastern Permits Section at the above address prior to commencement of any work authorized under the permit.

Permittee: NY City Dept of Sanitation Permit No. NAN-2009-00077

Date Permit Issued: 14 NOV 2013 Expiration Date: 13 NOV 2018

Waterway: Gravesend Bay

City & State: Brooklyn, New York

Work will commence on or about: _____

Name, Address & Telephone Number of Contractor: _____

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or FAX to (212) 264-4260.

Place Stamp
Here

Department of the Army
New York District Corps of Engineers
Jacob K. Javits Federal Building
ATTN: CENAN-OP-R
New York, New York 10278-0090



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

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Department of the Army
New York District Corps of Engineers
Jacob K. Javits Federal Building
ATTN: CENAN-OP-R
New York, New York 10278-0090



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF:
CENAN-OP-RE

IMPORTANT

This letter must be completed and mailed to the Eastern Permits Section at the above address following completion or cancellation of work authorized under the permit.

Permittee: NY City Dept of Sanitation Permit No. NAN-2009-00077

Date Permit Issued: 14 NOV 2013 Expiration Date: 13 NOV 2018

Waterway: Gravesend Bay

City & State: Brooklyn, New York

Check and complete applicable item(s) listed below:

- ☐ Work was completed on _____.
- ☐ Work will not be performed on the project.
- ☐ Deviation from work authorized in permit is explained below.
- ☐ Other (explain) _____
- _____ For dredging projects, list the volume of material dredged, and the amount placed at each disposal location (if more than one).
- _____ cubic yards placed at _____
- _____ cubic yards placed at _____
- _____ cubic yards placed at _____

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or FAX to (212) 264-4260.

Place Stamp
Here

Department of the Army
New York District Corps of Engineers
Jacob K. Javits Federal Building
ATTN: CENAN-OP-RE
New York, New York 10278-0090



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF:
CENAN-OP-RE

IMPORTANT

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Permittee: NY City Dept of Sanitation Permit No. NAN-2009-00077

Date Permit Issued: 14 NOV 2013 Expiration Date: 13 NOV 2018

Waterway: Gravesend Bay

City & State: Brooklyn, New York

Check and complete applicable item(s) listed below:

- ☐ Work was completed on _____.
- ☐ Work will not be performed on the project.
- ☐ Deviation from work authorized in permit is explained below.
- ☐ Other (explain) _____
- ☐ For dredging projects, list the volume of material dredged, and the amount placed at each disposal location (if more than one).
- _____ cubic yards placed at _____
- _____ cubic yards placed at _____
- _____ cubic yards placed at _____

Signature of Permittee

Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below or FAX to (212) 264-4260.

Place Stamp
Here

Department of the Army
New York District Corps of Engineers
Jacob K. Javits Federal Building
ATTN: CENAN-OP-RE
New York, New York 10278-0090

DEPARTMENT OF THE ARMY PERMIT

Permittee: New York City Department of Sanitation
125 Worth Street
New York, NY 10013
917-237-5501

Permit Number: NAN-2009-00077

Permit Date: NOV 14 2013

Issuing Office: U.S. Army Corps of Engineers, New York District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer. You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Repair the existing 330-foot-long bulkhead with new concrete facing, including one 18-inch-diameter stormwater outfall, and new timber fendering all of which will extend seaward approximately six (6) feet from the line of Mean High Water (MHW) at the existing bulkhead; maintenance dredge, with an environmental sealing clamshell bucket, approx. 4,200 CYs of dredged material to achieve a maximum depth of 18.5 feet below the plane of Mean Low Water (MLW) [which includes two feet of allowable overdepth dredging] with all dredged material disposed at a State-approved upland disposal or beneficial reuse site; construct two new container gantry cranes to extend approx. 60 feet seaward from the repaired bulkhead; at and perpendicular to the southeast corner of the repaired bulkhead construct a new 300-foot-long king-pile-style fendering wall with a stone revetment of approx 2,000 CYs of bedding and armor stone; construct a 12-pile mooring dolphin at the seaward end of the new fendering wall.

All regulated work shall be performed in accordance with the attached dated permit drawings, Special Conditions (A) through (F) below, and New York State Department of Environmental Conservation-issued Section 401 of the Clean Water Act Water Quality Certificate numbered 2-6106-00002/00022 dated 11 July 2013, which are all hereby made a part of this permit.

Project Location: IN: Gravesend Bay of Lower New York Bay

AT: Borough of Brooklyn, Kings County, New York

NOV 14 2013

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on NOV 13 2018. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least two (2) months before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the New York State Department of Environmental Conservation-issued certification is attached as it contains such water quality conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the

NOV 14 2013

navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee shall conduct all dredging using an environmental clamshell behind properly maintained silt curtains, or similar turbidity controls, with no barge overflow.

(C) Should munitions be brought to the surface during dredging, the item shall not be further moved or touched by the dredge operator. The dredging company shall immediately contact NYPD Bomb Squad and request Explosive Ordnance Disposal (EOD) support to address the munitions situation. The Department of the Navy's Explosive Ordnance Disposal (EOD) Mobile Unit Two (EODMUTWO), Detachment Earle, has responsibility for Gravesend Bay and can be reached at (732) 866-2256.

(D) The permittee shall ensure that bulkhead concrete facing that would be submerged shall be constructed within sealed forms which are left in place until the concrete cures, if poured concrete is used.

(E) The permittee shall notify the National Oceanic and Atmospheric Administration of the construction project completion and specifications so that NOAA may initiate the appropriate chart corrections, this may be faxed to (301) 713-4516.

(F) The permittee shall ensure any current, or future, outdoor lighting is located or shielded so that it is not confused with any aids to navigation and does not interfere with navigation on the adjacent waterway.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- (x) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403)
- (x) Section 404 of the Clean Water Act (33 U.S. Code 1344)
- () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive

NOV 14 2013

privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: in issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Permit Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an

PERMITTEE: New York City Department of Sanitation
PERMIT NUMBER: NAN-2009-00077

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administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps of Engineers will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


New York City Department of Sanitation

11/14/13
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.


"FOR AND IN BEHALF OF"

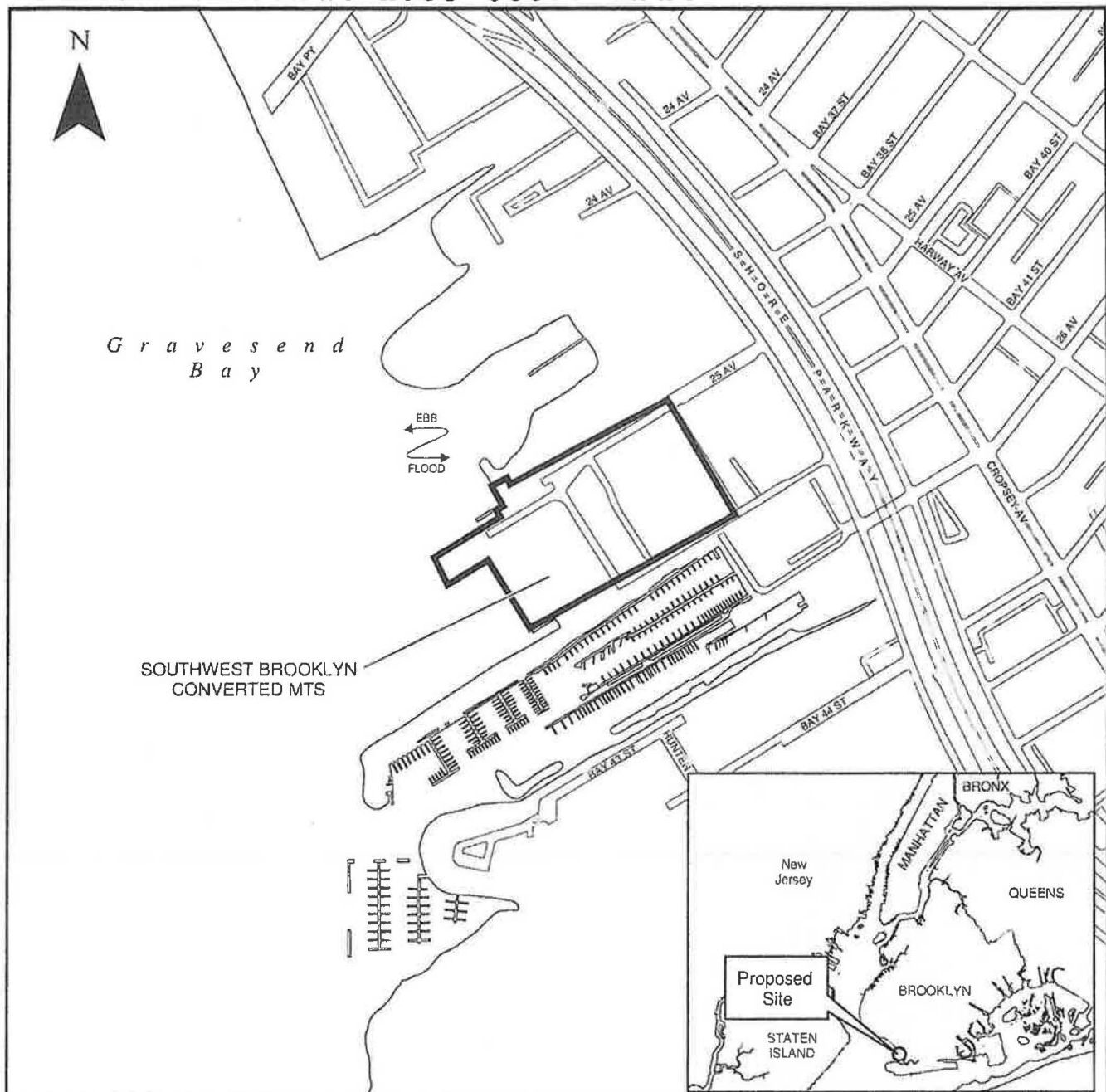
NOV 14 2013
(DATE)

Paul E. Owen
Colonel, US Army
Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of the permit signed by the transferee should be sent to this office.

(TRANSFEREE)

(DATE)



PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

ADJACENT PROPERTY OWNERS:

1. BAYSIDE PROPERTIES, LLC
2. NEW YORK CITY DEPARTMENT OF
PARKS AND RECREATION
3. CUSHMAN & WAKEFIELD C/O VERIZON
4. NEW YORK CITY DEPARTMENT OF
CITY-WIDE ADMINISTRATIVE SERVICES
5. MARINE BASIN MARINA
6. NEW YORK CITY DEPARTMENT OF
SANITATION

VICINITY MAP

SOUTHWEST BROOKLYN
CONVERTED MTS



CONSTRUCTION OF THE
SOUTHWEST BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

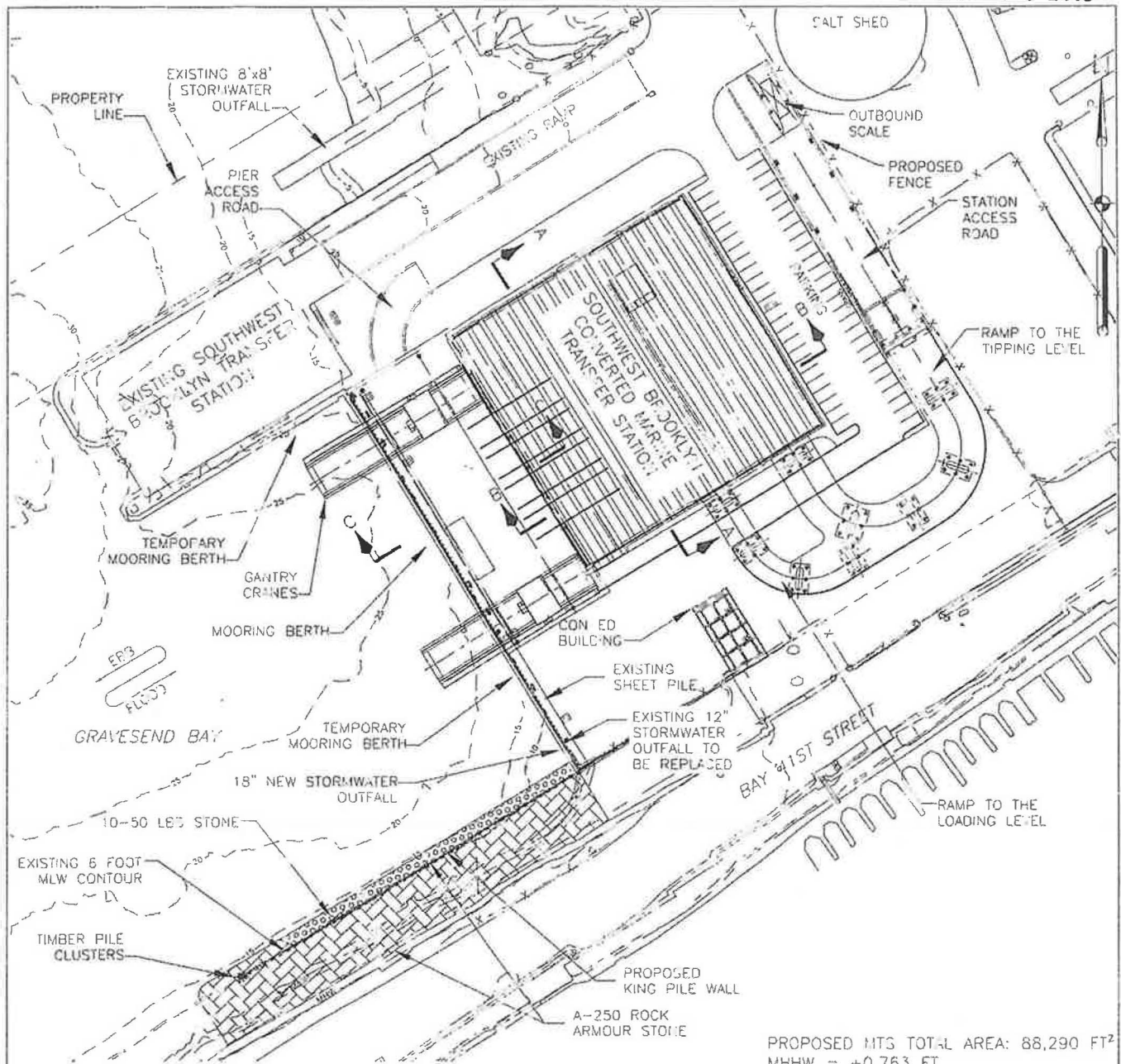
STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW YORK
DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 1 OF 11 DATE: 12/2008

NOV 14 2013



NOTE: THE EXISTING SOUTHWEST BROOKLYN MTS WILL REMAIN.

PROPOSED MTS TOTAL AREA: 88,290 FT²
 MHHW = +0.763 FT
 MHW = +0.423 FT
 MLW = -4.317 FT

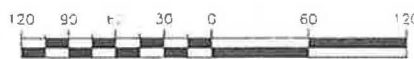
PURPOSE: TO CONSTRUCT A
 CONTAINERIZED SOLID WASTE
 MARINE TRANSFER STATION
 WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

ADJACENT PROPERTY OWNERS:

1. BAYSIDE PROPERTIES, LLC
2. NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION
3. CUSHMAN & WAKEFIELD C/O VERIZON
4. NEW YORK CITY DEPARTMENT OF CITY-WIDE ADMINISTRATIVE SERVICES
5. MARINE BASIN MARINA
6. NEW YORK CITY DEPARTMENT OF SANITATION

PLAN VIEW



SCALE: 1"=120'

CONSTRUCTION OF THE SOUTHWEST
 BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

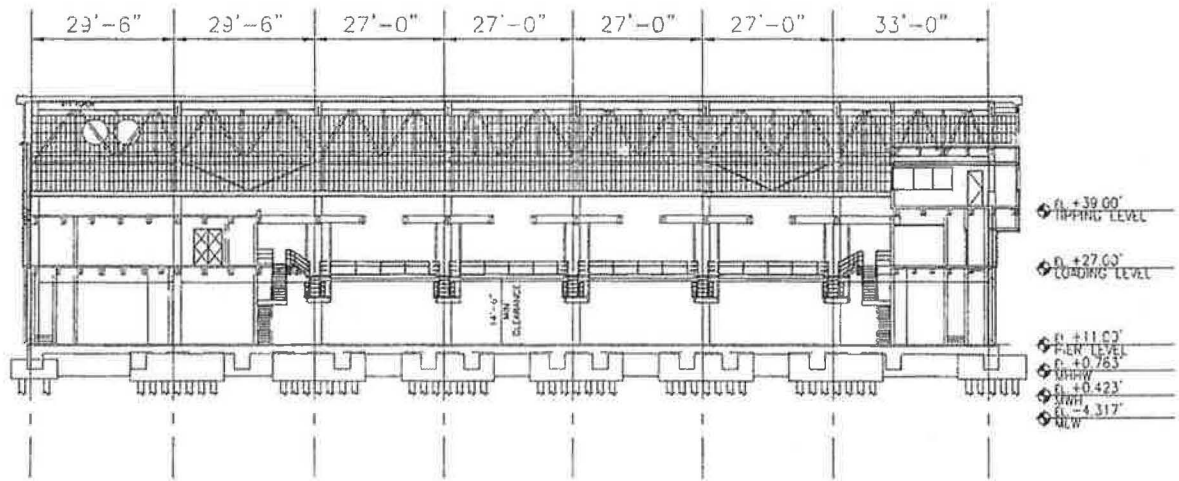
COUNTY OF: KINGS

STATE OF: NEW YORK

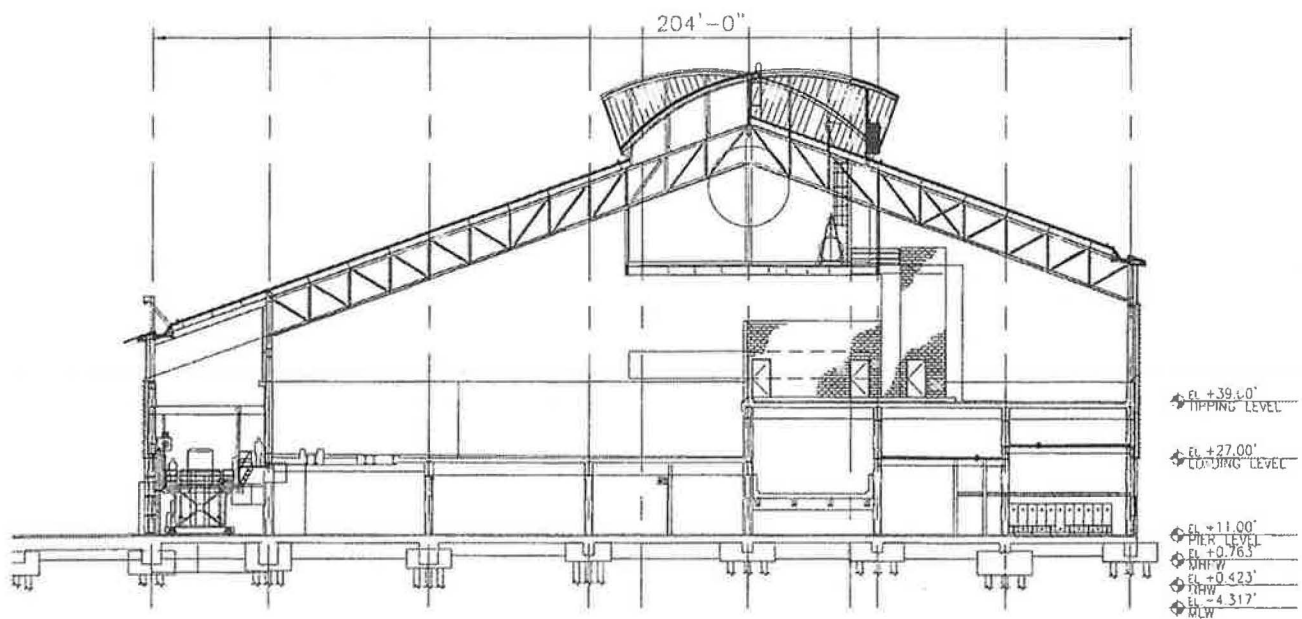
APPLICATION BY: THE CITY OF NEW
 YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 2 OF 11 DATE: 12/2008



BUILDING SECTION A-A
SCALE: 1"=40'



BUILDING SECTION B-B
SCALE: 1"=40'

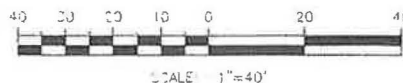
PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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1. BAYSIDE PROPERTIES, LLC
2. NEW YORK CITY DEPARTMENT
OF PARKS AND RECREATION
3. CUSHMAN & WAKEFIELD C/O VERIZON
4. NEW YORK CITY DEPARTMENT OF
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5. MARINE BASIN MARINA
6. NEW YORK CITY DEPARTMENT OF
SANITATION

BUILDING SECTIONS



CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

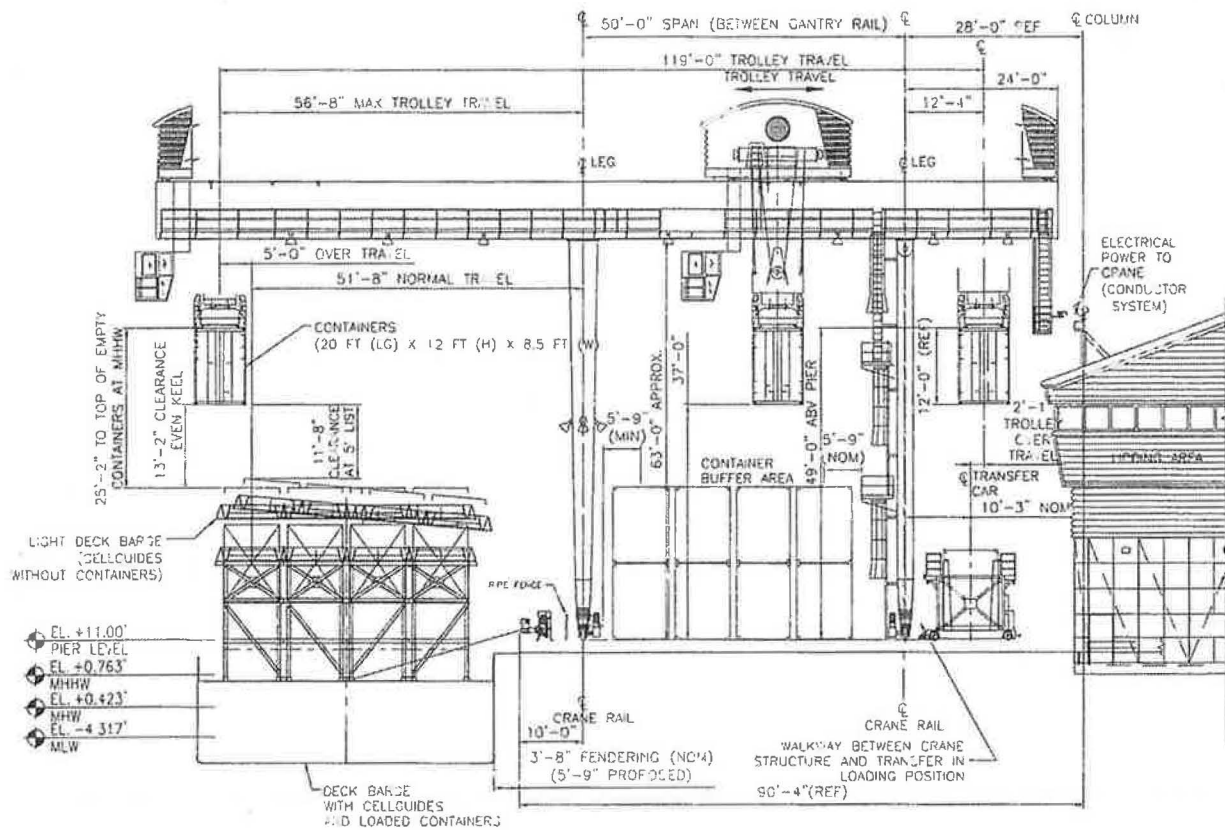
STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 3 OF 11 DATE: 12/2008

NOV 14 2013



BUILDING SECTION C-C
SCALE: 1"=30'

PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

ADJACENT PROPERTY OWNERS:

1. BAYSIDE PROPERTIES, LLC
2. NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION
3. CUSHMAN & WAKEFIELD C/O VERIZON
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6. NEW YORK CITY DEPARTMENT OF SANITATION

BUILDING SECTION

CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

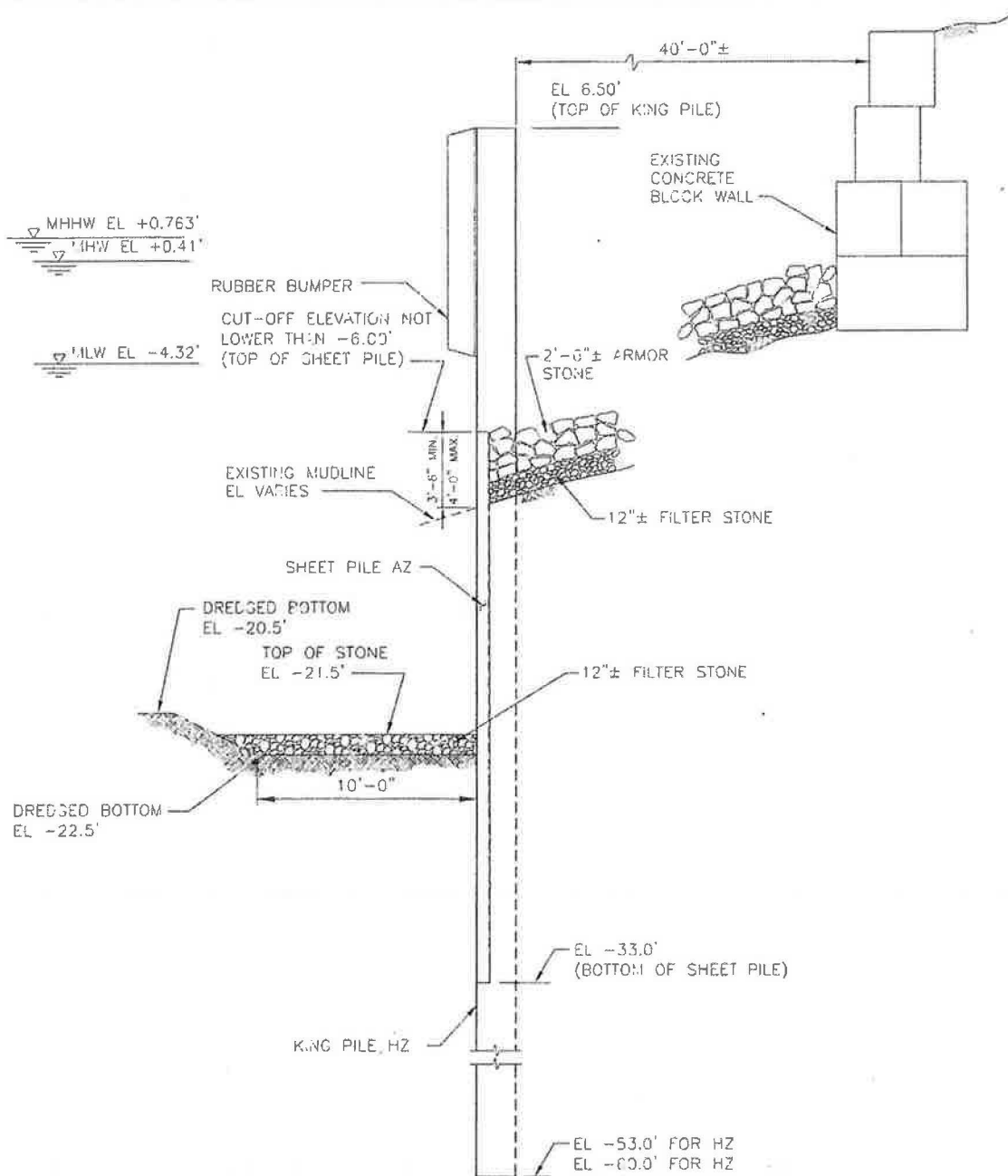
STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 4 OF 11 DATE: 12/2008

NOV 14 2013



PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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SANITATION

TYPICAL KING PILE WALL CROSS-SECTION

SCALE: 1/8" = 1'-0"

CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

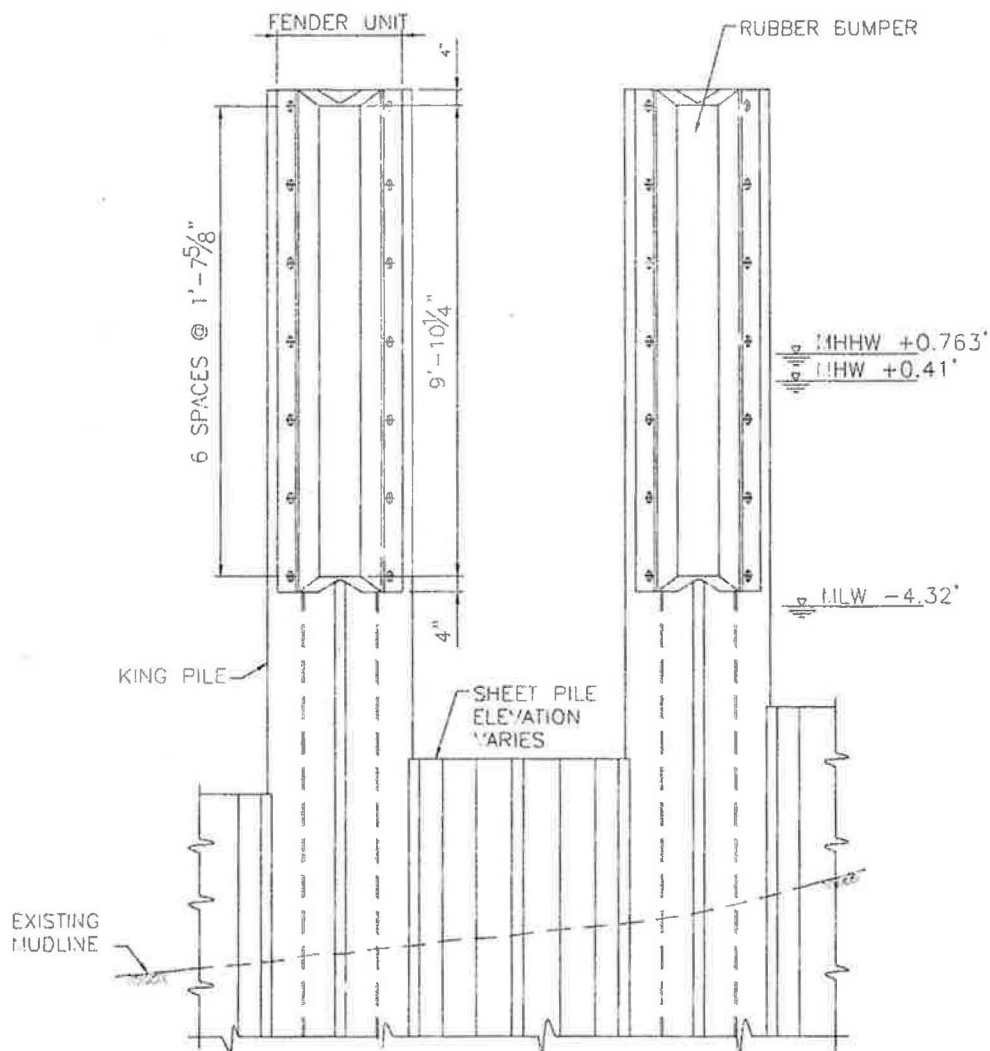
COUNTY OF: KINGS

STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 5 OF 11 DATE: 12/2008



PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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CITY-WIDE ADMINISTRATIVE SERVICES
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6. NEW YORK CITY DEPARTMENT OF
SANITATION

RUBBER FENDER DETAIL FRONT VIEW OF KING PILE WALL

SCALE: 1/4" = 1'-0"

CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

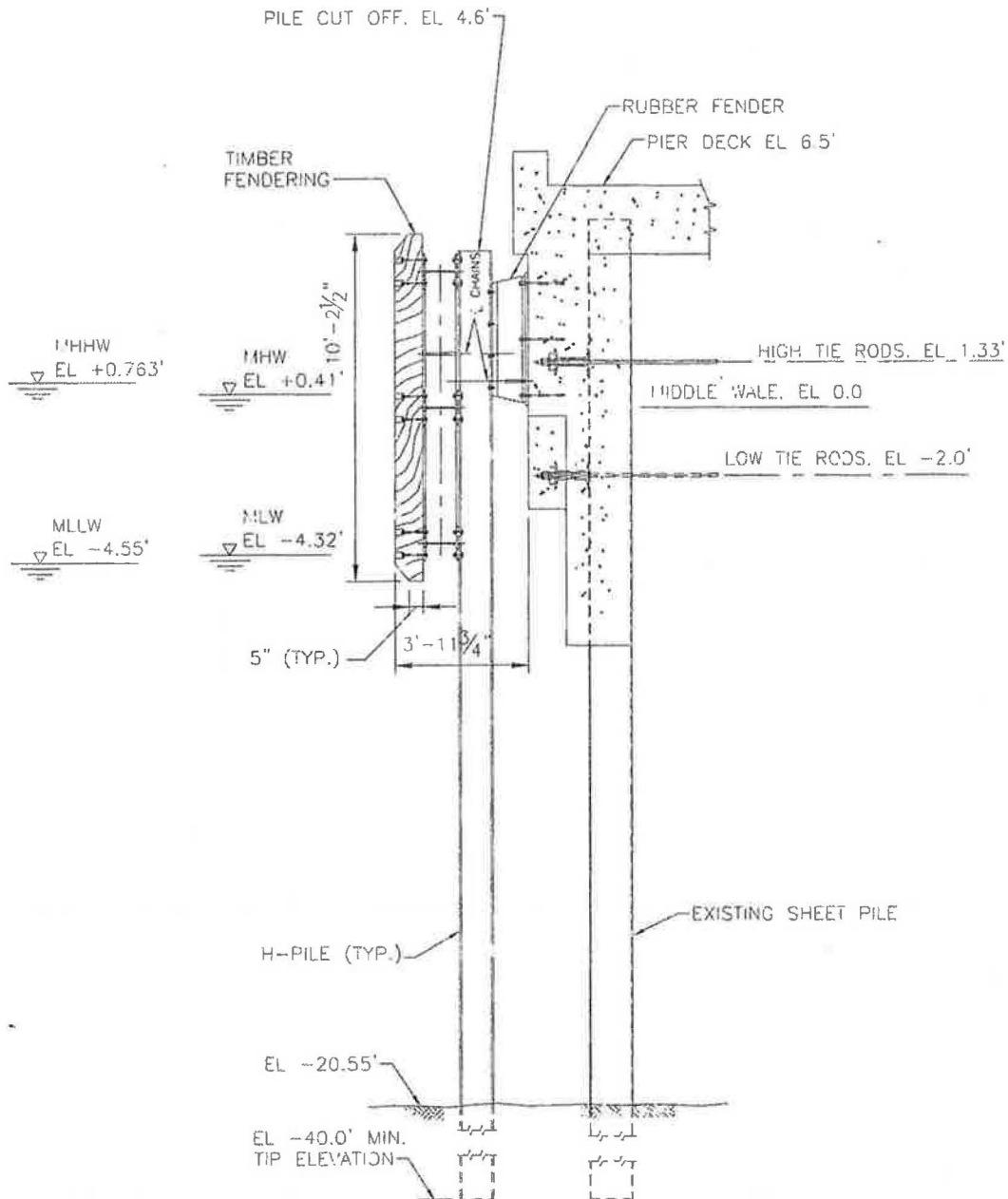
COUNTY OF: KINGS

STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 6 OF 11 DATE: 12/2008



PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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4. NEW YORK CITY DEPARTMENT OF
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5. MARINE BASIN MARINA
6. NEW YORK CITY DEPARTMENT OF
SANITATION

TYPICAL FENDERING
CROSS-SECTION

SCALE: 3/16" = 1'-0"

CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

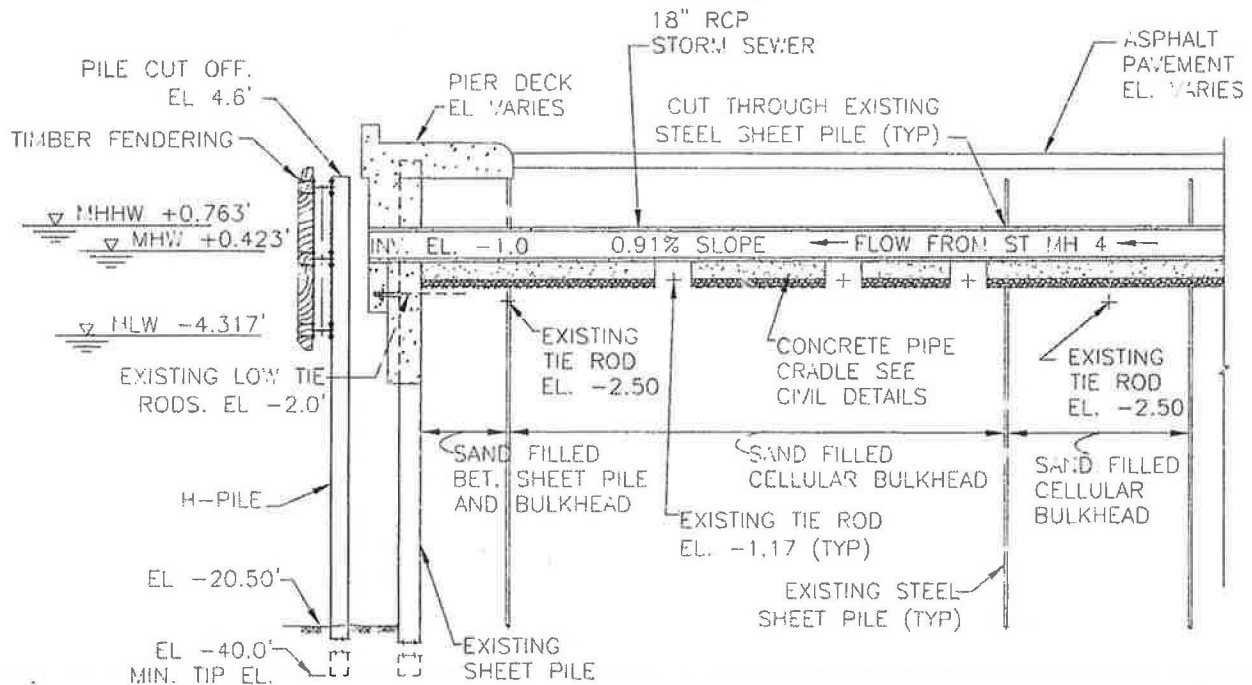
STATE OF NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 7 OF 11 DATE: 12/2003

NOV 14 2013



PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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SANITATION

OUTFALL CROSS-SECTION



SCALE: 3/32" = 1'-0"

CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED DITS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

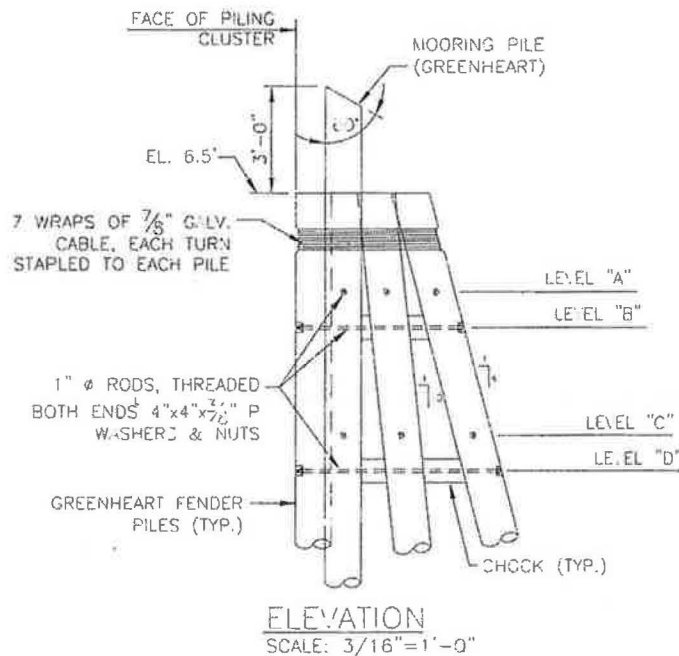
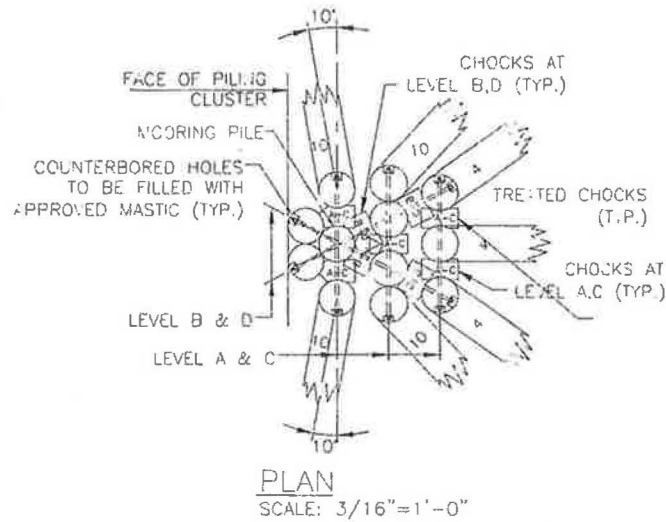
STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 8 OF 11 DATE: 12/2008

NOV 14 2013



PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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5. MARINE BASIN MARINA
6. NEW YORK CITY DEPARTMENT OF
SANITATION

TIMBER PILE CLUSTER

SCALE AS SHOWN

CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

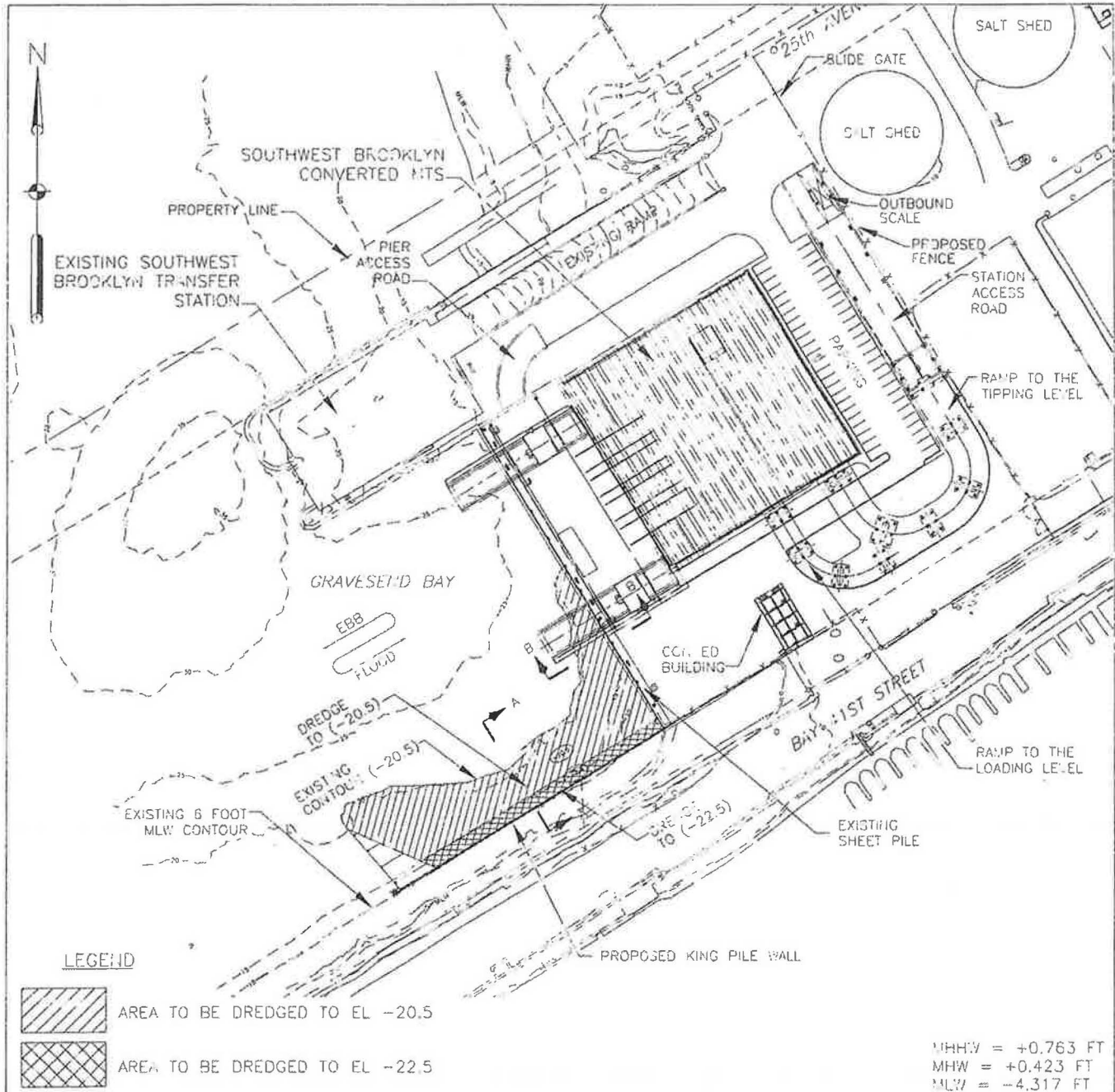
STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 9 OF 11 DATE: 12/2008

NOV 14 2013



PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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DREDGE PLAN



SCALE: 1"=150'

CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

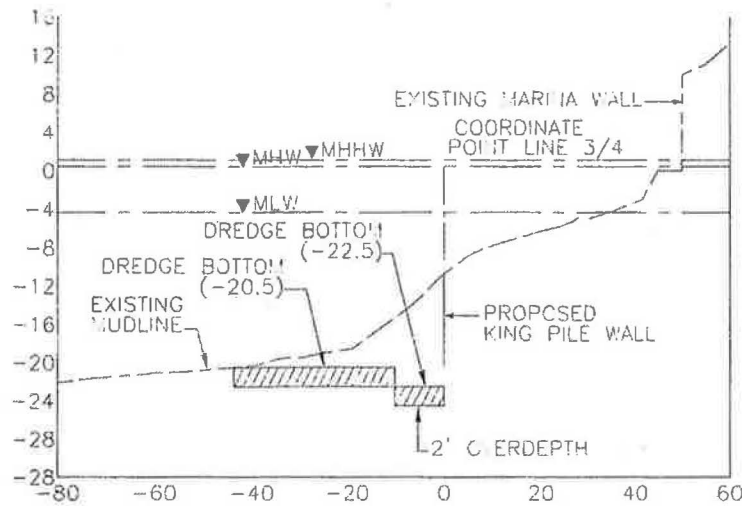
STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

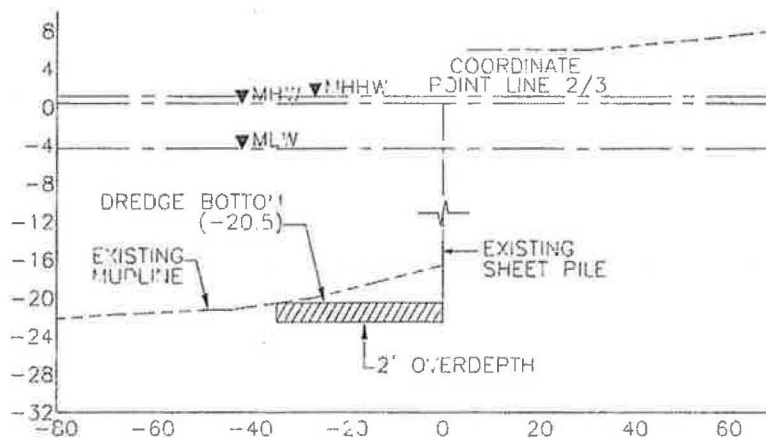
NOV 14 2013

SHEET 10 OF 11 DATE: 12/2008

NOV 14 2013



SECTION A-A
HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=20'



SECTION B-B
HORIZONTAL SCALE: 1"=40'
VERTICAL SCALE: 1"=20'

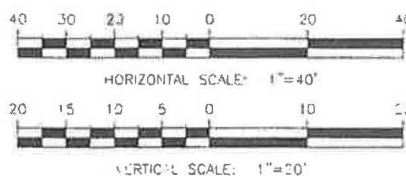
PURPOSE: TO CONSTRUCT A
CONTAINERIZED SOLID WASTE
MARINE TRANSFER STATION
WITHIN GRAVESEND BAY

DATUM: BROOKLYN BOROUGH DATUM

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CROSS-SECTIONS



CONSTRUCTION OF THE SOUTHWEST
BROOKLYN CONVERTED MTS

IN: GRAVESEND BAY

AT: BROOKLYN

COUNTY OF: KINGS

STATE OF: NEW YORK

APPLICATION BY: THE CITY OF NEW
YORK DEPARTMENT OF SANITATION

NOV 14 2013

SHEET 11 OF 11 DATE: 12/2008

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



PERMIT

Under the Environmental Conservation Law (ECL)

FILE: NAN- 8009-00077-EHA

EFFECTIVE DATE:

July 11, 2013

EXPIRATION DATE:

July 31, 2017

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

☒ Article 27, Title 7; 6 NYCRR
360: Solid Waste Management

☒ 6 NYCRR 608: Water Quality
Certification

☐ Article 15, Title 15: Long
Island Wells

☒ Article 19, Air Pollution Control

☒ Article 25: Tidal Wetlands

☒ 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 41st Street, 25th 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

Page 1 of 12

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.

DEC PERMIT NUMBER
2-6106-00002/00019

FACILITY
Southwest Brooklyn Converted MTS

Page 2 of 12

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 360 (Solid Waste Management Facilities) Article 26 (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.

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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.

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Article 25 (Tidal Wetlands) and Article 18 (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.

8. 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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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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- 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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- 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.

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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:

9. 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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Article 25 (Tidal Wetlands and Article 19 (Air Pollution Control))

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.

SPECIAL CONDITIONS

ADDITIONAL GENERAL CONDITIONS FOR ARTICLE 27 and 6 NYCRR Part 380 (Solid Waste Management Facilities)
Article 25 (Tidal Wetlands) and Article 19 (Air Pollution Control)

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 DEC 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.