

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

November 19, 2009

Mr. David Emil, President
Lower Manhattan Development Corporation
One Liberty Plaza
New York, N.Y. 10006

Re: November 13, 2009 proposed revision to the accepted May 14, 2009 130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction and November 11, 2009 proposed revision to the May 13, 2009 Environment, Health and Safety Plan for the 130 Liberty Street Building Abatement and Deconstruction Project, 130 Liberty Street, New York, New York.

Dear Mr. Emil:

This is to inform you that the U.S. Environmental Protection Agency (EPA) has completed its review of the November 13, 2009 proposed revision to the accepted May 14, 2009 130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction and November 11, 2009 proposed revision to the May 13, 2009 Environment, Health and Safety Plan for the 130 Liberty Street Building Abatement and Deconstruction Project (both documents defined as "revisions to the Plans") submitted by TRC Environmental Corporation (TRC) on behalf of the Lower Manhattan Development Corporation (LMDC) for 130 Liberty Street in lower Manhattan.

EPA is in receipt of your November 19, 2009 e-mail which provided notification that you recommenced deconstruction and requested our acceptance of the "revisions to the Plans". Although you recommenced deconstruction without EPA's acceptance of the "revisions to the Plans", EPA does not believe your recommencement of such work has compromised our ongoing objective of preventing potential releases from 130 Liberty Street that may present an imminent and substantial endangerment to public health and the environment. In the future, EPA advises you to consult with us before commencing work in advance of our acceptance of related proposed plan revisions.

Based on our review, and in consultation with the New York State Department of Labor (NYSDOL) and the New York City Department of Environmental Protection (NYCDEP), EPA accepts the above-referenced "revisions to the Plans". EPA's review is not intended as a review and/or acceptance of structural engineering and safety matters or requirements for the protection of worker safety and health or for fire protection and safety at 130 Liberty Street. EPA is relying on the New York City Department of Building's, the U.S. Department of Labor Occupational

Safety and Health Administration's and the New York City Fire Department's expertise in these areas, respectively.

EPA will continue to work with our regulatory partners to monitor the 130 Liberty Street activities throughout the final execution of the project.

Sincerely,



Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

cc: Richard Mendelson, OSHA
Suzanne Mattei, NYSDEC
Christopher Alonge, NYSDOL
Krish Radhakrishnan, NYCDEP
Christopher Santulli, NYCDOB
Thomas Kunkel, LMCCC
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