

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

September 21, 2006

Mr. Max S. Lee, P.E.
Acting Deputy Borough Commissioner
New York City Department of Buildings
280 Broadway, 3rd Floor
New York, N.Y. 10007

Re: Implementation Plan and Deconstruction Drawings for 130 Liberty Street

Dear Mr. Lee:

I am writing to inform you that the United States Environmental Protection Agency ("EPA") has completed its review of the "Revised Contractor Implementation Plan," dated September 19, 2006, ("Implementation Plan") the "Revised Deconstruction Drawings," dated September 20, 2006, ("Drawings") and the supporting documents prepared on behalf of the Lower Manhattan Development Corporation ("LMDC") for the building at 130 Liberty Street in Manhattan. The Implementation Plan and Drawings are acceptable to EPA. It is our understanding that the Implementation Plan and Drawings are also acceptable to the New York State Departments of Labor ("NYSDOL") and Environmental Conservation ("NYSDEC"), and the New York City Department of Environmental Protection ("NYCDEP"). EPA has also consulted with the U.S. Department of Labor Occupational Safety and Health Administration (OSHA). The letters of acceptance from NYSDOL, including NYCDEP, and NYSDEC are enclosed herein.

EPA's review of the draft and final Implementation Plan and the Drawings focused on containment measures to control potential releases of contaminants, proper procedures for monitoring and waste disposal. NYSDOL and NYCDEP based their reviews on the regulations related to performance of an asbestos project. NYSDEC's primary focus was on management of crushed concrete for use as backfill at the building site. OSHA provided written comments on worker safety. All the regulators' comments on the draft Implementation Plan and Drawings were previously sent to the New York City Department of Buildings ("DOB") and are available for public review on EPA's web site at http://www.epa.gov/wtc/demolish_deconstruct/130liberty.htm.

The regulators' acceptance of the Implementation Plan and Drawings is not intended as a review and/or acceptance of any structural engineering matters regarding the deconstruction or of the means and methods for structural deconstruction of 130 Liberty Street, as proposed by LMDC. The regulators are relying on DOB's expertise in these areas and on its oversight of all of the structural deconstruction related matters for this project.

On September 8, 2005, the regulators accepted the Deconstruction Plan for the first phase of the work at 130 Liberty Street which deals with the abatement, removal and disposal of the contents of the building up to the structural elements. Phase 1 abatement and Phase 2 structural deconstruction work will be implemented at the same time in a sequential manner in accordance with the September 2005 Deconstruction Plan, the September 2006 Implementation Plan, the Drawings, accepted supporting documentation and accepted plan amendments.

The Implementation Plan and Drawings and the September 2005 Deconstruction Plan, as amended, are intended to implement best management practices for all phases of the abatement and 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. Adherence to the safeguards contained in these plans, and careful monitoring of abatement and deconstruction activities throughout the project will help prevent the occurrence of situations that may present an imminent and substantial endangerment to public health and the environment.

Specifically, the following documents are accepted by this letter:

- The revised 130 Liberty Street Implementation Plan from Bovis Lend Lease (Bovis), ATC, and The John Galt Corp. dated September 19, 2006;
- An amendment to Attachment 5 (Waste Storage and Transportation Plans) of the September 7, 2005 Waste Sampling and Management Plan dated September 8, 2006;
- An amendment to the September 7, 2005 Ambient Air Monitoring Program Plan and its Quality Assurance Project Plan dated September 6, 2006;
- The Miscellaneous Building Components Survey dated September 19, 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 September 20, 2006.

Any modifications made to the September 2005 Deconstruction Plan, as amended, and the September 2006 Implementation Plan and Drawings as a result of future modifications agreed to by DOB and LMDC and/or its representatives should be submitted to EPA and the regulators referenced in this letter for their review and acceptance. The regulators understand that LMDC must file for and obtain DOB's approval prior to performing any structural deconstruction work at 130 Liberty Street. Kindly provide the regulators with notice of all DOB approvals when granted.

EPA and the other regulatory agencies will monitor the deconstruction work as it progresses, and we look forward to ongoing consultation with you throughout the execution of this project.

Sincerely,



Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Enclosures

cc: Chris Alonge, NYSDOL
Krish Radhakrishnan, NYCDEP
Richard Mendelson, OSHA
Christopher Santulli, NYCDOB
Richard Rosen, NYCDOB
Robert Iulo, NYCDOB
Sal Carlomagno, NYSDEC
Lou Oliva, NYSDEC
Victor Gallo, LMDC

George E. Pataki, **Governor**



Linda Angello, **Commissioner**

September 20, 2006

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

Re: Approval of Bovis/John Galt Revised 130 Liberty Street Deconstruction Implementation Plan & Revised Plan Drawings, dated September 19, 2006 & September 20, 2006, respectively

Dear Pat,

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

The Implementation Plan, including Plan Drawings, is acceptable to the Department. The Deconstruction Implementation Plan appears to be in conformance with current site-specific variance decisions, including reopenings/amendment decisions and clarifications for this project. The Department has discussed aspects of the plan with the New York City Department of Environmental Protection (DEP), and DEP concurs with the Department's acceptance of the plan.

If an unanticipated situation is encountered during the ACM removal and WTC dust/residue cleanup portion of the overall deconstruction project, which requires additional relief from 12 NYCRR 56, the owner's asbestos project designer firm must submit a reopening request to the existing site-specific variance decision as necessary, or submit an additional site-specific variance petition to address the situation. If you have any questions please contact our office 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
Victor Gallo - LMDC
04-0427, 05-0813

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**New York State Department of Environmental Conservation
Regional Director, Region 2**

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Via Facsimile & Regular Mail

September 20, 2006

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations
United States Environmental Protection Agency
Region 2
290 Broadway
New York, New York 10007-1866

Re: 130 Liberty Street

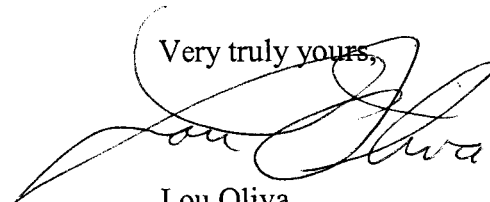
Dear Mr. Evangelista:

We have reviewed the revised contractor's implementation plan for the 130 Liberty Street deconstruction project, dated September 19, 2006, which includes the following change to the first sentence following section 10.b. on page 29:

"Painted concrete or concrete exhibiting stains shall be segregated, tested and disposed of pursuant to the approved deconstruction plan."

The Department has no further comments and accepts the plan.

Very truly yours,



Lou Oliva
Acting Regional Director
NYSDEC - Region 2

cc: Victor Gallo (LMDC)