

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau B

625 Broadway, 12th Floor, Albany, NY 12233-7016

P: (518) 402-9767 | F: (518) 402-9773

[www.dec.ny.gov](http://www.dec.ny.gov)

*Transmitted via Email*

March 2, 2022

EC A1 Limited Partnership  
c/o The Arker Companies  
1044 Northern Boulevard  
Roslyn, NY 11576  
[dmoritz@arkercompanies.com](mailto:dmoritz@arkercompanies.com)

Re: **Long Island Well Permit Equivalent**  
Former Peninsula Hospital Site (a/k/a  
Edgemere Commons Building A1)  
C241200  
Far Rockaway, Queens County

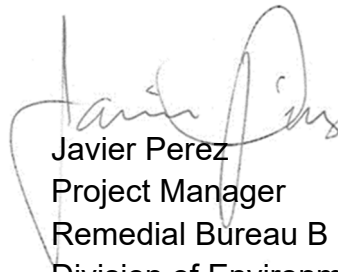
Dear Daniel Moritz:

The New York State Department of Environmental Conservation (NYSDEC) has reviewed the application for the Long Island Well Permit Equivalency dated December 22, 2021, which was prepared by Cichetti Engineering on behalf of EC A1 Limited Partnership (the Volunteer). The requirements and obligations of the permit will be administered through the Division of Environmental Remediation under the Brownfield Cleanup Agreement (the Agreement), Index No.: C241200-08-17, and:

- ECL Article 15, Title 15.

In accordance with the requirements of the Agreement, a copy of the approved Permit Equivalent, including this letter and attachments, must be placed by the Volunteer in all repositories within one week of the date of this letter. If you have any questions, please feel free to contact me at (518) 402-8172 or [javier.perez-maldonado@dec.ny.gov](mailto:javier.perez-maldonado@dec.ny.gov).

Sincerely,

  
Javier Perez  
Project Manager  
Remedial Bureau B  
Division of Environmental Remediation



Department of  
Environmental  
Conservation

Enclosure (1)

ec:

G. Burke, W. Bennett, J. O'Connell – NYSDEC DER

S. Southwell, A. Rahman – NYSDEC DOW

S. Watts – NYSDEC DEP

S. McLaughlin, S. Wagh – NYSDOH

A. Arker, M. Benner – BCP Applicant Rep

S. Davies – FPM Group

M. Cichetti – Cichetti Engineering

J. Mahon – Subsurface Consulting Services, LLC

## 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:**

EC A1 Limited Partnership  
c/o The Arker Companies  
1044 Northern Blvd, 2<sup>nd</sup> Floor  
Roslyn, NY 11576

**Facility Name / Site Code:**

Former Peninsula Hospital Site a.k.a. Edgemere  
Commons Building A1 / C241200

**Location:**

51-23 Beach Channel Drive  
Queens, NY 11691

**Facility Principal Reference Point:**

Latitude: 40°35' 37.98" Longitude: -73° 46' 56.58"

**Authorized Activity:** Install and operate a temporary dewatering system consisting of approximately 100 dewatering well points to facilitate remedial excavation at the Former Peninsula Hospital Site (a.k.a. Edgemere Commons Building A1) BCP site located at 51-23 Beach Channel Drive, Queens, NY 11691 with a maximum withdrawal rate of 720,000 gallons per day. Pumped groundwater is to be treated by a settling tank, and a filter unit fitted with 10-micron filter bags and two granular activated carbon (GAC) vessels before discharging to the proposed on-site detention basin for the first (3) three months and subsequently to the NYCDEP storm sewer located on Beach Channel Drive. Said storm sewer ultimately discharges to Jamaica Bay via NYCDEP outfall ROC-648 under NYSDEC SPDES Permit Equivalent No. C241200. The Permittee must also obtain conditional approval from NYCDEP Bureau of Water and Sewer Operation (BWSO) for discharging into the storm sewer system.

#### Permit Equivalent Authorizations

**Long Island Well - Under Article 15, Title 15**

Permit Equivalent ID: BCP Site # C241200

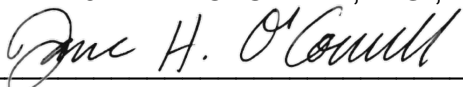
New Permit Equivalent Effective Date: 03/02/2022

Expiration Date: 02/28/2023

#### NYSDEC Approval

**By acceptance of this Permit Equivalent, the Volunteer 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, P.G., Regional Remediation Engineer

Authorized Signature:  Date 03/02/2022



Department of  
Environmental  
Conservation

## Permit Equivalent Components

LONG ISLAND WELL PERMIT EQUIVALENTSPECIAL CONDITIONS APPLY TO THIS  
AUTHORIZED PERMIT EQUIVALENT

### LONG ISLAND WELL PERMIT EQUIVALENT CONDITIONS

#### 1. Conformance with Plans

All activities authorized by the Brownfield Cleanup Agreement for this Permit Equivalent must be in strict conformance with the approved plans submitted by the Permittee or Permittee's agent as part of the Permit Equivalent application. Such approval plans were prepared by Cichetti Engineering for EC A1 Limited Partnership.

#### 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) Region 2 Long Island Well Dewatering System Detail Sheet, signed by Matthew Cichetti, PE dated June 1, 2021;
- b) Long Island Well Permit [equivalent] Application Package received on December 14, 2021;
- c) Revised Dewatering Plan received by the Department on December 22, 2021;
- d) SPDES Permit Equivalent issued by the Department on February 23, 2022; and
- e) Department approved Remedial Action Work plan dated January 20, 2021.

**3. Point of Discharge (POD):** The treated groundwater will be discharged to the proposed on-site detention basin and then into Jamaica Bay via NYCDEP outfall ROC-648 under a separate SPDES permit equivalent.

**4. 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.

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

**6. 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.

**7. Notice of Intent to Commence Work:** At least five (5) days prior to commencement of the authorized activity, Permittee must complete and submit the attached "Notice of Intent to Commence Work" to NYSDEC Division of Environmental Remediation, 625 Broadway, 12<sup>th</sup> Floor, Albany, NY 12233-7016 (Attention: Javier Perez-Maldonado) with a copy to Atiqur Rahman.

**GENERAL CONDITIONS - Apply to ALL Authorized Permit Equivalents:**

### **1. Facility Inspection by The Department:**

The Brownfield Cleanup Program 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 Equivalent 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 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 Permittee 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 O' Connell, P.G., Regional Remediation Engineer  
NYSDEC Region 2 Headquarters  
47-40 21st St  
Long Island City, NY 11101-5407  
[jane.oconnell@dec.ny.gov](mailto:jane.oconnell@dec.ny.gov)

With copy to:

Javier Perez-Maldonado  
New York State Department of Environmental Conservation  
625 Broadway, 12th Floor  
Albany, NY 12233-7016  
[javier.perez-maldonado@dec.ny.gov](mailto:javier.perez-maldonado@dec.ny.gov)

### **4. Submission of Renewal Application**

The Permittee 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 Permittee 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.

<b>NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS</b>
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### **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 Volunteer's acts or omissions in connection with the Volunteer'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 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 Equivalent**

The Permittee 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 Permittee'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 Volunteer.

### **Item C: Permittee Responsible for Obtaining Other Required Permit Equivalents**

The Permittee 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 Permittee 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: \_\_\_\_\_

Javier Perez-Maldonado, Project Manager  
Division of Environmental Remediation  
New York State Department of Environmental Conservation  
625 Broadway, Albany, NY 12233

Re: NYSDEC Permit Equivalent Site Code - C241200  
Former Peninsula Hospital Site a.k.a. Edgemere Commons Building A1  
Remedial Action Excavation Dewatering  
51-23 Beach Channel Drive  
Queens, NY 11691

Dear Mr. Perez:

In accordance with Long Island Well Special Condition 6 of 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 Long Island Well special and 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 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

Ec: Atiqur Rahman – NYSDEC Div. of Water, Region 2

### **WARNING**

**The Volunteer 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.**