

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Region 2
47-40 21st Street, Long Island City, NY 11101
P: (718) 482-4995
www.dec.ny.gov

PERMIT EQUIVALENT Under the Environmental Conservation Law (ECL)

Facility Information

Permit Equivalent Issued to:

Matthew Iacopetta
125 MEC Center LLC
c/o The Richman Group Development Corporation
777 West Putnam Avenue
Greenwich, CT 06830

Facility Name / Site Code:

Parcel B West/C231108

Facility Location:

2305-2315 3rd Ave, 205-213 E125 St, 204-214 E126 St
New York, NY 10035

Facility Principal Reference Point:

Latitude: 40°48'13.8" Longitude: -73°58'6.0"

Authorized Activity: Install and operate a temporary construction dewatering system consisting of the following:

- a) Number of Wells: maximum 140
Number of Pumps: maximum 1
Capacity of Pumps: 1200 gpm (gallon per minute)
- b) Duration of Dewatering: 6 Months
- c) Maximum Daily Pumpage: 1,728,000 gpd (gallon per day)

The dewatering system will be installed to facilitate remedial excavation under the Brownfield Cleanup Program. Pumped groundwater is to be directed through a settling tank before emptying to the 32" by 48" combined sewer located on East 125th Street between 2nd Avenue and 3rd Avenue in Manhattan, NY.

Permit Equivalent Authorizations

Water Withdrawal Non-public - Under Article 15, Title 15

Permit Equivalent ID: Site # C231108

Effective Date: 05/21/2019

Expiration Date: 11/21/2019

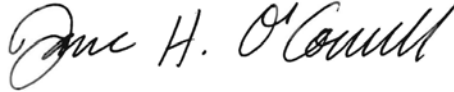


Department of
Environmental
Conservation

NYSDEC Approval

By acceptance of this Permit Equivalent, the Participant agrees that the Permit Equivalent is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this Permit Equivalent.

Permit Equivalent Administrator: Jane H. O'Connell
Regional Hazardous Waste Remediation Engineer



Authorized Signature: _____ Date 05/20/2019

Permit Equivalent Components

WATER WITHDRAWAL NON-PUBLIC PERMIT EQUIVALENT SPECIAL CONDITIONS APPLY
TO THIS AUTHORIZED PERMIT EQUIVALENT

WATER WITHDRAWAL NON-PUBLIC PERMIT EQUIVALENT SPECIAL CONDITIONS

1. **Conformance with Plans** All activities authorized by the Brownfield Cleanup Agreement index no. C231102-02-18 for this Permit Equivalent must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the Permit Equivalent application. Such approval plans were prepared by Earth Construction Services, LLC.
2. **Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this Permit Equivalent must be in strict conformance with the following approved plans and/or submissions made as part of the Permit Equivalent application:
 - a) Application package dated March 20, 2019.
3. **Daily Pump Log** A daily pump log in gallons per day (GPD) must be kept at the project site at all times. The pump log must be made available to authorized representatives of the Department during pumping operations.
4. **Handling of Contaminated Groundwater** The applicant is fully responsible for proper handling and all costs associated with the proper sampling, treatment and disposal of any contaminated groundwater.
5. **Well Driller Registration** The dewatering operation shall be performed by well drillers duly registered in accordance with Section 15-1525 of the Environmental Conservation Law of the State of New York.
6. **Notice of Intent to Commence Work** At least five (5) days prior to commencement of the authorized activity, applicant must complete and submit the attached "Notice of Intent to Commence Work" to NYSDEC Division of Environmental Remediation, 47-40 21st Street, Long Island City, NY 11101 (Attention: Nigel Crawford).
7. **Water Well Protection and Decommissioning** The holder of this permit equivalent must properly cap, seal and disconnect from the system any water wells that are not approved for use by the Department. Wells that are to be abandoned must be decommissioned in a manner consistent with the Department's Water Supply Well Decommissioning Recommendations, <http://www.dec.ny.gov/lands/86955.html>. Decommissioning of any potable well must be documented on the form provided at http://www.dec.ny.gov/docs/water_pdf/welldecommissform.pdf. The completed form must be forwarded to the address on the form and to the addresses below:

Regional Water Engineer
NYSDEC Region 2 Headquarters
47-40 21st St.
Long Island City, NY 11101-5401

8. Treatment Before Distribution Nothing contained in this permit equivalent shall authorize the holder of this permit equivalent to supply, sell or distribute, for any purpose, water from any source approved herein unless all such water is first treated in a manner satisfactory to the NYS Department of Health (NYSDOH).

9. Transfer of Ownership of Water Withdrawal Systems Unless otherwise specified in this permit equivalent, a new application is required for the acquisition or condemnation of the approved water withdrawal system.

10. Must Maintain Records The holder of this permit equivalent must retain records of production and consumption, reports of audit results, and summaries of leaks detected and repaired for at least ten years. The holder of this permit equivalent must provide copies of such of these records, reports, and summaries as might be requested in writing by the Department within one month of receiving such a request.

11. Annual Water Withdrawal Reports The holder of this permit equivalent must submit a Water Withdrawal Reporting Form to the Department's Division of Water, Albany, NY. by March 31st of each year. The form is available on the Department's website and includes information regarding approved sources of water supply, source capacities, average and maximum day water use data and water conservation and efficiencies employed during the past calendar year.

12. Approval of Completed Works from NYS P.E. Any new works constructed or modified pursuant to this water withdrawal permit equivalent shall be constructed under the general supervision of a person licensed to practice engineering in this state (professional engineer). Upon completion of construction and pre-operational testing, such works may not commence final operation until the professional engineer first certifies in writing to the Department that the works have been constructed in accordance with this permit equivalent.

13. Minimize Erosion During any construction directly or indirectly associated with the activities authorized herein, the holder of this permit equivalent shall make provisions to minimize erosion on the construction site and to prevent increased sedimentation in any water body on or adjacent to the site.

14. Meter All Sources The holder of this permit equivalent must install and maintain meters or other appropriate measuring devices on all sources of supply used in the system. Source master meters or measuring devices are to be read, and records kept of those readings, on at least a weekly basis. The holder of this permit equivalent must maintain records of water withdrawn and consumptive use for each calendar year.

15. Source Meter Calibration All source meters or measuring devices shall be calibrated for accuracy at least once each year.

GENERAL CONDITIONS - Apply to ALL Authorized Permit Equivalents:

1. Facility Inspection by The Department: The facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of

Environmental Conservation (the Department) to determine whether the applicant is complying with this Permit Equivalent and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

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

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

2. Relationship of this Permit Equivalent to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this Permit Equivalent does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

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

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

With copy to:

Nigel Crawford
Division of Environmental Remediation
NYSDEC Region 2 Headquarters
47-40 21st Street – 1st Floor
Long Island City, NY 11101-5407
nigel.crawford@dec.ny.gov

4. Submission of Renewal Application The applicant must submit a renewal application at least 30 days before Permit Equivalent expiration for the following Permit Equivalent authorizations: Long Island Well.

5. Permit Equivalent Modifications, Suspensions and Revocations by the Department The Department reserves the right to modify, suspend or revoke this Permit Equivalent. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the Permit Equivalent application or supporting papers;
- b) failure by the applicant to comply with any terms or conditions of the Permit Equivalent;

- c) exceeding the scope of the project as described in the Permit Equivalent application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing Permit Equivalent;
- e) noncompliance with previously issued Permit Equivalent conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Equivalent Transfer Permit Equivalents are transferrable unless specifically prohibited by statute, regulation or another Permit Equivalent condition. Applications for Permit Equivalent transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS
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Item A: Applicant Accepts Legal Responsibility and Agrees to Indemnification

The applicant, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("the Department") for all claims, suits, actions, and damages, to the extent attributable to the applicant's acts or omissions in connection with the applicant's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the Permit Equivalent whether in compliance or not in compliance with the terms and conditions of the Permit Equivalent. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to the Department's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the Department and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Applicant's Contractors to Comply with Permit Equivalent

The applicant is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this Permit Equivalent, including all special conditions while acting as the applicant's agent with respect to the authorized activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the applicant.

Item C: Applicant Responsible for Obtaining Other Required Permit Equivalents

The applicant is responsible for obtaining any other Permit Equivalents, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this Permit Equivalent.

Item D: No Right to Trespass or Interfere with Riparian Rights

This Permit Equivalent does not convey to the applicant any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the authorized work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the Permit Equivalent.

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

Nigel Crawford
Division of Environmental Remediation
NYSDEC Region 2 Office
47-40 21st Street
Long Island City, NY 11101

**Re: NYSDEC Permit Equivalent Site Code - C231108
Temporary Construction Dewatering
Parcel B West, 2305-2315 3rd Ave, 205-213 E125 St, 204-214 E126 St., New York, NY
10035**

Dear Mr. Crawford:

In accordance with the referenced permit equivalent, I hereby serve notice to commence work on _____, 20____.

This is also to certify that, having read the entire permit equivalent, I am fully aware of and understand the general conditions therein, and agree to comply with all such conditions. Further, I understand that prior to undertaking any modification to the authorized work, I must seek a permit equivalent modification from the NYSDEC Region 2 Office.

Signature of Applicant

Signature of Contractor

Name of Applicant (please print)

Name of Contractor (please print)

Street Address of Contractor

City, State, & Zip Code of Contractor

Telephone Number of Contractor

WARNING

The Applicant and their contractor(s) (if any) are required to follow all permit equivalent conditions. Violations of the permit equivalent may lead to legal action, including the imposition of substantial monetary fines and corrective work.

NOTICE OF COMPLETION OF WORK

Date: _____

Division of Water
Attn. Atiq Rahman
NYSDEC Region 2 Office
47-40 21st Street
Long Island City, NY 11101

Re: NYSDEC Permit Equivalent Site Code - C231108
Temporary Construction Dewatering
Parcel B West, 2305-2315 3rd Ave, 205-213 E125 St, 204-214 E126 St., New York, NY
10035

Dear Mr. Rahman:

In accordance with Water Withdrawal Non-Public Condition 7 of the referenced permit equivalent, I hereby serve notice that the work allowed by the above referenced permit has been completed as of _____, 20____, consistent with the requirements of the above referenced permit equivalent.

Signature of Permittee

Signature of Contractor

Name of Permittee (please print)

Name of Contractor (please print)

Street Address of Contractor

City, State, & Zip Code of Contractor

Telephone Number of Contractor

cc: Nigel Crawford – NYDEC Div. of Environmental Remediation