



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
VANBRO CORPORATION  
1900 SOUTH AVE STE M  
STATEN ISLAND, NY 10314-3605

**Facility:**  
VANBRO CORPORATION  
1900 SOUTH AVE|B:1801, L:35,75  
STATEN ISLAND, NY 10314-3605

**Facility Location:** in RICHMOND COUNTY **Village:** Staten Island  
**Facility Principal Reference Point:** NYTM-E: 568.1 NYTM-N: 4495.2  
Latitude: 40°36'17.3" Longitude: 74°11'42.2"

**Project Location:** 1900 South Ave

**Authorized Activity:** Installation of two new railroad sidings to north of existing 4 railroad sidings on the north side of lot 75 block 1801.

**Permit Authorizations**

**Tidal Wetlands - Under Article 25**

Permit ID 2-6403-00031/00049

New Permit

Effective Date: 7/31/2020

Expiration Date: 12/31/2025

**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: \_\_\_\_\_

Stephen A  
Watts III

Digitally signed by  
Stephen A Watts III  
Date: 2020.08.03  
12:20:47 -04'00'

Date 07/31/2020



## 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

- 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 multiple parties as noted in Natural Resource Condition No. 2 (see permit condition: Conformance with Plans - Addenda).
- 2. Conformance with Plans - Addenda** All 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 unless specifically authorized herein:
  - a. Drawings with the project title "Vanbro Corporation 1900 South Ave Staten Island, New York," DWG No A-001.00, prepared by Steven R. Savino, R.A. and Sheldon L. Reich, P.C.," dated April 17, 2019 revised August 14, 2019, and received by NYSDEC on August 16, 2019.
  - b. Drawings with the project title "Vanbro Corporation 1900 South Ave Staten Island, New York," Sheets 2 of 5, DWG No. A-002.00 prepared by The Railroad Associates Corporation, Steven R. Savino, R.A. and Sheldon L. Reich, P.C.," dated April 17, 2019, revised August 14, 2019 and received by NYSDEC on August 16, 2019.
- 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, 47-40 21st Street, Long Island City, New York 11101.
- 4. Post Permit and Permit Sign** The NYSDEC permit and permit sign must be conspicuously posted in a publicly accessible location at the project site. They must be visible, legible and protected from the elements and weather at all times.
- 5. Best Management Practices** Best management practices will be employed to prevent the loss of construction materials, debris and sediments from entering the wetlands or waterways. Such practices may include, but are not limited to construction fencing, staked hay bales, silt fencing, floating platforms, netting, and containment booms.



**6. Storage of Equipment and Materials** The storage of construction equipment and materials must be confined to within the project work site and/or upland areas greater than 50 linear feet from the tidal wetland boundary.

**7. Fill Material** All fill will consist of “clean” sand, gravel, or soil. The use of material such as asphalt, slag, fly-ash, recycled concrete aggregate (RCA), broken concrete, or demolition debris is strictly prohibited.

**8. Disturbed Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than one (1) week will 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.

**9. 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.

**10. Demolition and Construction Debris** Should any demolition or construction debris fall into the waterway or enter the tidal wetlands, it must be removed immediately.

**11. Disposal of Demolition and Construction Debris** All demolition and construction debris must be properly disposed of at a licensed facility.

**12. Prior Approval of Changes** If the Permittee desires to make any changes in construction techniques, species to be planted, the site plan, any mitigation, 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.

**13. 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, 47-40 21st Street, Long Island City, New York 11101.

**14. Failure to Meet Permit Conditions** Failure of the Permittee to meet all the conditions of this permit is grounds for an order to immediately cease the permitted activity at the project site.

**15. 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.



**16. 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.

**17. 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.

**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: 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.



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 2-6403-00031/00049

Expiration Date 12/31/2025

Regional Permit Administrator

  
Stephen A. Watts III

NOTE: This notice is NOT a permit