US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

March 1, 2006

BY ELECTRONIC MAIL

Anne Papageorge
Vice President for Memorial and Cultural Development
Lower Manhattan Development Corporation
One Liberty Plaza
New York, New York 10006

Re: Abatement and Deconstruction Activities at 130 Liberty Street

Dear Ms. Papageorge:

The United States Environmental Protection Agency ("EPA") has been working with other concerned regulatory agencies, including the New York State Departments of Labor ("NYSDOL") and Environmental Conservation, and the New York City Department of Environmental Protection ("NYCDEP"), as well as with the Lower Manhattan Development Corporation ("LMDC"), to ensure that the abatement and demolition of the building at 130 Liberty Street will be performed in a manner that is protective of public safety, health and the environment. Toward that goal, we expect to work with Victor Gallo, Senior Advisor and Counsel, Environmental Affairs, and LMDC's consultants and contractors to facilitate a focused consultation between the regulators and LMDC throughout the execution of the project.

LMDC has scheduled a meeting with the regulators on March 8, 2006 at 11 a.m. at its offices at 1 Liberty Plaza in Manhattan. To focus our discussion, I am writing to provide you with a brief statement of the matters that the regulators would appreciate hearing about in detail from LMDC's representatives at our meeting. I have attached the e-mail from NYSDOL which states, in part, that "it is essential to understand the intentions of the asbestos abatement contractor relating to the implementation and familiarity of [the] approved work plan, and the site-specific variance decision procedures for the asbestos project portion of the deconstruction project." We also welcome discussing any other issues or concerns that LMDC's representatives would like to raise.

The regulators have discussed among themselves a tentative schedule for monitoring the abatement phase of the deconstruction at 130 Liberty to ensure that EPA and the other regulatory agencies are available to monitor the work as it progresses. EPA has entered into a contract with CH2M Hill to assist EPA and the other regulators in performing oversight of the abatement and deconstruction project. EPA will provide LMDC with a listing of its employees and representatives who will be participating in oversight, and we expect that any open issues with regard to access will be resolved before any abatement activities commence.

As we previously stated, LMDC's Deconstruction Plan is intended to implement best management practices for all phases of the deconstruction, to incorporate containment measures to control potential releases of contaminants, and to provide comprehensive air monitoring coupled with appropriate mechanisms which may trigger work stoppage to address any releases that may occur. Proper procedures and careful monitoring of the abatement and related deconstruction activities will help prevent the occurrence of situations that may present an imminent and substantial endangerment to public health and the environment.

On February 23, 2006, LMDC provided a ten-work day Notification of Demolition and Renovation for the building at 130 Liberty Street. The work is to be performed by The John Galt Corp., 4 Old Stone Road, Valley Cottage, New York. The site location is delineated as the "subsmnt - 34th floor, 38 floor, 39th floor + roof." Excluded from the abatement work noticed are floors 35, 36 and 37. The start date for the abatement and "R" (renovation) is listed as March 9, 2006.

The regulators request that LMDC and its contractors and subcontractors provide a detailed presentation addressing who is going to be conducting the abatement and demolition, how it will be performed, and the nature of any modifications to LMDC's approved Deconstruction Plan. We would appreciate further information about floors 35, 36 and 37. In addition, we would like to discuss the sequencing and scheduling of the work:

To what extent, if any, has the Deconstruction Plan, approved by the regulators, been modified with regard to sequencing. Explain any modifications.

Kindly clarify which floors are proposed to be abated first when the work commences.

How many floors will be worked on simultaneously?

During what days will work occur? How many shifts per day will be worked?

How many workers are expected to be onsite during each shift?

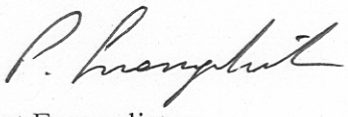
In support of the presentation, kindly provide the regulators with copies of any written revisions to the scopes of work and/or work plans for the project either in hard copy or electronically. EPA would also like to receive copies of the abatement and deconstruction contracts entered into by LMDC.

When the abatement begins the regulators would appreciate regularly scheduled meetings to supplement the weekly written progress reports so that we can discuss, among other things, the work in progress, any problems encountered and the manner in which they were resolved.

We appreciate your cooperation and the cooperation of LMDC and its consultants and contractors in this complex deconstruction project. We would also appreciate your participation

in our meeting next week. If you have any questions or would like to discuss any of the matters raised in this letter, I may be reached at (212) 637-4447 or by e-mail at evangelista.pat@epa.gov.

Sincerely,



Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Attachment

cc: Chris Alonge, NYSDOL
Krish Radhakrishnan, NYCDEP
Richard Mendelson, OSHA
Robert Iulo, NYCDOB
Sal Carlomagno, NYSDEC
Victor Gallo, LMDC, Senior Advisor and Counsel

"Alonge, Christopher G (LABOR)" <Christopher.Alonge@labor.state.ny.us>

03/01/2006 10:46 AM

To Pat Evangelista/R2/USEPA/US@EPA

cc Emmet Keveney/R2/USEPA/US@EPA, "Krish Radhakrishnan (E-mail)" <krishr@dep.nyc.gov>

bcc

Subject March 8 LMDC meeting

History: This message has been forwarded.

Pat -

I just wanted to relate to you DOL's understanding regarding the major goals of the upcoming March 8, 2006 LMDC meeting.

DOL understands that the LMDC will introduce their asbestos abatement contractor for the remainder of the 130 Liberty deconstruction project, and the asbestos contractor will provide a short presentation to the regulators regarding their intended schedule and work plan/procedures for the asbestos project portion of the deconstruction project.

It is essential for DOL to understand the intentions of the asbestos abatement contractor relating to the implementation and familiarity of approved work plan, and the site-specific variance decision procedures for the asbestos project portion of the deconstruction project.

Thanks,

Christopher G. Alonge, P.E.
Sr. Safety and Health Engineer
Engineering Services Unit
NYS Department of Labor
Division of Safety and Health
518-457-7201