

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

September 5, 2006

BY ELECTRONIC MAIL AND REGULAR MAIL

Mr. Victor J. Gallo
Senior Advisor & Counsel, Environmental & Regulatory Affairs
Lower Manhattan Development Corporation
One Liberty Plaza, 20th Floor
New York, New York 10006

Re: Revised Deconstruction Implementation Plan and Drawings

Dear Mr. Gallo:

The United States Environmental Protection Agency (EPA) has reviewed the following documents:

- The revised 130 Liberty Street Implementation Plan (Implementation Plan) from Bovis Lend Lease (Bovis), ATC, and The John Galt Corp. (Galt) dated July 24, 2006 and submitted on July 26, 2006;
- The Lower Manhattan Development Corporation's (LMDC) July 26, 2006 response to EPA's June 12, 2006 Implementation Plan comment letter;
- An amendment to Attachment 5 (Waste Storage and Transportation Plans) of the September 7, 2005 Waste Sampling and Management Plan dated July 14, 2006 and submitted on July 26, 2006;
- New York City Department of Environmental Protection (NYCDEP) Discharge Permit C-3935 dated June 1, 2006 and submitted on July 26, 2006;
- The Deconstruction of 130 Liberty Street Drawings from LMDC, Thornton-Tomasetti Group (TTG), and Bovis: T-000, G-101, and A-101 through A-109 dated August 3, 2006 and submitted on August 4, 2006;
- TCLP analytical results submitted on August 14, 2006 and August 17, 2006; and
- The revised August 24, 2006 TTG Memorandum to the New York City Department of Buildings (NYCDOB) pertaining to the Alternate Site Drainage Method (Post Deconstruction) submitted on August 24, 2006.

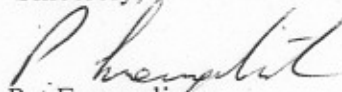
EPA has also consulted with the U.S. Department of Labor Occupational Safety and Health Administration (OSHA), New York State Department of Labor (NYSDOL), New York State Department of Environmental Conservation (NYSDEC), and the New York City Department of Environmental Protection (NYCDEP) (collectively “the regulators”) about the submissions. The regulators’ comments incorporated in the enclosed comments pertain to their regulatory practice areas. The regulators’ appreciated the opportunity to also discuss most of our comments with you on August 25, 2006.

NYSDOL, NYCDEP, and EPA focused their review on the regulations related to performance of an asbestos project. EPA’s review also concerned containment measures to control potential releases of contaminants, proper procedures for monitoring and waste disposal. OSHA’s primary area of review was worker safety and health. The regulators’ comments incorporated in this letter do not address the demolition methodology, structural engineering issues regarding the demolition of the building, or the future use of the property. LMDC should be provided with comments on these issues, among others, by the New York City Department of Buildings (NYCDOB) consistent with NYCDOB’s expertise in these areas. For example, NYCDOB has not reviewed calculations prepared by the Engineer of Record for the impact of additional weight load from equipment used during the deconstruction or the effects of vibrations from deconstruction activities on the structural integrity of the building. As previously stated by the regulators, implementation of proper procedures and careful monitoring of abatement and deconstruction activities by LMDC and its contractors will help prevent the occurrence of a situation that may present an imminent and substantial endangerment to public and worker health, safety, and the environment.

The regulators reserve the right to modify the enclosed comments and/or make additional comments about the proposed work if new information becomes available or information, currently known and considered, is changed in whole or in part during the abatement and demolition of the building. The enclosed comments do not pertain to any matters not addressed in the documents reviewed. In the event that the drawings or documents have to be supplemented as the project proceeds, the regulators will review and may provide additional comments after we review the supplementary information and documents required to be submitted by LMDC.

To explain the revisions to the draft documents and drawings, EPA requests that LMDC provide the regulators with a separate response to each of the enclosed comments that states: (1) whether and how the comments have been incorporated; (2) if a comment has not been incorporated, the reason it was not incorporated; and, (3) any additional information to address LMDC's response to the enclosed comments. The supplement will facilitate the regulators' review process. Kindly let us know LMDC's schedule for submitting its response.

Sincerely,



Pat Evangelista

WTC Coordinator

New York City Response and Recovery Operations

Enclosure

cc: Sal Carlomagno, NYSDEC w/encl.
Chris Alonge, NYSDOL w/encl.
Krish Radhakrishnan, NYCDEP w/encl.
Richard Mendelson, OSHA w/encl.
Robert Iulo, NYCDOB w/encl.

**EPA Comments on the
Revised Implementation Plan submitted on July 26, 2006, TCLP Analytical Results
Submitted on August 14 and 17, 2006, Drawings submitted on August 4, 2006, Site
Drainage Memo submitted on August 24, 2006, and an Amendment to the
September 2005 Waste Sampling and Management Plan Submitted on July 26,
2006.**

General Comment:

1. Change the name of LMDC to the entity that will be responsible for implementing the project.

Specific Comments:

2. Response to EPA Comment No. 2a (PCB waste streams): When will LMDC complete its survey of building components? How many floors to date have been surveyed and completed? Please provide us a copy of the results of the survey to date. Once the survey has been completed, and prior to offsite disposal of PCB-containing materials other than light ballasts, LMDC should provide the regulators with specific details on its proposed sampling scheme for potentially PCB-containing materials, if discovered during the survey, and on the sequence and timing of the sampling relative to the deconstruction activities (as specified in Section 4.4.2.1.3 of the September 7, 2005 Waste Sampling and Management Plan). LMDC's response to comments did not state that the regulators would be provided the sampling scheme, sequencing, etc.
3. Response to EPA Comment No. 7: LMDC states in various sections of its response to the regulators' comments that samples will be collected from the 30th floor upon establishment of negative pressure. The sampling to be conducted for non-porous building components on the 30th floor should include the non-porous hardware cloth to ensure it does not need to be handled, managed, stored, and disposed of, as both an asbestos waste (as currently stated in the Implementation Plan) and a hazardous waste if it is not cleaned prior to final disposal. Item A.13 on page 4 and item A.4 on page 18 of the Implementation Plan should be revised to add the aforementioned information.
4. II. Site Logistics – Item D (Diagram), Page 6: The truck wash diagram provided in the latest version of the Implementation Plan is not legible. Please provide a legible diagram and please ensure it is consistent with the new approach to have a truck platform in place as opposed to a backfilled area in the North Plaza for truck movement.
5. Response to EPA Comment No. 10: Item A., page 7: LMDC added language to the floor designations for the tower crane tie-backs. LMDC still needs to add language which mentions floors 38 and 39 in Item A., page 7 of the revised Implementation Plan.
6. Response to EPA Comment No. 11(a): Item B., page 7: EPA still believes that deviations from the sequencing should not be at the sole discretion of LMDC or its contractors or consultants. This must be stricken from the revised Implementation Plan.

The last paragraph of item B on page 7 of the revised Implementation Plan should be re-written to read as follows: “Deviations to this sequencing, as may be dictated by existing site conditions and established boundaries within the building, will be submitted to the regulatory agencies for review and acceptance.

7. Response to EPA Comment No. 11(b): Item B.a, page 7: When LMDC proposed additional air monitoring of the exhaust manifolds for metals on the lowest elevation of the work area grouping, it was under the presumption that the structural deconstruction of the floors was going to be conducted in close proximity to the floors still being abated. LMDC now states that the abatement activities may move at a quicker pace and thus there will be a larger gap between those floors undergoing structural deconstruction and those floors undergoing abatement. The goal of the scaffold air monitoring stations is to monitor both the abatement and structural deconstruction activities that are in close proximity to these air stations. Consequently, EPA believes that abatement work areas should not proceed more than one work area below the scaffold air monitoring stations. This should be stated in item B.a on page 7 of the revised Implementation Plan and as an amendment to the September 7, 2005 Ambient Air Monitoring Program Plan and its QAPP.

8. Response to EPA Comment No. 15: Item H.2, pages 10 and 11: Sampling results for the non-porous louvers state that samples were taken for louvers on the 39th floor. Consequently, the first sentence of item H.2, on page 10, should be revised to state that louvers for the 1st, 5th, 38th, **and 39th** floors shall be handled as noted in the Implementation Plan. In addition, the first sentence on top of page 11 within item H.2 should be revised to state that samples of painted non-porous louvers were collected from the 38th **and 39th** floors.

9. Response to EPA Comment No. 21: Item O, page 13: The third paragraph of item O on page 13 should state that samples still need to be collected from the 30th floor in accordance with the accepted waste plan. In addition, this paragraph needs to state that based on the sampling still to be performed on the 30th floor, the porous building components would need to be disposed as hazardous waste, in addition to asbestos waste, if the sampling results conclude that the porous items were hazardous waste. In addition, this paragraph needs to state that sample results will be provided to the regulators.

Does carpeting, identified as a porous material in the Waste Management Plan, Section 4.2.2, and noted as one of the porous waste streams on page 13 of the Implementation Plan, exist on floor 30? If so, it should be sampled when LMDC conducts the further characterization of waste streams on the 30th floor. Was there any carpeting on the mechanical equipment rooms on floors 38 & 39? If so, additional sampling should be conducted on those floors to collect waste characterization samples from any existing carpeting.

10. Response to EPA Comment No. 23: Item P, page 15: The last paragraph of item P on page 15 should state that based on the sampling still to be performed on the 30th floor, the painted and unpainted non-porous building components would need to be disposed as

hazardous waste, in addition to asbestos waste, for those building components not cleaned, if the sampling results conclude that the non-porous items were hazardous waste. In addition, this paragraph needs to state that sample results will be provided to the regulators.

11. Response to EPA Comment No. 24: Item R.3, page 16: The last paragraph of item R.3 on page 16 should state that samples still need to be collected from the 30th floor in accordance with the accepted waste plan. In addition, this paragraph needs to state that based on the sampling still to be performed on the 30th floor, the painted and unpainted non-porous building components would need to be disposed as hazardous waste, in addition to asbestos waste, for those building components not cleaned, if the sampling results conclude that the non-porous items were hazardous waste. In addition, this paragraph needs to state that sample results will be provided to the regulators.

12. Response to EPA Comment No. 30: Item A.3, page 18: LMDC states in its response to comments that there is no glass on floors 38 and 39 since they are mechanical floors. However, the revised Implementation Plan states that non-cleaned glass on floors 38 & 39, in addition to floor 30, will be further characterized and properly disposed. Please clarify if glass does or does not exist on the 38th and 39th floors. If not, reference to characterizing glass on floors 38th and 39th should be removed from item A.3 on page 18.

13. Response to EPA Comment No. 43: Item A.6.xi, page 22:

- (a) What is the basis for the statement in LMDC's response that "TTG has no issue with either the vertical or horizontal loads imposed on the structure by the chute"? This statement uses the singular- "chute". However, item A.6 on page 21 of the revised Implementation Plan states that steel chutes will be constructed within the north and south hoist vestibules. Will there be one or two chutes? If two chutes will be used, please clarify if the vertical and horizontal loads imposed on the structure from both chutes have been calculated? If so, are these calculations part of the allowable equipment floor loading calculations still to be submitted to the NYCDOB for its review and comments? If so, NYCDOB will need to review the submission and provide any comments before a revised Implementation Plan can be approved. If not part of the allowable equipment floor loading calculations, would these calculations typically be provided to NYCDOB? If so, does NYCDOB have any objections/comments on the calculations?
- (b) If two chutes are to be constructed and used for the project, items A.6.ix, A.6.x, A.6.xi, and A.6.xii on page 22 of the revised Implementation Plan should be revised since these items use the singular "chute," "concrete receive area," and "chute system."

14. Response to EPA Comment No. 46: Item D.6.c, page 26: LMDC should provide additional details in item D.6.c on page 26 on the means and methods of how the decking material will be separated from the concrete. This bullet item should also discuss what will be the final disposal option if pieces of concrete and decking cannot be segregated.

15. Response to EPA Comment No. 48: Item C.3.a, page 24:

- (a) Since the “NY Professional Engineer” who shall approve equipment to be used on elevated slabs is the same entity as the “Engineer of Record” that LMDC states will be the on-site compliance monitor, bullet item C.3.a on page 24 should be revised to state “Engineer of Record”.
- (b) LMDC states that the relevant information approving the equipment to be used on the elevated slabs shall be submitted to NYCDOB for their review and acceptance. When will this occur since NYCDOB will need to review the submission and provide any comments before a revised Implementation Plan can be accepted.

16. Response to EPA Comment No. 49: Item C.3.a.i, page 24: LMDC states that the concrete crusher cut sheet for the specific concrete crushers to be used on the elevated slabs has been submitted to the NYCDOB for their review and acceptance on March 30, 2006. Please clarify the status of NYCDOB’s review of this submission. Does NYCDOB have any objections/comments that LMDC still needs to address? LMDC would need to address all of NYCDOB’s objections/concerns before a revised Implementation Plan could be accepted.

17. Response to EPA Comment No. 52: Crushed concrete and masonry used on-site as backfill: How much painted concrete is anticipated? When would painted concrete and concrete exhibiting stains be tested? Where will the painted concrete and concrete exhibiting stains be stored while it waits to be tested? What parameters are the painted concrete and concrete exhibiting stains to be tested for? What levels would need to be met to allow the painted concrete and concrete exhibiting stains to be used as backfill? This information should be included in the revised implementation plan.

How will LMDC demonstrate that the concrete and masonry demolition debris can be used as uncontaminated fill based on the future land use for the property? The hazardous waste characteristic sampling specified in the September 7, 2005 Waste Sampling and Management Plan would assist LMDC on determining if its waste streams would need to be handled, transported, and disposed of as a hazardous waste at a RCRA Subtitle C treatment, storage, or disposal facility but would not necessarily assist LMDC on determining if certain waste streams could be used on-site as uncontaminated fill.

18. Response to EPA Comment No. 53: Item D.12, page 28 and March 29, 2006 memorandum from the Thornton-Tomasetti Group: LMDC states that allowable equipment floor loading calculations shall be submitted to NYCDOB for their review and acceptance. When will this occur since NYCDOB will need to review the submission and provide any comments before a revised Implementation Plan can be accepted?

19. Response to EPA Comment No. 54: Item F.4, page 28: Clarify in bullet item F.4 on what “building structure” hoses with fogging nozzles will be attached for dust suppression since the chute area will be surrounded by sheet plates. Have any other approaches been proposed for dust suppression as a contingency plan if the current

method is not fully effective? If so, item F on page 28 of the revised Implementation Plan should be revised to include this approach.

20. Response to EPA Comment No. 55: Item G.1, page 29: Portions of item G.1 seem to contradict with item G.2 on page 29. Recommend striking-out item G.1 on page 29 since item G.2 provides the information needed.

21. Response to EPA Comment No. 56: Noise Levels for Workers: LMDC states that a Hearing Conservation Program will be finalized. What is the time-frame for completing the Hearing Conservation Program since LMDC cannot start any activities that would expose employees to noise levels above 85dBA until such a program has been finalized based on the OSHA federal regulations referenced in LMDC's Health and Safety Plan (HASP)?

22. Response to EPA Comment No. 57: Drawings T-000, G-101, and A-101 through A-109: LMDC response states that the drawings have been revised to state the following: "Progress Set Pending DOB Approval". The drawings do not have the old language or the new language. EPA does not have an issue with leaving this language off of the drawings. However, please clarify the status of NYCDOB's review of these drawings. Does NYCDOB have any objections/comments that LMDC still needs to address? LMDC would need to address all of NYCDOB's objections/concerns before the revised Implementation Plan could be accepted.

23. Response to EPA Comment No. 59 and EPA Comment No. 60(a): Drawing A-104: Notes on Demolition Vibration Monitoring and Item D.13 of the revised Implementation Plan: Is there a vibration plan that needs to be developed for the NYCDOB? Have any proposed vibration levels that may impact the integrity of the structure been developed or determined and submitted to NYCDOB for its review and approval? When does LMDC plan to develop the "acceptable limits" referenced in the drawing? More details should be provided in item D.13 of the revised Implementation Plan and the drawing.

24. Response to EPA Comment No. 62(a): Drawing A-103-1 (Building Section): Item A.4 on page 21 of the revised Implementation Plan is not fully consistent with Note #2 on the revised drawing, A-103-1. Recommend striking-out the second sentence of item A.4 on page 21 of the revised Implementation Plan and replacing it with the first two sentences of Note #2 on revised drawing A-103-1.

25. Response to EPA Comment No. 63(a): Drawing A-103-2 (Section: Typical Deconstruction Zone): LMDC's response does not clarify if the potential exists for the two crushers to be placed on a single floor. If so, this should be stated in revised drawing A-103-2 and item B.1 on page 23 and item D.7 on page 27 of the revised Implementation Plan. If the potential exists for the two crushers to be placed on a single floor, has the additional loading of two crushers on a single floor been factored into the allowable equipment floor loading calculations still to be submitted to the NYCDOB for its review and comments?

26. Response to EPA Comment No. 63(b): Drawing A-103-2 (Section: Typical Deconstruction Zone): LMDC's response states that the Thornton-Tomasetti Group (TTG) have produced and reviewed calculations ensuring the tie-ins for the scaffold can adequately resist the applied loads from the scaffold under their worst case loading conditions including extending the scaffolding one frame above the demo level. Would these calculations typically be provided to NYCDOB? If so, does NYCDOB have any objections/comments on the calculations? Are these calculations part of the allowable equipment floor loading calculations still to be submitted to the NYCDOB for its review and comments? If so, NYCDOB will need to review the submission and provide any comments before the revised Implementation Plan can be accepted.

27. Response to EPA Comment No. 64: Drawing A-103-2 (Section: Typical Deconstruction Zone):

- (a) The picture on page 27 of the revised Implementation Plan has not been revised to be consistent with LMDC's response (i.e., crusher placed only where structure above has already been demolished). The Implementation Plan still shows a piece of heavy equipment from the floor above the crusher depositing debris through a small opening of the floor above directly into the crusher. The drawing should be revised to be consistent with LMDC's response.
- (b) Are there any drawings depicting the steel dunnage and its placement vis a vis the structure's girders? Would NYCDOB typically request information on the placement of such heavy equipment on a structure being demolished? If so, does NYCDOB have any objections/comments since their review of the submission would need to be completed before the revised Implementation Plan could be accepted.

28. Response to EPA Comment No. 65: Drawing A-103-2 (Section: Typical Deconstruction Zone): What will the "movable apron" consist of, what will it be made of, how will it be secured in place, and what is its function? Does this need to be reviewed and approved by the NYCDOB? This information should be provided in revised drawing A-103-2 and the same information should be added to item A.6 on page 21 of the revised Implementation Plan.

29. Response to EPA Comment No. 68: Drawing A-106 (Building Elevations): The revision made to the legend of the drawing still implies that no plywood was placed onto broken glass windows since the second item on the legend reads, "broken glass or broken glass/plywood in place". Please clarify if all broken glass has been sealed with plywood. If so, recommend striking "broken glass or" from the beginning of the second item on the legend of revised drawing A-106.

30. Response to EPA Comment No. 71(a): Drawing A-107, Interior Abatement Sequence Notes, Note # 8: The revised note now only discusses how storm water above the abatement area will be handled and not the waste water being generated within the abatement area. Since this section discusses interior abatement, a note which discusses

how waste water generated during the interior abatement activities would be handled and disposed should be added to the notes for the “interior abatement sequence” portion of drawing A-107.

31. Response to EPA Comment No. 73: Drawing A-107, Interior Abatement Sequence Notes, Note # 7:

(a) Note #7 is not fully consistent with, and does not provide the clarity stated in, LMDC’s response to EPA comment No. 73. Recommend adding, verbatim, the response to EPA comment No. 73 into note #7 of drawing A-107.

(b) Note #6 is not consistent with item ‘I’ on page 11 of the revised Implementation Plan which states that **the top floor** and the bottom floor of each three floor contained floor grouping will be sealed to prevent water infiltration. Note #6 in drawing A-107 should specify the top floor as well.

32. Response to EPA Comment No. 78(a): Drawing C-1 (Sheet Planning): Preparation Prior to Start of Sheeting Work (by Others): Please clarify the status of NYCDOB’s review of the application for the construction of the proposed truck platform. Does NYCDOB have any objections/comments that LMDC still needs to address? LMDC would need to address all of NYCDOB’s objections/concerns before the revised Implementation Plan could be accepted. Copies of the application, and any supplemental drawings/figures to the application, should also be provided to all of the other regulators for their information.

33. Response to EPA Comment No. 83: Concrete Crusher Cut Sheet: LMDC states that a Hearing Conservation Program will be finalized. What is the time-frame for completing the Hearing Conservation Program since LMDC cannot start any activities that would expose employees to noise levels above 85dBA until such a program has been finalized based on the OSHA federal regulations referenced in LMDC’s Health and Safety Plan (HASP)?

34. Response to EPA Comment No. 84: Concrete Crusher Cut Sheet: LMDC states in its response the following: “Any reinforcing steel that is processed will be removed prior to use as backfill in the basement.” How will this be accomplished? Is there the potential for residue steel to still be commingled with the crushed concrete and masonry after the segregation process? What is NYSDEC’s opinion on the use of the crushed concrete and masonry as on-site backfill in the basement if there is a potential for residue reinforced steel to be commingled with the crushed concrete and masonry? Section V., Phase II Structural Deconstruction, Subsection D., Deconstruction Process, of the revised Implementation Plan should be revised to incorporate this information.

35. Response to EPA Comment No. 85: Site Drainage Memorandum: The revised site drainage memorandum is dated August 24, 2006. Please clarify the status of NYCDOB’s review of the revised memo. Does NYCDOB have any objections/comments that LMDC

still needs to address? LMDC would need to address all of NYCDOB's objections/concerns before a revised Implementation Plan could be accepted.

36. Electronic Copies of Drawings: Please provide the regulators an electronic copy of all final drawings, figures, etc. pertaining to the revised Implementation Plan and Phase II activities for their records.

Amendment 1 to the Waste Sampling and Management Plan:

37. Revised Figure SK-03 (6th Floor Waste Storage Area): A footnote should be added to figure SK-03 to note that the various waste streams (e.g., PCB waste, universal waste, hazardous waste, etc.) will be separated from each another and not commingled within the waste storage area.

38. Amendment Item #5 (Deleting reference to interior elevator): The amendment to strike-out reference to the interior elevator for transport of waste should also be stricken from Page 5 of 17, II. Waste Storage Areas. The amendment form should be revised accordingly.

39. Amendment Item #8 (Storage of Universal Waste from 1st floor to 6th floor): The amendment to delete a sentence referencing storage of universal waste in the 1st floor storage area to the 6th floor storage area shown on Figure SK-03 also applies to Page 8 of 17, II. Waste Storage Areas, Item 4. The amendment form should be revised accordingly.

40. Amendment Item #9: A typo in the Amendment form for bullet item #9 states this is in reference to section II when it is section III (Waste Management). The amendment form should be revised accordingly.

OSHA COMMENTS
130 LIBERTY STREET IMPLEMENTATION PLAN and DRAWINGS

- 1) Although it might not violate any specific OSHA standard, OSHA concurs with NYSDOL's comments from Chris Alonge regarding the conduct of deconstruction. It is prudent, at least in the original phases, to suspend other work on lower levels until the exact process and machinery are operational and at least a few floors have been completed. It could be that there are additional static or dynamic loads or vibrations that have not been considered. An unexpected collapse could very well pancake the floors quicker than employees below could evacuate. The significant construction accident at LaAmbiance Plaza in Connecticut is a good example where lift-slab construction was taking place and additional employees (not involved in the operation) were unnecessarily exposed.
- 2) It should be noted that OSHA standard 29 CFR 1926.850-860 subpart T Demolition, the written engineering survey by a competent person must be completed prior to deconstruction.
- 3) Drawing A-102-2 (Sequence 2: Abatement), Note #8: Selection of PPE is noted in note #8 - Personnel conducting dust suppression, moving crushed debris ... hard hat, appropriate eye and footwear protection, 2 way radio. However, no mention of hearing protection specified in note #8.
- 4) Drawing A-103: Depiction of deconstruction has the crusher and the hydraulic breaker being used on a floor and a notation that the perimeter framing columns and spandrels will be pulled onto the same floor. According to the plan, in order to drop this structural steel, backhoes/mechanical equipment would pull the steel down. Possible concerns: load on the floor, communication between crushing operation and structural steel operation. How is LMDC planning to address these potential concerns?
- 5) Drawing A-103: This drawing indicates a needle support for the scaffold at the 5th floor (assume to support the scaffolding up to the roof). This needle support is not depicted in Drawing A-102-1 Sequence 1: Scaffold Erected. Is this a revision or is it erected with the needle supports presently?
- 6) Are there procedures for the work if there are vibration alarms?
- 7) Are there emergency evacuation procedures in the case of an emergency? Is there a designated evacuation route and meeting place for a head count to be done?

August 18, 2006

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations
US EPA
Region 2
290 Broadway
New York, NY 10007-1866

Re: Department Comments on Bovis/John Galt Response to Comments, Revised 130 Liberty Street Deconstruction Implementation Plan & Revised Plan Drawings, dated July 24 & August 3, 2006, respectively

Dear Pat,

The Department has received the Response to Comments and the Revised Structural Deconstruction Implementation Plan as provided by LMDC via e-mail on July 26, 2006, and Plan Drawings provided by mail. The submitted documents have been reviewed by the Department, as it relates to asbestos project activities.

Several significant items within the plan and drawings must still be revised for consistency with the existing asbestos project site-specific variance decisions, and to address other Departmental concerns.

The Department has discussed concerns regarding the plan and drawings with the NYC DEP, and the Department provides the following general and specific comments, to be included with your comments on the entire referenced plan and drawings.

General Comments

- Previous Department Comment:

During non-asbestos project structural deconstruction work, provisions must be included to identify, assess and address any potentially contaminated hidden interstitial spaces and voids that become apparent, which may not have been apparent during the previous asbestos project work.

The provided response indicates the following: *“The Contractor Implementation Plan includes all potential eventualities; in the event of the discovery of unanticipated contaminated items, those materials shall be wet down, double*

bagged and disposed of as ACM. In the event that there is a significant amount of material discovered, that area shall be contained, with negative pressure, the material shall be removed, and the area shall be cleaned in accordance with ICR 56 protocol, including approved variances and amendments. The Contractor Implementation plan has been revised accordingly.”

No information regarding this potential scenario was found within Section V. Phase II Structural Deconstruction of the Implementation Plan. However, this information was apparent within Section III, Environmental Abatement – Interior, subsections T, W and Z.

Information regarding pertinent procedures for this potential scenario must be provided within the structural deconstruction section of the plan for both the deconstruction contractor and the abatement contractor. In addition, the procedures must comply with ICR 56 as well as any pertinent site-specific variance decision. All necessary cleanup must be completed by the asbestos abatement contractor using appropriately certified asbestos handlers within negative pressure containment enclosure regulated abatement work areas. A site-specific variance reopening request must be submitted to address appropriate procedures for this potential cleanup scenario.

- Previous Department Comment:

Regarding the structural deconstruction occurring concurrently with the asbestos abatements projects on floors below, the Department is concerned that potential exists for excess vibration and related forces that may impact lower floors. As a safety measure, the Department recommends the LMDC require suspension of abatement work during the topmost floor structural deconstruction. If vibration and related forces during the structural deconstruction are found not to be a significant concern, then abatement would be allowed to resume.

The provided response indicates the following: *“Suspension of abatement work will not occur during the topmost floor structural deconstruction because the four floor buffer provides adequate separation between the abatement and deconstruction activities...”*

However, if a structural failure were to occur during deconstruction, the forces of gravity would likely act faster than any possible evacuation of personnel below the initial failure point. The Department recommends that as a safety measure, at a minimum, abatement activities temporarily cease and the structure be vacated during the first two days of deconstruction activities that will likely have the most loading and vibration impact to the structure (i.e. concrete crusher use and concrete debris chute use).

Specific Comments

- Section III – Environmental Abatement – Interior, R. Mechanical Equipment Rooms subsection, Paragraph 3 relating to disposal of contaminated items such as motors: This paragraph must be revised to indicate that these contaminated objects shall be double-wrapped in 6 mil polyethylene for disposal as ACM contaminated waste.
- Plan Drawings – Sheet A107, Interior Abatement Sequence, Note 7. This note is in reference to removal of perimeter convactor units during abatement. However, this note is inaccurately referenced at both detail 2 and detail 3 on Sheet A107. The incorrect references must be appropriately revised.

The Department and the NYC DEP anticipate that these issues will be appropriately addressed within a revised version of the plan and drawings, as well as within a variance reopening request as necessary. If you have any questions regarding these comments please contact the Department at (518) 457-1536.

Sincerely,



Christopher G. Alonge, P.E.
Senior Safety and Health Engineer

ec Krish Radhakrishnan, P.E. - NYC DEP
Gil Gillen – USDOL/OSHA
Robert Iulo – NYC DOB
Richard Fram – NYS DEC
Norma Aird – NYS DOL
04-0427, 05-0813

US EPA ARCHIVE DOCUMENT