

Public Comments on February 18, 2009 130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction, Revision 1.4

Kimberly Flynn  
9/11 Environmental Action

The February 18, 2009 130 Liberty Street Draft Implementation Plan lacks the specificity that it should have given that we are told by the Lower Manhattan Development Corporation (LMDC) that demolition may commence imminently. The range and complexity of challenges posed by this demolition should be met with a well conceived, detailed plan that reflects the expert analyses by the LMDC's contractors and the in-depth input of the array of regulatory agencies providing oversight to the demolition.

Currently, however, many of the aspects of the demolition work, including those that involve a high degree of difficulty and risk, and thus require a high level of procedural specificity and care, are merely sketched in. In its Final Implementation Plan, LMDC and its contractors should resolve the numerous gaps, inconsistencies, and tentative and/or under-defined descriptions of work, protections, equipment, responsibilities, etc., that exist in the February 2009 draft.

The lack of a proper implementation plan contributed to the ineptitude and reckless improvisation that characterized the 130 Liberty demolition in the past, and the serious errors and gross negligence leading to the August 17, 2006 fire and the deaths of two New York City firefighters. Therefore, we believe that the LMDC and its contractors should be compelled to produce a complete, appropriate and detailed set of final plans prior to the start of the structural demolition phase. Failing that, we would urge agencies engaged in oversight of the demolition to withhold their approval.

We appreciate the opportunity to make written comments prior to Bovis' submitting its final plans to the regulators on March 27<sup>th</sup>, and we look forward to seeing all comments from the community addressed either by Bovis or the appropriate governmental entity, as stated in LMDC's E-Update #90. We would ask that all revisions made to the final plan be highlighted.

Finally, we join the request by the Community Board 1 WTC Redevelopment Committee that LMDC post a complete set of public comments onto [renewnyc.com](http://renewnyc.com), along with the links to the draft February 18<sup>th</sup> plans.

Comments on specific sections follow:

p. 21, V.A.5. states "Given the commitment to project safety excellence, project safety requirements may exceed current Federal, State and local codes & standards. Where conflicts exist, the more stringent requirement shall apply." Have there been any instances where project safety requirements have exceeded current government codes and standards? Please cite those at the next 130 Liberty Community Advisory Committee meeting.

p. 21 V.C.1. states that “all outstanding violations on this project that will impact the progress of this would must be satisfied prior to the commencement of deconstruction;” and that “Bovis [...] will expeditiously remedy all other violations issued after December 1, 2008.” To enable the public to track progress of Bovis and other contractors in remedying and satisfying past, present and future violations, the LMDC should provide a short cut link to the NYC DOB website page for 130 Liberty Street, in the implementation plan and on the 130 Liberty Street project page of renewnyc.com

p. 22, V.C.8. Please provide to the public the “noise mitigation plan currently in place for this project,” by posting it to renewnyc.com. Please post all updated iterations of the plan as these come available.

p. 22, V.C.10. Please provide to the public “Thornton Tomasetti drawings T-000, G-101 and A-101 through A-109” by scanning and posting these documents to renewnyc.com.

p. 23, V.D.2. Which contractor is installing engineered scaffolding and decking on the south side of the building on floors 15-20 at the area of compromised bay removal? Is that scaffolding being leased from Regional Scaffolding?

p. 23, V.D.4. “Approved pre-task plans” referred to in this item should be posted to renewnyc.com as these become available.

p. 23, V.D.5. Please provide details re: how steel will be “downsized,” and how the determination is made to carry this out at grade or elsewhere, as part of the Final Implementation Plan.

p. 23, V.D.7. Please include in the Final Implementation Plan specifics re: “vibration monitoring and crack surveys [...] performed in accordance with contract documents.”

p. 23, V.D.10. Please include in the Final Implementation Plan protocols for the removal of structural steel from the building, including how steel will be secured into bundles, or placed in metal containers or skip buckets. Please include details of measures taken to prohibit and prevent the overfilling of skip buckets or any other containers.

p. 25, V.D.15.a. Please include in Final Implementation Plan detailed specifics re: fall protection and engineering controls for fall hazards.

p. 25, V.D.16. Please include in Final Implementation Plan detailed specifics for “downsizing” cleaned and cleared concrete and masonry debris. Please also specify dust control methods for this work operation, and any requirement for PPE.

p. 25-26, V.D.17.a-n. Please include in Final Implementation plan whether debris chutes will be utilized. If so, please provide detailed specifics re: the design, construction and use of all “steel debris chutes,” their locations, their height, the maximum weight and size of debris that will be deposited, and all relevant engineering drawings of chutes and

supporting structures. Provide a basis for the assumption that the use of chute(s) will not affect the structural stability of the building. In addition, please provide specifics re: control of noise and dust generated by the chuting of debris, including the design and placement of a "water misting system." Please provide in the Final Implementation Plan, additional details re: how debris that becomes "jammed" will be freed and the chute repaired. Specify what will be put in place as "a suitable barrier" protecting the entrance to the "drop zone." Provide a specific plan for engineering and other measures to protect the health and safety of all workers in the vicinity of the "drop zone."

p. 26, V.D.19. Is all plywood currently in use as barriers of any kind in the building fire-retardant?

p. 27, V.D.20. Will residents and workers in the area be given advance notice that access at the intersection of Greenwich and Albany Sts. will be limited at times when scaffolding or plywood is being removed or deconstruction is underway on the SE corner of the building?

p. 27, V.D.22. Re: "concrete exhibiting stains," please provide to the public protocols for testing of stained concrete slabs for possible contamination, including which contaminants are tested for, how the concrete slabs will be sampled, the number of samples and their location on or within the stained concrete, and the analytical methods used. What is the basis for the assumption that only the surface of the stain area should be sampled? What are the criteria for acceptance for reuse as basement fill?

p. 27, V.E.2. Final Implementation Plan should specify who is responsible for inspecting all equipment and "deeming" it safe for use on site.

p. 27, V.E.4. Final Implementation Plan should specify who is responsible for inspecting proof of training, prior to authorization of employees to operate equipment.

p. 28, V.E.5.e. Please include in Final Implementation Plan the Bovis plan "identifying measures to ensure that sufficient spotters are in place to watch hoisting operation and communicate with hoisting crew and flag persons."

p. 28, V.E.5.f. Please specify whether the tower crane will be eliminated for use in debris load out below the 10<sup>th</sup> floor. What will be the basis for that decision?

p. 28, V.E.6.b. Please provide clarification re: the status of Greg Blinn, president of John Galt, a company indicted by DA Morgenthau for its role in the August 17, 2006 fire. Does he remain the Engineer of Record for the hoists? Who is currently carrying out his maintenance and other professional duties?

p. 29, V.F.2-3. Please state in Final Implementation Plan how demolition workers removing piping will be able to distinguish the standpipe from other pipes.

p. 29-30 V.G.1-8. The “Dust and Noise Control” section is lacking in specifics. Please include a detailed work area- and task- specific set of plans for dust control and noise control in the Final Implementation Plan. Please include fogging nozzles, proposed for possible installation, in engineering drawings of the debris chute(s). Will workers operating the concrete crusher or hoses to control dust be required to wear respirators?

p. 30, V.G.7. Please provide to the public the “site NYCDEP Noise Mitigation Plan” by posting it to [renewnyc.com](http://renewnyc.com)

p.30, V.G.8. Please provide in Final Implementation Plan, the specifics of noise monitoring “to assess compliance with OSHA requirements for worker exposure.”

p. 30, V.H. 3. Final Implementation Plan must specify exact location of the concrete crusher.

p. 31, V.H.5. Please provide testing protocol Bovis will submit to NYS DEC, for sampling “painted or stained concrete from the building” for possible reuse as backfill.

p. 31, V.H.7. NYC DOB should be involved in all decisions re: bracing of the building’s foundation walls.

p. 31 V.H.8. All drawings listed in this section should be provided to the public on [renewnyc.com](http://renewnyc.com).

We support the residents’ call for setting appropriate wind speeds (even if those are intermittent) as a limit condition on certain kinds of operations, including but not limited to the use of a tower crane to lower debris off the building, the use of a concrete crusher in the North Plaza, the removal of glass from the buildings exterior, and the removal of scaffolding.

We support the Skyscraper Safety Campaign’s request for the public release of the draft protocols for the search for human remains on the outside ledges, at the northern entrance and former fountain area of building. Final protocols for the human remains search at 130 Liberty should be posted on [renewnyc.com](http://renewnyc.com), along side the Final demolition plans. We agree with Skyscraper Safety that the search at 130 Liberty and elsewhere by the Office of the Medical Examiner has not been transparent, and has been unacceptably intermittent and haphazard.

We support the community’s call at the March 5<sup>th</sup> public session, for additional air monitoring station(s) in the vicinity of any concrete crushing operation sited on the North Plaza. If LMDC refuses to provide additional monitoring, it must provide a detailed written rationale for any TRC/LMDC claim that existing air monitoring is adequate for protecting the health of workers and the public alike from exposures to concrete dust, a known respiratory irritant.

## Michael Murphy

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**From:** Esther Regelson [estjack@earthlink.net]  
**Sent:** Friday, March 13, 2009 1:02 AM  
**To:** reply  
**Subject:** Deconstruction Implementation Plan

To Whom it May Concern:

There is not enough time allotted for public comment on these plans, particularly when one has other deadlines at work. After quick perusal, and with the experience of having read previous voluminous demolition plans from before the fire of 8/18/07, we find that these plans are too general.

In particular:

There is no mention of where the trucks will enter and exit the site everyday, what their route will be out of the neighborhood, and what will be done to avoid impedances of normal traffic patterns for pedestrians, cars and other vehicles.

The emergency notification plans for the community is not specified.

It is unclear how the chute will be operated, specifically where it will be, and how many floors debris will be dropped, as well as how the dust and debris will be properly managed and maintained. Although some of this is mentioned, it is entirely too general.

-While we appreciate the opportunity to express our concerns, we respectfully ask for an extension of the deadline for these comments.

Thank you.

Esther Regelson & Residents of 109 Washington Street

**Michael Murphy**

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**From:** SallyRegenhard@aol.com  
**Sent:** Friday, March 13, 2009 1:01 AM  
**To:** reply  
**Subject:** Comments

**Comment from the Skyscraper Safety Campaign, Sally Regenhard, Chair, Re the proposed plan for the 130 Liberty deconstruction & the absence of plans to search for human remains.**

At the March 5th meeting in Speaker Silver's hearing room, there was no mention of plans to search for human remains in the un searched areas of the Deutsche Bank building. We have been informed by our sources that the basement area and the entire plaza area in front of 130 Liberty St., plus some adjacent areas remain un searched. 1,100 people remain missing, and The Skyscraper Safety Campaign and its supporters want a comprehensive written plan for this search. In addition, the OCME representative, Bradley Adams, alleges that the basement area - which is a site for pulverizing concrete - has already been searched. Since this is contrary to our information, the SSC requested written documentation of that alleged search, including dates, areas, and personnel who conducted this search. This request was made on March 5th, and as of this date, there has been no provision of requested documentation.

**The Skyscraper Safety Campaign calls on the LMDC and the City of NY to respond to our request immediately.**

Sally Regenhard, Chairperson, Skyscraper Safety Campaign

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**COMMENTS ON 130 LIBERTY STREET DECONSTRUCTION AND  
SAFETY PLANS ON BEHALF OF 125 CEDAR STREET  
RESIDENTS**

**Mark Scherzer and Mary Perillo  
March 10, 2009**

**We live at 125 Cedar Street. We submit these revised comments in response to the LMDC's invitation for written comments on the published plans for the deconstruction of the Deutschebank building at 130 Liberty Street (the "implementation plan"), and the safety and emergency plans ("EHSP"). The comments have been revised in response to statements made at the March 5, 2009, public hearing. We and our neighbors live immediately to the northwest of the building, across Greenwich Street, and we will be particularly affected by activities on the north side of the building, where the crane is located and where the open plaza is slated to be the site for breakdown of removed demolition materials.**

**1. In the implementation plan, we are VERY PLEASED to see (p. 28) a rule that skip buckets and containers should not be overloaded, and should not be loaded above 1 foot below the top of the container. The rules should also require that all materials be sufficiently broken down before being put in the containers that they do not stick up or over the edge, and that they be lowered in a different manner if they can't fit within the confines of the container. Also, this rule should be repeated in the EHSP, which only says (Section 5.85, p. 20) that loads should not exceed weight maximums and must be secured if they could tip or fall. Conversely, rule 5.85 from the EHSP should be repeated in the implementation plan.**

**The same part of the implementation plan says that skip buckets will not be tarped. Surely some sorts of lightweight debris should be tarped.**

**2. The EHSP, p. 26, section 5.14.13, says crane operations will be "limited" if wind speeds exceed 30 mph. We question what "limited" means? The EHSP does not specify whether the reference is to sustained winds or to gusts. Is the plan relying on a scientific or engineering calculation for this 30 mph rule? We believe that even if**

wind is just gusting to 20 mph or more, crane operations should be entirely suspended, not just "limited".

3. The implementation plan (p. 22) says the noise mitigation plan in place will be "updated to address these activities"; the EHSP similarly refers to a noise mitigation plan which is not included in these documents. Noise levels and mitigation measures for the activities they contemplate should be addressed in these documents. We believe there should also be noise and vibration monitoring within one block of the building, both at grade and above ground (e.g. on the parapet of 125 Cedar St.)

4. The "downsizing" of a lot of big pieces of deconstructed materials is planned to take place in the north plaza at ground level -- basically what all of us look out on from 125 Cedar. This includes a concrete crushing operation for the floor slabs that will be removed and then used as backfill in the basement. This is extremely noisy and dusty work, no matter what mitigation measures are taken. Since you reserve the right to do the concrete crushing, alternatively, in the basement. (implementation plan, p. 30), and it clearly can be done in the basement, and since the crushed concrete is heading there anyway, and since it would create a lot less noise and ambient dust for us if the crushing were done there, we'd like the crushing operation to occur in the basement only. In light of comments at the March 5 hearing that crushing could not be done in the basement (contradicting the implementation plan's reservation of rights to do precisely that), we submit that a wooden or metal temporary structure should be built to house the crushing operation and the breakdown of other materials. Such a structure would mitigate noise and act as a dust barrier.

5. Nothing in either document limits hours of work or sets forth a timetable generally. Limits on hours should be built in to the implementation plan.

6. Finally, there is no provision for neighborhood notification of any sort in the EHS for emergencies. Neighborhood notification and evacuation plans for neighbors should be in integral part of any emergency plan.

We thank you for the opportunity to submit our comments.



## Michael Murphy

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**From:** Sheffield, Eileen [esheffield@fulbright.com]  
**Sent:** Monday, March 09, 2009 3:46 PM  
**To:** reply  
**Subject:** Idling Trucks/Vans, etc.

I pass this building every morning and no matter what time, there are trucks idling on Albany Place between South End and West Street, Liberty Street, Church Street. Don't you think this contributes to the pollution problems downtown.

Eileen Sheffield |

**Michael Murphy**

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**From:** Noah Pfefferblit [noahp@cb1.org]  
**Sent:** Friday, March 13, 2009 12:21 PM  
**To:** reply  
**Cc:** Michael Murphy  
**Subject:** FW: 130 Liberty St. res

The following resolution was passed by the World Trade Center Redevelopment Committee of Community Board One on March 9, 2009. It will be brought up at the Community Board One meeting of March 24, 2009 for ratification by our full board.

Thank you for the opportunity to submit comments regarding the plan to deconstruct 130 Liberty Street.

Let me know if I can be of any further assistance.

Noah Pfefferblit  
 District Manager  
 Community Board One  
 49-51 Chambers Street, Room 715  
 New York, NY 10007-1209

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COMMUNITY BOARD #1 – MANHATTAN  
 RESOLUTION

MARCH 9, 2009

COMMITTEE OF ORIGIN: WTC REDEVELOPMENT

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 130 Liberty Street (a/k/a Deutsche Bank Building)

WHEREAS: On Thursday, March 5<sup>th</sup>, New York State Assembly Speaker Sheldon Silver hosted a meeting to hear public comment on Bovis Lend Lease's proposed *Implementation Plan for the Decontamination and Deconstruction and Environment, Health & Safety and Emergency Action Plan for 130 Liberty Street Building*. Present to hear public comment were Avi Schick, Chairperson of the Lower Manhattan Development Corporation (LMDC) and David Emil, President of LMDC; representatives of the General Contractor Bovis Lend Lease; representatives of deconstruction subcontractor LVI Services and Ed Gerdts from air monitoring subcontractor TRC Companies, Inc.; and representatives of various government agencies acting as regulators on the project, including the federal Environmental Protection Agency, the State Department of Labor, the NYC Department of Environmental Protection, the NYC Department of Buildings (NYCDOB), NYC Fire Department, the NYC Office of Emergency Management, the Lower Manhattan Construction Command Center and CB#1, and

WHEREAS: CB#1 unanimously passed a resolution on September 18, 2007, outlining its concerns over the safe deconstruction of 130 Liberty as well as the history of the deconstruction project since September 11, 2001. The resolution traced prior requests in both resolution

4/24/2009

and letter form, sent to responsible agencies by CB#1 seeking greater safety measures on the project,  
and

WHEREAS: There were several reports of site specific exceedances during February 2009 for both manganese (February 9, 10, 11, 12, and 13, 2009) and silica (February, 21, 22, 23, 24 and 26, 2009) according to LMDC's website. One of the key components of the air monitoring program is the timely posting of information on-line. Although LMDC sent out e-updates on these exceedance events, the information could have been provided in a timelier manner to minimize exposure to the community and workers, and

- WHEREAS: The EPA's World Trade Center Coordinator Pat Evangelista stated at the March 5th public meeting that the "trigger levels" for such exceedances are set below health-based benchmarks to allow for a margin of safety during investigation of the source(s), and implementation of any necessary corrective action before released contaminants reach harmful levels, and
- WHEREAS: Community members voiced concern at the March 5<sup>th</sup> meeting about the lack of adequate dust control measures proposed in the 130 Liberty demolition, about the lack of clarity with respect to LVI's proposed concrete crusher and use of one or more debris chutes. Community members called for specific details on dust control for these operations so that dust is prevented from traveling into the surrounding area. In addition, community members also called for written measures mandating that contractors and their employees not overload the skip bucket when removing demolition debris, and
- WHEREAS: The representative of the Office of the Chief Medical Examiner (OCME) of the City of New York gave an update on the statistics so far on the search for human remains throughout the 130 Liberty Building. 295 people and 4 terrorists were identified from the American Airlines Flight 11 at 130 Liberty Street from the rooftop and a ledge. He indicated that all areas of the building, with the exception of the outside ledges had been thoroughly searched. However, documentation of areas of concern such as the basement and plans for searching the plaza area were requested at the March 5<sup>th</sup> public meeting; and
- WHEREAS: In February 2009, workers accidentally severed the standpipe on the second floor during the abatement process by at 130 Liberty Street; this incident required that the building be evacuated, and
- WHEREAS: Community members expressed concern at the March 5<sup>th</sup> public meeting that the current Implementation Plan did not contain an Emergency Community Notification Plan. LMDC informed those attending that Addendum F to the February 6, 2008 130 Liberty emergency Action Plan (labeled "Community Notification Plan Addendum") remains in effect, and that this Addendum states it is, "a living document and will be revised and updated throughout the 130 Liberty deconstruction process," now

THEREFORE  
BE IT  
RESOLVED  
THAT:

CB1 recommends to the LMDC the following for the 130 Liberty Street project:

- Resolve all open NYC Department of Buildings complaints
- Provide a site and task specific plan for dust control at and around all concrete crushing and chute operations and outline how the air will be monitored specifically at these locations
- Provide specific written protocols to prevent skip buckets from overflowing and other containers carrying debris lowered from the building
- Reduce lab turnaround time (TAT) of detection and emergency notification of toxin air monitoring exceedances – try to meet three day TAT for the various analyses such as three days for manganese & silica so that preventative measures can be implemented
- *Ensure that necessary fire prevention is in place, such as maintaining the standpipe system*

- Provide the OCME documentation for the search for human remains in the basement, at the plaza of 130 Liberty and any remaining areas and coordinate any search with the surrounding construction so as not to interfere with the construction progress
- Obey the noise code. Demolition hours must take into account that there are residential buildings in the immediate vicinity of 130 Liberty
- Post on-line the March 5th meeting transcript and all public comments submitted on LMDC's website on the same webpage as the links for the draft plans, as was done by the EPA when it issued draft test and clean plans for comment by the WTC Expert Technical Panel and the community.

To LMDC:

At last Thursday's public hearing on the 130 Liberty demo plan I expressed my concerns about WTC contaminants having soaked into the slabs and masonry walls due to the extreme conditions.

After speaking later with Tom Kunkel of LMCCC and Pat Evangelista of the EPA, I still have concerns about possible absorption of contaminants into the concrete, their release into the atmosphere during demolition, and the use of downsized pieces as backfill for the foundation. The good thing is that there is a simple, relatively inexpensive way (explained below) to alleviate such community concerns, *a way that could save Bovis long job delays and expense later.*

Concrete is a relatively porous material – think of water leaking through a basement foundation because of poor drainage around the perimeter, or of the rusted reinforcing rods found in crumbling outdoor decks and bridges. Various WTC trace contaminants may have been carried and absorbed *into* the slabs by flooding, exposure to extreme weather conditions, and the cleaning process itself, which undoubtedly left pools of water slowly soaking into the low spots of the slabs. In fact, a basic fact of chemistry is that acidic conditions, such as acid rain, increases the solubility of metals, including heavy metals.

Additionally, the integrity of the slabs (and masonry) was compromised by cracks and fissures, delamination, exposure to freeze/thaw cycles and various salts and chemicals, all of which created further paths of infiltration.

As I understand it, the method for "cleaning" the concrete was focussed on a visual examination of the surface for *stains*. Tom kept stressing to me that all cracks and stained areas were cleaned (vacuumed, blown out, etc.), possibly scraped and the *surfaces* sealed. But when I asked Pat if the signature WTC contaminants would necessarily create *visible* stains he acknowledged that *he didn't know* the answer to that, and that it was beyond his purview. At that point he said I should write my concerns to DEC (which I am also doing).

If indeed contaminants were absorbed without betraying a stain, then the sealing of the surface simply delays their release till the concrete is broken up.

I am also concerned that much of the downsized concrete is intended for use as backfill for the foundation. Any contaminants will stay there till a new developer comes along – the problem gets passed along, but the residents live with it.

I've done a hasty search through past documents and test results, and I don't see any consideration given to the possibility of absorption *into* the slabs. The

amount of contaminants may be very low, but it would be *cheap and easy* to test a representative set of core samples from areas most exposed – now, before demo starts. Problems found now could lead to better design of chutes and work methods. A small investment now might also prevent long job delays and much worry and expense later, as people like Tom try to locate the source of air monitor warnings *after* the fact.

Thank you for your attention,

Jeffrey Ehrlich  
143 Chambers Street, #2  
NYC, NY 10007  
917-923-7596

ADDENDUM:

I just spoke to Liam O. Horgan, a Certified Industrial Hygienist, who emailed two more related concerns (excerpted here):

1) Mercury – Re: Reinforcing bars. Mercury (from all the fluorescent lights) amalgamates to metals. Granted, the Mercury contamination from the light tubes is in the form of a contaminated particulate, but would its preference for metal surfaces cause migration to the RE Bar?

2) PCB - I am currently working on a project where PCB migrated into the brick on a building. On the EPA web site, under PCB Window Caulk, EPA recommends testing adjacent materials (bricks) for PCB migration into the Brick. Granted we are talking higher concentrations of source contaminated material, but the problem is that it can migrate both ways. Using PCB contaminated concrete as fill material could result in contamination of adjacent materials.