



May 30, 2025

Irena Nedeljkovic, Deputy Commissioner
NYC Dept. of Transportation
55 Water St, Fl 9
New York, NY 10041

Re: NYSDEC Permit No. 2-6302-00138/00036; PID N/A
NYC DOT - HARPER STREET ASPHALT PLANT
Construct Outfall
Block 1791, Lots 52
Queens, NY
ECL Article 25 - Tidal Wetlands
ECL Article 15 - Excavation & Fill in Navigable Waters
NOTICE OF PERMIT ISSUANCE

Dear Irena Nedeljkovic:

Enclosed is your permit. Please read it carefully. You are required to comply with all conditions of the permit.

Please note that Natural Resources Condition 3 of the permit requires submittal of the attached "Notice of Intent to Commence Work" at least 5 days prior to the start of the permitted activity, and Natural Resources Condition 4 of the permit requires submittal of the attached "Notice of Completion of Work" no later than 10 days following completion. Please also note Condition 7 titled "Installation and Operation of Temporary Construction Dewatering and Groundwater Treatment System and Discharges Not Authorized."

Section 401 Water Quality Certification

According to the application materials submitted, the project would be authorized under U.S. Army Corps of Engineers under Section 404 of the Clean Water Act pursuant to Nationwide Permit Numbers 7 (Outfall Structures and Associated Intake Structures) and 33 (Temporary Construction, Access, and Dewatering).

In accordance with the Department's state-wide Section 401 Water Quality Certification decisions dated October 15, 2021, the proposed project appears to meet the conditions specified under the blanket Section 401 Water Quality Certifications issued for Nationwide Permit Numbers 7 and 33. No further authorization under Section 401 of the Clean Water Act is required from DEC, provided that the US Army Corps of Engineers

concur with your request for Section 404 Nationwide Permit coverage. If the U.S. Army Corps of Engineers subsequently determines that a different Nationwide Permit or an individual Section 404 permit is required for this project, the Department's Section 401 Water Quality Certification determination for this project will not apply and a new determination must be requested.

Technical questions concerning this matter should be directed to Justin Falls, Division of Marine Resources, justin.falls@dec.ny.gov. Administrative questions should be directed to me, Division of Environmental Permits, jeanette.rodriquez@dec.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Jeanette Rodriguez". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Jeanette Rodriguez
Environmental Analyst 2



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

NYC DEPT OF TRANSPORTATION

55 WATER ST, FL 9

NEW YORK, NY 10041

(212) 839-9790

Facility:

NYC DOT - HARPER STREET ASPHALT
PLANT

30-01 HARPER ST|130-01 Northern Blvd

Block 1791, Lot 52

CORONA, NY 11368

Facility Location: in QUEENS COUNTY **Village:** Queens

Facility Principal Reference Point: NYTM-E: 597.991 NYTM-N: 4513.25

Latitude: 40°45'51.8" Longitude: 73°50'20.4"

Project Location: 131-21 Northern Boulevard Queens, NY 11368 (Block 1791, Lot 52)

Authorized Activity: Repavement, installation of storm sewer, and construction of an outfall

Permit Authorizations

Tidal Wetlands - Under Article 25

Permit ID 2-6302-00138/00036

New Permit

Effective Date: 5/30/2025

Expiration Date: 12/31/2030

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

Permit ID 2-6302-00138/00037

New Permit

Effective Date: 5/30/2025

Expiration Date: 12/31/2030

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 05 / 30 / 2025



Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

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

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Stantec Consulting Services, Inc. for NYC Dept. of Design and Construction and cited in Natural Resource Condition 2.
- 2. Conformance with Plans - Addenda** In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:
 - a. Resubmission package prepared by Stantec Consulting Services, Inc. for NYC Dept. of Design and Construction, dated March 14, 2025, and received by NYSDEC on March 28, 2025 including:
 - b. Plans prepared by Stantec Architecture Inc., titled "Reconstruction of the Harper Street Asphalt Plant (Rebuild)," Drawings C-002, C-101, C-102, C-111, C-112, C-201, C-202, C-203, C-204, C-211, C-212, C-221, C-222, C-401, C-403, C-501, C-511, C-521, and C-522, all dated January 13, 2025; and Drawing C-402 dated March 14, 2025.
- 3. Notice of Intent to Commence Work** At least five (5) days prior to the start of work, Permittee must complete and submit the attached "Notice of Intent to Commence Work" form to the NYSDEC Division of Marine Resources, via email to DMR.R2@dec.ny.gov.
- 4. Notice of Completion of Work** Within ten (10) days of the completion of work, Permittee must complete and submit the attached Notice of Completion of Work form to NYSDEC Division of Marine Resources, via email to DMR.R2@dec.ny.gov.
- 5. Posting of NYSDEC Permit Sign** The attached NYSDEC permit sign must be posted, protected from the weather, in a conspicuous outdoor location at the project site. This sign must be posted for the duration of work authorized by this permit.
- 6. Post Construction Photographs** Post-construction photographs of the work area must be submitted to the NYSDEC Division of Marine Resources, via email to DMR.R2@dec.ny.gov, within 10 days of the completion of work.



7. Installation and Operation of Temporary Construction Dewatering and Groundwater

Treatment System and Discharges Not Authorized This permit does not authorize the installation and operation of a temporary construction dewatering and groundwater treatment system or associated discharges.

8. Best Management Practices Best management practices must be employed to prevent the loss of construction materials, debris, and sediment from entering the waterways. Such practices may include, but are not limited to silt fencing, hay bales, and floating booms.

9. Minimize Adverse Impacts to Wetlands, Wildlife, Water All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

10. Minimization of Wetland Impacts The Permittee will minimize the impacts to the rip rap shoreline to the temporary and permanent impacts that are necessary to install the approved outfall.

11. Disturbed Soils All disturbed areas where soil will be temporarily exposed or stockpiled for longer than one (1) week must be contained by a continuous line of staked hay bales/silt curtain (or other NYSDEC approved method) placed on the seaward side between the fill and wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

12. No Terrestrial Equipment in the Water The tires or tracks of land based heavy equipment are not permitted to operate below the mean high water line.

13. Concrete or Leachate Must Not Escape During construction, concrete or leachate will not escape or be discharged, nor will washings from transit mix trucks, mixers, or other devices enter tidal wetlands and or protected buffer areas.

14. Removal of Debris and Excess Material Any debris or excess material from construction of this project must be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in tidal wetlands or tidal wetlands adjacent area or protected buffer areas.

15. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

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

17. Prior Approval of Changes If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation plan, scheduling or staging of construction, or any other aspect of this project, the Permittee shall submit a written request to the Regional Permit Administrator to make such proposed changes and shall not make such changes unless authorized in writing by the Department.

18. Failure to Meet Permit Conditions Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.



19. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

20. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

21. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

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

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

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

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



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

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

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

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.

NOTICE OF INTENT TO COMMENCE WORK

Date: _____

NYSDEC Division of Marine Resources

DMR.R2@dec.ny.gov

NYSDEC Region 2 Office

47-40 21st Street

Long Island City, NY 11101

Re: NYSDEC Permit No. 2-6302-00138/00036; PID N/A
NYC DOT - HARPER STREET ASPHALT PLANT
Construct Outfall
Block 1791, Lots 52
Queens, NY

To whom it may concern:

In accordance with Natural Resource Condition 3 of the referenced permit, I hereby serve notice to commence work on _____, 20____.

This is also to certify that, having read this entire permit, I am fully aware of and understand the general and natural resource conditions therein, and agree to comply with all such conditions further understand that prior to undertaking any modification to the subject work, I must seek and receive written approval of the NYSDEC Regional Permit Administrator.

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

WARNING

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

NOTICE OF COMPLETION OF WORK

Date: _____

NYSDEC Division of Marine Resources

DMR.R2@dec.ny.gov

NYSDEC Region 2 Office

47-40 21st Street

Long Island City, NY 11101

Re: NYSDEC Permit No. 2-6302-00138/00036; PID N/A
NYC DOT - HARPER STREET ASPHALT PLANT
Construct Outfall
Block 1791, Lots 52
Queens, NY

To whom it may concern:

In accordance with Natural Resource Condition 4 of the referenced permit, 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.

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

New York State
Department of Environmental Conservation

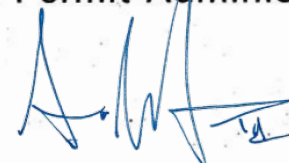
 NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Permit Number _____

Expiration Date _____

Regional Permit Administrator



Stephen A. Watts III
47-40 21st Street
LIC, NY 11101
(718) 482-4997

NOTE: This notice is **NOT** a permit