



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

WASTE CONNECTIONS OF NEW YORK INC

120 WOOD AVE S STE 302
ISELIN, NJ 08830
(201) 443-3000

DC PROPERTIES INC
1569 49TH ST
BROOKLYN, NY 11219
(917) 709-0622

Facility:

WASTE CONNECTIONS 50TH STREET
TRANSFER STATION
110-120 50TH ST
BROOKLYN, NY 11233

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

Facility Principal Reference Point: NYTM-E: 582.961 NYTM-N: 4500.36

Latitude: 40°38'59.8" Longitude: 74°01'07.5"

Project Location: 110-120 50th Street, Brooklyn, NY

Authorized Activity: Operation of a solid waste transfer facility and construction and demolition debris handling and recovery facility that is authorized to accept only municipal solid waste (MSW) and construction and demolition debris (C&D). The facility may receive no more than 1075 tons per day (tpd) of MSW and C&D in any combination. The total amount of solid waste on-site at any one time must not exceed 2,000 cubic yards (cy) and of this total the amount of C&D must not exceed 1,000 cy. The facility is authorized to operate Monday through Saturday 24 hours/day. Closed Sunday.

Modification #1: Authorization to make physical changes to the facility related to acceptance of C&D as noted in approved documents and, after department approval of the completed physical changes, to commence acceptance of C&D in accordance with the Authorized Activity.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 2-6102-00067/00004

Renewal

Effective Date: 4/5/2021

Expiration Date: 4/4/2026

Modification # 1

Effective Date: 11/8/2021

Expiration Date: 4/4/2026



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 11/08 / 2021

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 Kristen M. Thordahl, P. E on various dates (see Conformance with Plans - Addenda for details).

2. Conformance with Plans – Addenda: In addition to any documents referenced in the Condition titled “Conformance with Plans,” the activities authorized by this permit must be in strict conformance with the following approved documents made as part of the permit application: Revised permit application form dated November 16, 2020; “Engineering Report For the NYSDEC Part 360 Series Permit Modification 50th Street Transfer Station” and “Facility Manual For the NYSDEC Part 360 Series Permit Modification 50th Street Transfer Station” both dated June 15, 2020; Also, “Addendum to the Engineering Report” and “Addendum to the Facility Manual” both dated July 31, 2020 as prepared by Kristen M. Thordahl, P. E. of Cornerstone Engineering, Geology and Land Surveying, PLLC.

If any portion of these documents conflicts with any provision of this permit, the permit provision must govern.

3. Procedure for Minor Facility Change:

a. Except as provided in subparagraph (b) and (c) 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 new permit or modification of the existing permit. No such change is to be initiated unless and until first obtaining such permit or permit modification.

b. Any proposal for a change that would be a minor alteration of the facility's physical plant or its operation may be submitted to the Department in accordance with the procedure in 3c. below. All proposals are subject to Department approval before their initiation.

c. No less than 30 days before the Permittee's proposed initiation of any minor physical or operational change(s) to the subject facility, the Permittee must provide written notice, in duplicate, to the Regional Solid Materials Engineer (the DEC Engineer) and the Regional Permit Administrator. 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 (a) details such change(s); (b) amends the Permittee's Engineering Report or other material, as appropriate; and (c) identifies the Permittee's proposed date to initiate such change(s). The Permittee must not initiate any such change(s) prior to obtaining written approval from the Department. 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 application or permit modification process.

4. Acceptance of C&D:

a. Permittee must immediately notify the Department when construction activities and/or installation of any equipment related to the permit modification for acceptance of C&D have started at the facility.

b. If the construction and/or installation activities take more than twenty-eight (28) days to complete, then no less frequently than every 28 days after the start of construction, Permittee will provide by email to the Department an update of the construction status and anticipated duration of the construction until the construction is completed.

c. Within thirty (30) days following completion of all approved facility modifications Permittee must provide for the Department's approval a signed and stamped certification from a registered New York State Professional Engineer (PE) that construction was completed in accordance with the approved documents. If the construction was not completed in accordance with the approved documents, the certification shall specifically describe the deviations from the approved plans and shall provide a PE-certified as-built drawing. If the Department provides notice to Permittee that revisions and/or changes to such certification are required, then Permittee shall respond to the Department within thirty (30) days of any such notice.

d. Nothing in this condition authorizes any modifications from the approved plans.

e. Permittee may commence acceptance of C&D only upon Department's approval of the documents submitted as described in the condition 4.c.

5. Maintenance of Surety: Financial assurance meeting the requirements of 360.22 for closure of the facility is required. The department may reduce the amount of financial assurance by the amount of financial assurance obtained for closure for the benefit of a municipality provided this financial assurance is sufficient to meet the requirements of the closure plan and the Part 360 Series. If the



financial assurance obtained for the benefit of a municipality is sufficient to cover the requirements of the closure plan and the Part 360 series, no additional financial assurance mechanism is required. If financial assurance obtained for the benefit of the municipality is not sufficient to meet the requirements of the closure plan and the Part 360 Series, a separate financial assurance mechanism must be provided to the department that satisfies 360.22. Such separate mechanism must be provided to the department within 60 days of notice from the department that the separate mechanism is required.

The closure cost estimate must be updated annually in accordance with 360.22. The financial assurance mechanism must be adjusted as necessary to cover the costs of closure as estimated on an annual basis.

6. Facility Operator Change: 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.

7. Control Site Access: Access to and use of the facility shall be controlled by fencing, gates, and signs. A sign posted at all access points shall state the hours of operation and the types of waste accepted by the facility.

8. Closed Door Policy: Each exterior door and gate of the facility must remain closed except to allow vehicles, equipment, or personnel to enter or exit such facility.

9. Off-Site Litter: The Permittee daily shall inspect the grounds and streets adjacent to the facility, the facility truck staging area and truck access route for debris. Such material shall be removed when detected and properly disposed of.

10. Truck Traffic: a. All truck traffic entering and leaving the site shall use only authorized NYCDOT truck traffic routes and conform to the Transportation plans noted in Permit Condition – Conformance with Plans.

b. The Permittee’s employees shall direct all inbound and outbound tipping and transfer vehicles in a manner to ensure the safety of pedestrians and any other traffic in the immediate vicinity of the Facility.

11. Noise: The Permittee shall periodically conduct measurements of noise produced at the Facility.

a. The measurements shall be:

1. taken to evaluate compliance with 6 NYCRR 360.19(j);
2. taken on a day of the week and at a time when is typically the busiest time of the day for waste acceptance and processing activities;
3. first taken on the fourth week after the Facility has commenced acceptance of C&D; and
4. submitted to the Department in a summary report within 5 business days of the day measurements were taken.

b. The summary report from condition 11.a.4. shall:

1. provide the details on how, when and where the measurements were taken;
2. evaluate the measurements for compliance with 6 NYCRR 360.19(j); and



3. provide recommendations to immediately reduce noise to compliant levels, should non-compliance be identified.
- c. If the Department concurs that measurements identify compliance with 6 NYCRR 360.19(j), then the initial period between measurement events shall be 13 weeks. After four successive measurements, the period between measurements may be requested by the Permittee to be increased based on repeated measurements identifying, with the Department's concurrence, compliance.
- d. If non-compliance with 6 NYCRR 360.19(j) is identified by the Department or in a summary report:
 1. A noise monitoring and control plan as described in 6 NYCRR 360.16(c)(4)(v) shall be submitted for approval to the Department within 10 business days of identifying non-compliance;
 2. The Permittee shall respond within 10 business days to any Department comments on the plan; and
 3. The Permittee shall implement the plan upon the Department's approval.
- 12. Leachate:** All leachate and wash water shall be managed onsite. There shall be no washing or cleaning of truck or vehicles connected with operation of the facility on the streets adjacent to the permitted site.
- 13. Storage Pile Configuration:** Except for a material storage pile side that is flush against a wall or a comparable structure, there must be no material storage pile side with a slope exceeding 45 degrees.
- 14. Asian Longhorned Beetle Quarantine:** The facility may not accept virgin wood from a U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) and/or a New York State Department of Agriculture and Markets (NYSDAM) quarantine area for the Asian Longhorned Beetle.
- 15. Waste Removal Timeframe:** All MSW must be removed from the subject facility within 24 hours after receipt. All C&D must be removed within 30 days. All recyclables must be removed within 180 days if the containers are not full or within 72 hours after receipt if the containers are full.
- 16. MSW Residue:** The Permittee must prevent the build-up of MSW residue on the interior of the floor and walls of the subject facility's solid waste-handling building. In order to prevent such build-up, the Permittee must completely remove such residue (e.g., by high-pressure air or water cleaning) at least once every six months. A record of such removal must be kept on-site for a minimum of seven years.
- 17. Disposal Facilities** The Permittee must send unrecycled solid waste only to the solid waste disposal facilities authorized by the Department. Prior to the expiration of any state permit required to operate any such disposal facility, the Permittee must submit to the DEC Engineer a complete copy of the renewal or extension of such permit. 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 solid waste to such facility, and must notify the DEC Engineer of such cessation and the reason(s) for it.

For each additional disposal facility to which the Permittee seeks to send solid waste, 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 solid waste 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.

18. Unauthorized Waste: Immediately after the discovery that unauthorized solid waste has been offloaded at the facility, such waste shall be isolated and secured in the unauthorized storage area shown on plans and in the Engineering Report made a part of this permit and identified in Permit Condition - Conformance with Plans - Addenda. If unauthorized waste is liquid, hazardous, friable asbestos, or otherwise cannot be safely secured in the unauthorized waste storage area, such unauthorized waste must be secured on the tipping floor. Within 72 hours of the discovery of any unauthorized waste in the facility, such unauthorized waste will be removed from the subject facility by a licensed hauler, which shall transport unauthorized waste to an appropriately permitted facility.

If the unauthorized waste is not removed within 72 hours of discovery, the Permittee shall, within the 72-hour period, notify the DEC Engineer by phone (at 718-482-4996) or via email (to r2dmm@dec.ny.gov) detailing: a) the date and time such unauthorized waste was discovered; b) the location where the unauthorized waste is stored; c) a description of how such waste is secured; d) the amount of such waste; e) the identification of such waste, (if known); f) why such waste cannot be removed from the facility within the 72 hour deadline, and g) when and how such waste shall be so removed from the facility. A record of each incident, containing at a minimum the information described in Part 360.19(c)(4)(i), must be available for Department review.

19. Truck Tare Weight: For any vehicle that is under the management of the facility, that can maintain a constant tare weight, and that must exit the facility to re-weigh, the Permittee must establish and maintain a database of the tare weight of each such truck. Such database must be used to obviate the need for each such truck to be weighed on a facility scale in order to determine the truck's tare weight each time such a truck travels to the facility. During a truck's initial trip to the facility, its tare weight must be entered into such database. Once the tare weight of such a truck is established in the database, such truck must not be weighed on a facility scale to determine the truck's tare weight. Trucks operated by the DSNY are exempt from this provision.

20. Tracking by Weight In addition to fulfilling the requirements of 6 NYCRR Part 361-5.6, the Permittee must use the tracking document referenced in 6 NYCRR Part 361-5.6 to specify the weight of each outbound C&D load.

21. Emergency Event Notification: In the case of each of the following events: (i) a fatality or injury on-site; (ii) a fire, explosion, or other significant event which affects facility operation; (iii) the activation of the facility's alarm system; or (iv) an unscheduled closure of the subject facility exceeding 24 hours, the Permittee must take the following steps, as appropriate. The Permittee must, within one hour following such event, send the DEC Engineer a telephone message (at 718-482-4996) and an e-mail message (to r2dmm@dec.ny.gov) with the following information:

(a) the name and address of the facility where the event occurred; (b) the date, time, and nature of the event; and (c) the name and phone number of a facility staff person the Department can contact regarding such event.

Regardless of the time of the event, before noon on the first business day following the event, the Permittee must, in addition, e-mail a statement to the DEC Engineer with the following information: (a) the name and address of the facility where the event occurred, (b) the date, time, and specific location of



the event; (c) the circumstances leading up to the event, (d) an adequately detailed description of the subject event; (e) an explanation of how the event was handled; (f) an explanation of the steps that the Permittee shall take to avoid and/or better handle such an event; and (g) the name and phone number of a facility staff person the Department can contact regarding such event.

22. Record Keeping: Records of incoming waste, outgoing waste and self-inspection logbooks must always be readily available at the facility for inspection by the DEC. In addition to the 6 NYCRR Part 360 series requirements 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.

23. Annual Reports: Each year an annual report shall be submitted no later than March 1st for the prior calendar year, as per the instructions on the Department's annual report form.

24. Separate Submission: Renewal applications shall be submitted separately from permit modification applications. The Permittee must submit a renewal application at least 180 days before permit expiration for Solid Waste Management Facilities, per 6 NYCRR Part 360.

25. Submission Requirement: Unless otherwise accepted by the DEC Engineer, the Permittee's submission to the Department must conform to 6 NYCRR Part 360.6(a) and to the following requirements. Each submission must be an original "hard copy" and a duplicate. Each submission must be accompanied by an exact electronic version of the documents in a searchable PDF format. Engineering Reports must include a sleeve containing a searchable PDF file (electronic file) copy of the report and related documents on a CD or similar media.

The CD or similar media must contain an electronic file for each separately bound volume of the report, each large-format drawing, cover letter and related documents. The total number of characters of any electronic file located on the CD or similar media, including the characters of all folders and subfolder names, must not exceed 100 characters. For those documents prepared by a professional engineer, appropriate portions of the documents must display the engineer's seal and signature (e.g., the report's cover and the report's large-format drawings, etc.) and the engineer's seal and signature must also be contained in the applicable electronic files. Each electronic file must be named to reflect its content (e.g., "Facility Name"- Engineering Report, "Drawing"- Site Plan, Cover Letter, etc.).

26. Monitor Provisions: 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. The bill from the Department to the Permittee will provide information regarding to whom payments should be made payable and the address to which payments should be sent.
- 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.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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

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

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

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



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

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

4. Submission of Renewal Application The permittee must submit a renewal application at least 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
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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 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.