

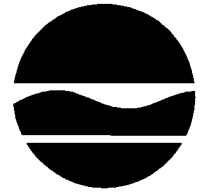
New York State Department of Environmental Conservation

Division of Solid and Hazardous Materials, Region 2

47-40 21ST Street, Long Island City, NY 11101-5407

Phone: (718) 482-4996 • FAX: (718) 482-6391

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

March 25, 2008

Kathryn D. McGuckin
Assistant Vice President
New York City Economic Development Corporation
110 William Street
New York, NY 10038

Dear Ms. McGuckin:

Re: BUD No. 903-2-31, Anchorage Channel PDM
Bronx Terminal Market Waterfront Request

The New York State Department of Environmental Conservation (Department) has reviewed New York City Economic Development Corporation's (NYCEDC) February 1, 2008 request to use of Anchorage Channel dredged material at the Bronx Terminal Market Waterfront Park. As stated in NYCEDC's request, approximately 35,000 cubic yards of material dredged from the Anchorage Channel under the US Army Corps of Engineers' S-AN-1 Deepening Project, will be processed (amended with portland cement) as necessary to attain geotechnical criteria and will be used as grading fill at the Bronx Terminal Site. The Department approves the NYCEDC February 1 request under Beneficial Use Determination (BUD) No. 903-2-31, subject to conditions stated in the November 27, 2007 BUD, and the March 20, 2008 Modification No. 1, with the following conditions:

1. Dredged material, after any necessary processing, must comply with applicable constituent limits on Table 2 of the Petition (revised December 27, 2007), as demonstrated by confirmatory sampling in accordance with the modified BUD. The applicable Table 2 constituent limits shall consist of values presented in the column titled "Combined Standards for Comparison," which include orange-coded values (the lower of 6 NYCRR Part 375 residential and groundwater-protection soil cleanup objectives (SCOs)), and the blue- or yellow-coded values for parameters with no Part 375 SCO. NYCEDC must notify the Department immediately of any individual confirmatory sample result(s) which exceed these applicable constituent limits in Petition Table 2, and allow the Department's review prior to delivery of materials. If concerns are noted by either the Department or NYCEDC with compliance with applicable constituent limits on Table 2, dredge materials must not be delivered or placed until such concerns are resolved.

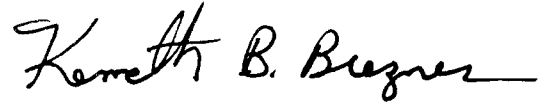
2. Dredged material must be placed in accordance with architectural and engineering plans for the Bronx Terminal site development, avoiding wetlands and buffer zones as noted in the February 1 request.

Please be advised that an Article 25 permit is required prior to receipt and placement of materials at this site. Contact the NYSDEC Permit Unit at (718) 482-4997 for more information regarding same.

The Department reserves the right to rescind or modify this BUD at any time, should conditions warrant. This determination does not exempt NYCEDC or its agents from other local, state or federal requirements.

Please contact me if you have any questions regarding this approval.

Sincerely yours,



Kenneth B. Brezner, P.E.
Regional Solid Material Engineer

cc: J. Cryan/M. Moore/H. Dickey
S. Zahn/D. McReynolds/G. Stadnik
S. Southwell/V. Aramsombatdee
T. Lynch/K. Prather/T. Williams