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LOWER MANHATTAN DEVELOPMENT CORPORATION

COMMUNITY MEETING

RE: 130 Liberty Street Deconstruction Plan

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New York State Assembly
Hearing Room
250 Broadway
New York, New York

March 5, 2009
6:05 p.m.

B e f o r e :

Assembly Member Sheldon Silver,
The Chair

1

2 A P P E A R A N C E S:

3 For the Lower Manhattan Development4 Corporation:

5 Avi Schick, The Chair

6 David Emil, President

7 Other Staff

8 ALSO PRESENT:

9 Pat Evangelista -

10 U.S. Department of Environmental Protection

11 Richard Mendelson -

12 OSHA

13 Maureen Cox -

14 New York State Department of Labor, Division of

15 Safety and Health

16 Catherine McVay Hughes -

17 Vice Chair Community Board #1

18 Bob Aviltrone -

19 New York City DEP

20 Michael Weinline -

21 New York City Fire Department

22 Chris Santulli -

23 New York Department of Buildings

24 Brad Gear -

25 New York City OEM

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P R O C E E D I N G S

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4 THE CHAIR: Good evening and
5 welcome.

6 As you know, today's meeting is
7 intended to provide the public with a report on the
8 draft implementation plan for the decontamination/
9 deconstruction, it's actually deconstruction, at
10 this point of 130 Liberty Street and the emergency
11 health and safety plan for 130 Liberty Street.

12 LMDC will provide a status report
13 on work at the site. The plan has been up on the
14 website now for approximately three weeks.

15 Following the public comment
16 period, the plans will be re-submitted to the
17 regulatory agencies for final approval. LMDC will
18 also be accepting written comments on these plans.

19 Tonight's meeting will begin with
20 a presentation of the plan from the LMDC and their
21 consultants. Members of the public will then be
22 invited to ask questions or make comments on the
23 plan.

24 I want to acknowledge and
25 introduce the people sitting up front who you will

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2 be hearing from, all of them very shortly.

3

4 Sitting next to me on my right,
5 your left as you see it, is Catherine McVay Hughes,
6 the Vice Chair of Community Board #1 who has worked
7 effectively to ensure this project is handled in a
8 manner which puts the safety of the community first
9 and the safety of the community foremost in
everybody's mind.

10

11 From LMDC we have Chairman Avi
12 Schick and President David Emil. These gentlemen
13 are in charge of the Lower Manhattan development
14 Corporation which owns the building, manages its
decontamination and deconstruction.

15

16 Also with us today are
17 representatives of the various governmental
18 regulatory agencies which have oversight
19 responsibilities and work with LMDC to ensure that
the project is carried out in a safe manner.

20

21 I will ask them now, starting on
22 my far left, to introduce themselves and indicate
the agency they represent.

23

MR. EVANGELISTA: Good evening.

24

25 I'm Pat Evangelista. I'm with the
U.S. Environmental Protection Agency.

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MR. MENDELSON: Richard Mendelson,
the Occupational Safety and Health Administration,
OSHA.

MS. COX: Maureen Cox, the New
York State Department of Labor, Division of Safety
and Health.

MR. AVILTRONE: Bob Aviltrone,
New York City Department of Environmental
Protection.

MR. SANTULLI: I'm Chris Santulli,
New York City Department of Buildings.

MR. WINELINE: Michael Winline,
Fire Department of New York.

MR. GEAR: Brad Gear, New York
City Office of Emergency Management.

THE CHAIR: You will hear from all
of them a little later.

Let me just say, as the
Assemblyman representing Lower Manhattan and the
World Trade Center site, I have been very concerned
and outspoken about the need to rebuild Lower
Manhattan in a safe and timely manner following the
attack on our community.

In late January, we conducted an

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2 Assembly hearing on the subject and he heard and
3 questioned all of the stakeholders in the Trade
4 Center site, including the Port Authority, Larry
5 Silverstein, the MTA and LMDC and the Lower
6 Manhattan Construction and Command Center.

7

8 We've also convened a series of
9 monthly community advisory meetings regarding 130
10 Liberty Street since that fire in August of 2007.

11

12 So I just want to thank the
13 members of the advisory committee for their ongoing
14 participation in their oversight as a community of
15 this important project.

16

17 Let me just begin by introducing
18 Avi Schick, Chair of LMDC, for an update. And
19 after that, the regulatory agencies will be called
20 onto offer comments that they may have at this
21 time. At that point I'll open things up for you,
22 the public, to question anything that's said or to
23 make comments about the plan or anything that's
24 said.

25

26 If you plan to speak, I ask that
27 you fill out a speaker's form located at the table
28 at the back of the room.

29

30 We will also, after Avi Schick,

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2 he'll introduce LVI who's a contractor who will
3 present the plan over here and Catherine will
4 assist me in monitoring the comments.

5

Thank you.

6

MR. SCHICK: Thank you, Speaker
7 Silver and thank you, again for convening and
8 hosting this ongoing series of discussions with the
9 community on the project that impacts all of Lower
10 Manhattan, certainly but those who live and work in
11 proximity of the building more than anybody else.

12

And so the dialogue that you have
13 created through these meetings helps us keep in
14 contact and answer questions that may arise.

15

To pick up on what the Speaker
16 said, there is a process for those who want to
17 submit written comments. And we set up a special
18 e-mail address which is replylmdc@renewnyc.com.
19 Again, it's replylmdc@renewnyc.com. So for those
20 who either couldn't be here, if you want to convey
21 to them or for those who want to have additional
22 comments in writing, if you send it to that e-mail
23 address, they'll get the consideration they need.

24

Just a brief update.

25

The purpose of the meeting tonight

1

2 is obviously to hear about the deconstruction plan
3 from LVI and then to hear the public comment.

4

5 But we before we get to that, I
6 did want to give a brief status update with respect
7 to the progress of the building.

8

9 As you know, we've now put out
10 these monthly progress reports which are posted on
11 our website the first Monday of each month and sent
12 out to our list. And I think just two weeks so ago
13 also established a twitter feed, if that's what
14 it's called, and some 150 or more people have
15 already signed up to receive the regular updates
16 via twitter. And so we're trying through whatever
17 means and methods possible to stay in touch and
18 keep people apprised of the progress.

19

20 Be it as it may, the good news is
21 we continue to move forward with the abatement of
22 the building or move downward as it were. And in
23 the last couple of weeks, floors four and five have
24 been fully abated and cleared by the regulators.
25 That means that what we're left with floors one,
two and three. So we're down literally the last
handful of floors, three out of what was about 40
to begin with. Those three are in various stages of

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work.

As it is, the hope and the goal is that in about six weeks from now towards the end of April those three floors will be cleared and abated.

Just to give the public an understanding. After that -- the facade, if one looks at the building now, you can see the facade is coming down. That's part of the abatement process. And so the facade of the building is now off down through around the 12th floor. There is some gap that we keep. And in any event, we can't take the facade off the first three floors, the lower three floors, until those floors themselves are abated.

So the goal is that in the -- toward the latter part of April, floors 1, 2 and 3 will be abated and cleared by the regulators hopefully and then subsequent to that, the facade will be removed and then we can get to the deconstruction which I know everybody has been hoping for and the deconstruction should begin to take place in the month of May.

At that point the number of people

1

2 working in the building will be reduced
3 dramatically. The hours and the length of time I
4 think will be somewhat reduced. There's just a
5 different way to go about deconstruction and
6 abatement and that's part of what you'll see in the
7 plan going forward.

8 But certainly we're all looking
9 forward to that milestone when the one and a half
10 million square feet or so of space that the
11 building occupies will have been fully abated. And
12 as you said, we're 90 some odd percent of the way
13 there and hope to be down to the first floor in six
14 weeks or so.

15 So that's the status of where that
16 is. We'll continue to keep the public apprised
17 through these regular updates. They'll be an update
18 in the beginning of April and we'll tell you if
19 we're on that schedule.

20 We are trying very hard to hold
21 our contractors and subcontractors to the schedule
22 they've agreed to and committed to publicly. If
23 there's any slippage, we'll let you know and we'll
24 continue this dialogue.

25 I think for now we ought to -- the

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purpose of the meeting is to have LVI present and talk through the deconstruction plan that's been submitted and under consideration.

MR. MOONEY: Good evening, everybody.

My name is Jim Mooney. I'm a regional manager for LVI and I'll be overseeing the deconstruction portion.

I just want to make a couple of introductions.

First gentleman is Mr. Bob McNamara. He's the President and CEO of LVI.

Next to Bob is Roy Johnson. He's the project manager on site for decontamination and we'll be carrying through for the deconstruction process.

We also have Jerry Aglenowitz (phonetic.) He is our New York City deconstruction operations manager.

And finally we have Mr. Ed King who is our Vice President of Operations who has overall authority on the activities associated with all LVI design and demolition operations.

We just prepared a brief couple of

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slides and we'll get into them.

The first slide just basically represents where we stand with the building and its current state. And we are looking forward to come up with good progress as soon as we have an opportunity to get underway.

Just a little bit of information with respect to LVI's performance to date.

In 2008 we worked 470,000 man hours with a reportable incident rate of 2.1 versus an industry standard 5.0. And in 2008 we also achieved a zero lost time which is an excellent statistic and we're rightfully proud of that.

Just I really can't say enough about safety and safety is the culture of LVI. Everything we do relates to the safety of our personnel as well as the public and the other forces that are going to be on this project.

Among the safety initiatives that LVI has in place are daily safety audits which will not only be performed by LVI site safety personnel, but also in conjunction with Bovis. Tool box safety talks, meetings with supervisors, daily coordination meetings will all contractors on site.

1

2 The health and safety officer is going to be
3 informed of all our work activities. Assessment
4 hazard analysis and job safety analysis are
5 provided for each task including all of our
6 subcontractors. And all the existing equipment on
7 site such as hoists, scaffolding, the crane are
8 going to be inspected by us.

9 It's -- we live and breathe safety
10 and we're going to continue to live and breathe it
11 here.

12 I just kind of pulled this out of
13 the deconstruction plan.

14 And this is a further indication
15 of how seriously this project is being taken with
16 respect to safety. Thorton Tomassetti, the
17 engineer of record, will have a PE on site at the
18 area of demolition during the entire project to
19 monitor compliance.

20 Additionally, URS, the owner's
21 rep, will have a PE on site at the area of
22 structural deconstruction during the work.

23 Bovis and URS additionally will
24 have full time safety representatives at the area
25 of structural deconstruction. So as we're

1

2 performing this work, we will have any number of
3 individuals helping LVI achieve a perfect health
4 and safety record.

5

6 This is something I know that the
7 Chief is extremely interested in which is making
8 sure that burning activities, which are part and
9 parcel of what we're going to do, are going to be
done in a safe fashion.

10

11 First and foremost the goal is to
12 remove all the combustibles from the building which
13 one of the reasons why the abatement or
14 decontamination is going to be 100 percent complete
15 before we get underway with the deconstruction
operation.

16

17 Every torchman that we have will
18 have a New York City certificate of fitness fire
19 watch adjacent to them while the burning is taking
place.

20

21 In addition, we will have one
22 individual licensed fire watch below so if I've got
23 four guys burning on the working deck, I'll have
four fire watch adjacent to those individual.

24

25 On the floor below we will each
also have four fire watch in those locations and

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2 then subsequent to that there will be an additional
3 fire watch on each of the four floors below that.

4

5 I'd also like to point out that
6 oxygen and acetylene bottles will be removed from
7 the building at the end of every shift and that
8 we're going to have prominently-located fire
9 extinguishers on every floor and that our fire
10 watch personnel will be predominately with fire
11 watch and they will be doing fire watch and nothing
12 else.

12

Next slide.

13

14 I just want to talk a little bit
15 about the site logistics.

15

16 We've got the tower crane. The
17 tower crane is an important part of how we're going
18 to get material off the building. The tower crane
19 is going to allow us to work safely and
20 efficiently.

20

21 We also will be utilizing the
22 power crane to remove steel and concrete and we'll
23 also be using the power crane to lift our
24 operational equipment up to the work areas.

24

25 It is a congested site with a lot
of adjacent activities in terms of rebuilding at

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the World Trade Center site along with other projects in the area. So we're keenly aware of how snug the surroundings are and the fact that we need to be on our toes at all times.

Next slide.

Means and methods. And I'm just kind of paraphrasing from our deconstruction plan. We're going to be working -- again, all decontamination activities are going to be completed prior to the start of deconstruction.

We're going to be working on two floors at a time in a step sequence and then working downward through the building. And an important thing to note is that all rigging procedures are going to reviewed and approved by a licensed master rigger and a foreman designated by the master rigger who will be present for all picks except for critical picks as defined by building code which will be performed in the presence of the licensed master rigger.

Work hours are going to be based on DOB permit approvals. We're looking to get the structure down. We envision certainly working ten hours a day. If light affords the opportunity to

1

2 work more than that, we will certainly do that in
3 accordance with DOB permit approvals. And we also
4 intend to do some work on Saturday and that's going
5 to be a function with keeping pace with the
6 project.

7 This a photograph of, a snapshot
8 of this structure and that's kind of as you see it
9 as what is going to happen. And it's all in concert
10 and all identified in the decontamination plan. I
11 just brought that photo up there to kind of give
12 you a representation of what we do. And it's going
13 to be replicated time and time again starting on 26
14 working our way all the way down through the
15 building.

16 That kind of summarizes briefly
17 the plan itself. I don't know whether or not I
18 should continue. If anybody wants to ask some
19 questions, I'd be happy to answer them if I could.

20 MR. SCHICK: Do you have more in
21 your presentation?

22 MR. MOONEY: No, no.

23 THE CHAIR: So why don't we open
24 it up to the public. And if there are any
25 questions of you or any of the regulatory agencies,

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2 we will take them.

3

4 MR. SCHICK: If I could just
5 make a comment, which is, people see this up front.
6 You know, the purpose of tonight is to gather as
7 many comments and as much input from the community
8 as possible. The exception is not that everything
9 be synthesized answered tonight, but that we get an
10 opportunity to hear from everybody who's here who
11 wants to say something.

11

12 We do have a stenographer here
13 who's actually recording each of the comments so
14 that both the regulators and the project teams can
15 go back with all the comments and evaluate them and
16 work them in if necessary.

16

17 And so I think the best way to go
18 forward would be people to make the comments and we
19 note them and then when we get through them, maybe
20 get a response, but give everybody the chance and
21 so we do make sure we hear from everybody.

21

22 THE CHAIR: Okay. Let me call
23 on Pat Moore. Pat.

23

24 MS. PAT MOORE: I'm hiding.

24

25 THE CHAIR: 125 Cedar who
obviously has --

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MS. PAT MOORE: Lots of

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questions --

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THE CHAIR: -- lots of questions.

5

MS. PAT MOORE: Good evening,

6

everyone.

7

THE CHAIR: -- as a next door

8

neighbor.

9

And we have right behind you two

10

more residents of 125 Cedar, Mark Scherzer and --

11

MS. PAT MOORE: Mark had to leave

12

so Mary is here.

13

THE CHAIR: Mark left? So Mary

14

Perillo. Do you want to do it together?

15

MS. PAT MOORE: She's here. You

16

come up Mary.

17

Thank you, Speaker. Thank you,

18

everyone for having this meeting.

19

As the closest -- I'm Pat Moore,

20

125 Cedar Street. We are one of the closest

21

residents to the building.

22

Just now in your presentation I

23

heard that the oxygen and the acetylene tanks will

24

be removed. Removed to what location? That's one

25

question. Do you want me to ask all questions and

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2 then you can get back to me with answers?

3

MR. SCHICK: I think that's
4 going to be the most effective approach.

5

THE CHAIR: Most effective way.

6

MS. PAT MOORE: Of course, the
7 other thing I'm concerned with, I just heard is the
8 ten-hour shift on Saturday. So, as always, you
9 guys know I'm always concerned about noise for the
10 neighbors who live closest to the building.

11

So I'd like to know ten-hour
12 shifts, with consideration of us so that the noisy
13 work, if there is noisy work, it's done during the
14 middle of the day and not early in the morning and
15 not late at night.

16

Then, one of my major questions is
17 the shredding of the concrete that we hear is going
18 to happen in the north plaza. My understanding,
19 maybe rightly or wrongly, is that it was going to
20 be done in the basement.

21

And so again, I'm concerned, No. 1
22 about contamination, the dust flying everywhere,
23 how you're going to suppress dust.

24

And No. 2, what kind of noise will
25 this breaking up of the concrete cause? And Mary

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can take over. She's got some more questions.

MS. MARY PERILLO: Yes, and
comments.

THE CHAIR: Mary, for the
stenographer, would you give your name.

MS. MARY PERILLO: Yes. Mary
Perillo, P-e-r-i-l-l-o, 125 Cedar.

In the implementation plan, we are
very pleased to see on page 28 a rule that the skip
buckets and containers shouldn't be overloaded and
they should not be loaded more than a foot above
the top of the container. The rules should also
require that all materials be sufficiently broken
down before being put in these containers so that
they don't 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.

This is something we looked at for
years.

MS. PAT MOORE: And I brought it
up at other, earlier meetings.

MS. MARY PERILLO: Also, this
rule should be repeated in the EHSP which only says
in section 5.8, page 20 that loads should not

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exceed weight maximums and must be secured if they could tip or fall. Conversely, that rule from EHSP should be repeated in the implementation plan.

The same part of the implementation plan says that the skip buckets will not be tarped. Surely, some sort of lightweight debris should be tarped. There's going to be times.

And then on page 26 of the EHSP, section 5.14.13 says that crane operations will be limited if wind speeds exceed thirty. What does limited mean? And this doesn't specify whether these are sustained gusts or winds -- sustained winds or gusts.

Are you relying on some scientific or engineering calculation for this thirty MPH rule? We believe that even if the wind is just gusting to twenty or more, crane operations should be entirely suspended not just limited.

The implementation plan on page 22 says that 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. Shouldn't noise levels and mitigation measures for the activities

1

2 they contemplate be addressed in these documents?

3

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6

We believe that there should also be noise and vibration monitoring within one block of the building both at grade and above the ground; for example, on a parapet wall at 125 Cedar.

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Then the really important one, the downsizing of a lot of big pieces of deconstructed materials is going to take place in the north plaza at ground level basically when all of us look out are windows at 125 Cedar. This includes a concrete crushing operation for the floor slabs that will be removed and then used as backfill for 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, and it can be done in the basement, and this is in the implementation plan, page 30, and since the concrete's going there anyway, we would really like the crushing operation to occur in the basement only. That's what originally what we thought was happening.

Nothing in either document limits the hours of work or sets forth a timetable

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generally. Limits on hours have to be built into the implementation plan.

Finally, there's no provision for neighborhood notification of any sort in the EHS for emergencies.

Thank you very much and thank you, Speaker Silver, for having this hearing.

MS. PAT MOORE: And one last -- there was a shaft that's going to -- that materials are going to go down. Where's the shaft located? -- so that's another -- within the building? That's the last question. Do you want to answer them now or you're going to answer them --

THE CHAIR: I'm going to ask LVI to do a preliminary response here and, you know, everything that's commented on should be considered.

MR. SCHICK: Yes, absolutely. And I think one of the things -- it's fine to hear -- some of those questions probably LVI can answer now. Some of them are things we are going to want to incorporate in a plan and that's why the process is set up this way, which is you're not just commenting on a final plan and saying, why did we

1

2 do this? You're commenting on a draft plan and
3 saying, can you incorporate this? And so that's a
4 process and everybody wants to look at it and
5 understand the implications going forward.

6

And so I think LVI could probably
7 talk to some of those things. But for many of them
8 hopefully I think you're just going to have to wait
9 for the formal response which will be incorporated
10 in the plan. Some of them are just informational
11 questions in which we'll endeavor to get back to
12 you as well.

13

MR. JAMES MOONEY: I'll take a
14 stab at a couple of them.

15

With respect to the oxygen and
16 acetylene bottles, they will be taken from the
17 building and removed to a secure location on the
18 ground level. They will not be removing -- be
19 removed from the site everyday.

20

There was a question with respect
21 to the ten-hour shift and noisy work. Candidly,
22 it's our intent to work as much as we can to get
23 the building down as safely and as quickly as
24 possible. I referenced ten hour shifts.

25

Personally, if we got the ability to have daylight

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2 and the City allows us to work daylight hours, it
3 is our goal to work and, you know, certainly keep
4 the noise to appropriate levels.

5

MS. PAT MOORE: Just so that you
6 -- and I'm sure you recognize, we are surrounded by
7 construction. We live between you and the World
8 Trade Center site. And the World Trade Center site
9 has just, they now have a new shift, a third shift
10 from 5:30 to 2 a.m. so we are surrounded by it.

11

MR. JAMES MOONEY: Okay.
12 Concrete crushing in the basement.

13

We did some original concrete
14 crushing in the basement with respect to some of
15 the debris that was done there. Unfortunately we're
16 going to be doing a large-scale crushing operation
17 and our apparatus is such that in order to do this
18 large-scale work our concrete crusher would not fit
19 in the basement, No. 1.

20

No. 2, we're in the process of
21 backfilling the basement and the debris needs to be
22 sized in accordance with specifications and that
23 necessitates crushing. And the concrete crusher
24 that we would intend to utilize will be located in
25 the north plaza.

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We will absolutely be using a lot of water for dust suppression. But unfortunately the basement will fill up rather quickly and the apparatus is too large to locate it in the basement.

MS. PAT MOORE: I'm sorry to interrupt you.

So then we would like to know what kind of sound suppression or mitigation you're going to do so that -- 'cause it's right under our windows.

MR. JAMES MOONEY: Okay. I don't --

MS. PAT MOORE: You'll get back to us.

MR. JAMES MOONEY: Okay.

MS. HUGHES: Wait. I have a follow-up question.

When you're doing the water for the concrete dust suppression, where will that water drain?

MR. JAMES MOONEY: Effectively the water will -- it basically gets absorbed by the concrete itself and it will remain -- it will

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2 remain on site.

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MS. PAT MOORE: Suppose it all
doesn't get absorbed?

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MS. HUGHES: Yes, but he's
trying to -- when you crush the concrete, there's
going to be a lot of dust. So if I understand, when
there's going to be a lot of dust, then you're
hosing it down. So where's that water going to
drain? It will be all absorbed?

11

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MR. JAMES MOONEY: It will be
absorbed and there's also a sump pump in the
basement of the structure so everything ultimately
would drain to that location and then any excess
would be pumped out.

16

17

18

MS. HUGHES: I have a question.
So the silica air monitors will be
located near the concrete crusher?

19

20

21

MR. JAMES MOONEY: Yes. I would
defer to TRC for -- Ed, with respect to silica?

22

23

24

25

MR. GERTZ: Ed Gertz, TRC.
I think the ambient air
monitoring, the amendment to the plan addressed the
air monitoring during the construction that was
submitted for regulatory review. It's under review

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2 right now, amendment No. 8. And that would have an
3 amendment to do silica monitoring at the current
4 location.

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MR. AVILTRONE: Yes. Ms. Moore,
maybe I can address some of your concerns.

I'm Bob Aviltrone with DEP. It's
nice to see you again. We worked very closely with
you in the cleanup process.

With regard to noise mitigation,
the question that you have, we will certainly work
with LVI and the contractors in developing a noise
mitigation plan that takes into consideration the
community's peace and quiet, if we can use that, as
well as being prudent in our efforts to get the
building down. So we will consult with them and we
work in a prudent manner. We do this throughout the
City and we'd be happy to do that here.

MS. PAT MOORE: Great. Thank
you.

MR. EMIL: Do you want to go on
to answer some of the other questions such as the
chute?

MR. JAMES MOONEY: Yes. I'd be
happy to.

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I just want to go down the list.

With respect to overloading the skip buckets, absolutely will not -- we will not endeavor to overload the skip buckets.

Ed, if I'm not mistaken, the tower crane itself has an actual weight load and the tower crane has a rating. So the master rigger nor LVI would allow these buckets to be overloaded. It's just not what we do.

With respect to tarping the skip buckets, it is not our intention to tarp the skip buckets, as we believe the tarps may cause more of a problem than a help in terms of being gusts of wind and things of that sort.

And we've actually consulted with our licensed master rigger who indicates it is his recommendation not to tarp the skip buckets. The intent is to load debris on the working deck, bring it down to the ground and immediately unload. And it's just, what does it take, a minute to --

MR. GERTZ: One other thing about the -- all the boxes that were being used previously are taken off the site and we've redesigned all boxes to take care of some of your

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2 needs. They're a little bit large. They're going to
3 handle steel differently. You might not do as much
4 rigging of independent steel. So we've custom made
5 many different boxes to handle your needs. I think
6 you'll see a big improvement.

7

MR. JAMES MOONEY: With respect
8 to limiting crane operations over 30 miles an hour,
9 we are going to rely on our experts being the
10 operator of the tower crane in addition to the
11 master rigger. And certainly we're not going to
12 put anybody in harm's way with respect to operating
13 in high wind conditions.

14

The noise mitigation plan, Ed
15 Gertz and Bob had just referenced that earlier. I
16 don't know what more I can say about that. You had
17 a question about downsizing in the north plaza.
18 Again, it is our intent to downsize there.

19

And with respect to location of
20 the debris chute, if utilized, the debris chute
21 would probably be located in the interior of the
22 building potentially utilizing an existing shaft or
23 an adjacent location. So the intent is not to put
24 the debris chute on the perimeter of the building.

25

So I believe --

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MR. GERTZ: Jim. Going back to the crusher, did you hear any noise prior to us working already?

MS. PAT MOORE: No, but were you working on --

MR. GERTZ: We were crushing --

MS. PAT MOORE: -- in the north plaza?

MR. GERTZ: Well, we were crushing the basement, as you said. But the crusher that we used, the size and material, there's a jaw crusher which typically smashes it and it's loud. This is an impact crusher where there's a drum spinning and it sizes the material smaller. It's a different type. I don't think you're going to hear much noise at all from that crusher.

MS. PAT MOORE: Okay. And we need a number so that when we -- if and when we hear noise, we can call someone. So please supply us with that number.

MR. GERTZ: Okay.

MS. PAT MOORE: Anything else?

MR. JAMES MOONEY: Okay.

MS. PAT MOORE: Thank you. Those

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are our major concerns.

THE CHAIR: Thank you.

Next, Tom Goodkind.

MR. TOM GOODKIND: It's Tom
Goodkind.

And I'm a resident of Battery Park
City, a member of Community Board 1. And I'd like
to thank the Assemblyman for bringing us all
together again on this important issue and his
attentiveness and follow through as well as all the
officials and community for following this through.

I know a lot of us would rather be
home with our families at this point, but there are
some things that are more important and this is
one.

The -- I'd like to thank Brad from
OEM for going ahead and pushing forward with Notify
NYC again. We saw it a couple of times this week.
The snow day was clearly announced to our kids who
quickly ran out with sleds and very early in the
morning. We were the first ones. And also it was
announced that we wouldn't be able to get to this
meeting very easily earlier today.

So it seems like what we say is

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actually listened to and it's pushed through and thank you for your response.

The reading though all of these documents, which is fine for a CPA like myself, probably awful for most people, I noticed a, maybe this is just me, but one of my favorite documents, the old ones, was the Community Notification Plan addendum from 2005. It was part of all the documents having to do with 130 Liberty.

And I'm just wondering if this gets tagged to the documents that we were given, if there still is an Emergency Notification plan out there that we revised due to our meetings. And if so, if we could attach that to these documents and show that that's still an ongoing effort. And that's something I'd like to bring up and I believe Mary brought that up also.

The other thing is that I imagine from what we discussed that that may be with Brad also with OEM, but now that you're responsible for it, I think that's the way we termed things over the -- since the last incident. And we would like to see -- we would like to see that added as residents.

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The other thing is that I'd like to quickly address the bullet point. The recent concerns over the incidents that have occurred on site at 130 Liberty, notably coming from our daily paper, the Broadsheet, which we get during the day and we gladly interrupt our work to read.

The silica occurrence that was noted on March 2nd and I can't even pronounce this, manganese concentration. It sounds like something on the side of a cereal box that you don't want to eat. And that seemed to happen a couple of days in February.

And it just seems like when these toxic chemicals are leaked from the site, it takes a couple of days to find out. And that personally scares me a little bit because it seems like just from a layman's perspective, if you're walking by and any of the stuff is leaking out and it takes three days to find out about it, you can breathe it in during those three days. And I'm wondering if there's anything we can do about that to get the response a little bit quicker on those chemicals, not just for this but for any site where there's a lot of construction going on in the area.

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And that's it.

MR. SCHICK: Just two issues.

We'll have two different people respond. I want to ask Josh Rosenbloom of the LMCCC to respond very briefly on your question about the community notification plan. And then we'll have Tom Kunkle who's the environmental guru at LMCCC respond on the exceedance points that you raised. He can talk about whether it was actually from the site or off site and about the testing that goes forward.

Because I certainly don't think there's a large gap between the time when we get test results and make them public. But let's have Josh and then Tom respond directly to both of your points.

MR. ROSENBLOOM: Sure.

In terms of the Community Notification plan, there was an addendum that was attached to the deconstruction document, big document that was approved back in February to get the building -- to get the work -- last February I should say, to get the work restarted at the building at the site of the first -- after the fire.

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In essence, that plan is still in effect. It's still posted on the LMDC website as part of the deconstruction plan. And the changes of the documents are made here, no change. The document is still in effect and that's still the policy for which notification to the public is done. That's why it's not showing these documents.

MR. TOM GOODKIND: Right. But is it not the responsibility of those people who were working on site to set that in motion and a possible reference to it would be called for in this?

MR. ROSENBLOOM: What actually happened -- the way it's actually written, if you read the ESHP, I think it is, the contractor is responsible for notifying LMDC and LMCCC and then that -- and the community notification plan triggers it at that point.

MR. TOM GOODKIND: Right.

MR. ROSENBLOOM: LMDC and LMCCC are the ones who initiate the community notification.

MR. TOM GOODKIND: Right. It's just not made reference to. You might want to.

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MR. ROSENBLOOM: Yes, I don't believe it's referenced directly.

MR. TOM GOODKIND: No, it's not.

MR. ROSENBLOOM: But yeah, the intent is that it's triggered when the contractor notifies LMDC or LMCCC.

MR. TOM GOODKIND: Right. It's implied, right. It would be better if it's direct.

MR. SCHICK: Tom.

MR. TOM KUNKLE: To answer your question on the elevated readings or exceedances, a couple of things.

In the plans itself, we're responsible too, of course, and the EPA and also on the site itself if there are any elevated readings, although a couple have happened on the site.

And the silica one you mentioned, silica mostly related to the site has been just off site. One of the areas of the -- the hotel area was doing some power washing and it was picked up on the monitors. And we did notify the proper regulators.

On the manganese issue, we believe it was from the basement area where they were doing

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2 welding and it was associated with the welding
3 there. And LVI has agreed to put together some
4 procedures on proper ventilation and proper control
5 of those readings.

6

And the last point associated with
7 the lab itself. I'll meet with LVI, excuse me, LVI
8 and also TRC to see if we can up with some of the
9 timetables with the lab itself to get new
10 information to you quicker or to see if there's any
11 way we can get the information to you.

12

MR. TOM GOODKIND: Now I know we
13 usually have something like this -- this is a great
14 guy. You usually run to the place to see what's
15 going on.

16

MR. TOM KUNKEL: I'm not allowed
17 to run. It's a safety issue.

18

(Laughter.)

19

MR. TOM GOODKIND: Okay. Fine.
20 Move as quickly as possible.

21

MR. TOM KUNKEL: There's a
22 couple of layers. It's a heavily monitored site and
23 we're in constant communication with Pat
24 Evangelista, Maureen and DOL and DEP's Bob
25 Aviltrone there. But, you know, there are time

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delays associated with the lab. We must get the material to the lab and then get the response back so we can --

MR. TOM GOODKIND: But just logically it might be easier to have a lab closer or just something else or a little test kit, you know, anything that would bring -- it could be simple. It's just an executive decision.

MR. TOM KUNKEL: Well, that takes time. And we also watch the PM levels not only by the monitoring systems associated with 130 Liberty but also with additional monitors on the outside of the room.

MR. TOM GOODKIND: I've heard that just a little bit of this stuff can cause long-term illness so any shortening of that time would be greatly appreciated by the community.

MR. TOM KUNKEL: The manganese issue was brought up that Wednesday meeting that we have every Wednesday. It's a job shop meeting.

MR. TOM GOODKIND: Oh, I understand it was quick as possible, but that's still, I believe a three-day lag.

MR. TOM KUNKEL: I think this

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foundation and the use of the proper rods for welding will help the situation.

THE CHAIR: Thank you. Thank you, Tom.

MR. TOM KUNKLE: Thank you.

Next speaker, Hannah Silverman.

MR. EVANGELISTA: Actually, if I may. I don't mean to interrupt, but I wanted to follow up and make a further comment about the exceedances.

It's important to understand that the exceedance levels or the trigger level, in this case that were exceeded, are designed such that, you know, there's an allowance for an exposure and not to be concerned about it. You know, so the -- all of the assumptions that go behind coming up with a trigger level for say the manganese is designed such that we're not concerned if there's a short term exposure once, twice or three times. And so that's why we're not so concerned about these lag times. If they can be -- if they can be turned around quicker, that's all the better, of course.

And then it's also important to know that the welding operations have stopped until

1

2 a proposal, which will be resubmitted to us as to
3 how to mitigate those releases that may continue to
4 occur as a result of those operations, are approved
5 and end up being in place. So until such time
6 occurs, the welding will not resume.

7

8 And so I just wanted to clarify
9 that. But I think the former point I made is the
10 most important one.

11

12 MR. TOM GOODKIND: Is that true

13

14 with silica as well?
15 MR. EVANGELISTA: That's true
16 with silica as well. I mean we don't like to see
17 them occur often is sort of the bottom line. And
18 the trigger levels are designed to allow us to take
19 another look at the engineering controls that are
20 in place to enhance them so that we can minimize
21 future releases.

22

23 THE CHAIR: Thank you, Pat. Thank
24 you very much.

25

26 MS. HANNAH SILVERMAN: My name is
27 Hannah Silverman. I'm from the Stuyvesant High
28 School Parents Association Health and Safety
29 community.

30

We've been attending a lot of

1

2 these meetings. And I'm just here to remind in
3 general that there are a lot of students downtown
4 and families that don't live in the neighborhood
5 and really are very distant from the issues of
6 potential hazards, need for alert.

7

8 And as I come and read these
9 documents, I'm not an expert in the field, but I
10 see vague statements, structures seem kind of
11 unclear. The chain of command is uncertain to me in
12 places. I just witnessed talking about where is
13 the shaft going to be. It's going to maybe be here.
14 It seems like that can be planned.

14

15 So I wanted to ask the
16 environmental people on the panel here, the last
17 three people, how they feel about the report in
18 general in terms of the structures and the
19 specificity that's require to carry out safe
20 procedures.

20

21 MR. EVANGELISTA: I'll take a
22 shot at that.

22

23 I think it's important to start
24 with, you know, an understanding that there are
25 various regulatory agencies involved with the
26 project with various expertise. So for example, in

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terms of the environmental you have the New York State Department of Labor, the U.S. environmental Protection Agency, New York City DEP or Department of Environmental Protection.

And so to the extent that there are environmental components, those are the agencies that are involved with that.

You referred to a number of structural components and in that regard you had the New York City Department of Buildings. And so --

MS. HANNAH SILVERMAN: I'm sorry. I mean the structure of the report, the plan.

MR. EVANGELISTA: Right, but you referred to the shaft --

MS. HANNAH SILVERMAN: Oh, yes.

MR. EVANGELISTA: -- and where certain things are.

And in those kinds of regards, there are going to be additional substantive details that will go through another process with New York City DOB. And I don't want to speak for New York City DOB but, and maybe at some point I

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2 can pass it over to Chris.

3

4 And so there are various agencies
5 involved with various components. The plan that's
6 otherwise known as this implementation plan, you
7 know, provides a narrative overall understanding
8 of, or its intended to, of how things will be done
9 and perhaps more generally than very specifically.
10 But there will be specific components that relate
11 to the structural deconstruction.

11

MR. SANTULLI: I think --

12

13 My name is Chris Santulli. I'm the
14 Acting Assistant Commissioner for Engineering and
15 Safety for the Department of Buildings.

15

16 And I'd just like to add to that
17 that once this plan is adopted, any of these
18 components that are left somewhat vague like where
19 the shaft is going to be, we're going to get an
20 engineered plan for that and we're going to issue a
21 permit before they do any of that work. So that's
22 where our detailed review would occur on all of
23 those aspects.

23

THE CHAIR: Thank you.

24

The next speaker, Kimberly Flynn.

25

MS. KIMBERLY FLYNN: Thank you for

1

2 this hearing, Speaker Silver. We really appreciate
3 it. And I want to thank all the agency people who
4 are here.

5

I want to follow up on back and
6 forth on the issue of the manganese and silica
7 exceedance and that's sort of my first question.
8 You know, these exceedances have both public health
9 implications in terms of the community being
10 exposed and we also have worker health and safety
11 implications.

12

So for instance, you know,
13 engineering controls to mitigate these exceedances
14 should not be, oh, let's seal up the basement where
15 the welding is going on or should not simply be
16 that because then it's my understanding that that
17 would then result in workers being put at risk
18 potentially. And these are the kinds of issues
19 that the community has a very high degree of
20 interest in and that we would like to be able to
21 kind of track through an implementation plan like
22 this. And we're unable to do that.

23

So I guess one question I have is,
24 when these engineer controls are decided upon, are
25 those then going to be part of a final plan, are

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2 those for the abatement plan and basically where
3 the welding operations are a part of that plan are
4 on hold until these engineering controls are
5 developed and approved?

6

7 It's just unclear to us what we
8 will learn about your decision and what will
9 protect the community and the workers.

10

11 And the other issue is something
12 that Ms. Silverman raised. It's hard for us, you
13 know, because this plan is -- has the date of 2009
14 on it and a lot of things in this plan look a whole
15 like a plan from 2005. And some of the gaps and
16 inconsistencies that we have pointed out in that
17 plan remain in this plan.

18

19 So my overall comment would be
20 that the plan lacks a level of specificity that one
21 would expect for a demolition, first of all, posing
22 this range of complexities and challenges and also
23 for a demolition at this late, at this very late
24 stage in the process.

25

26 And I'm just going to point to a
27 number of passages. They're in many, many of these
28 throughout the document and we will cite those in
29 our written comment.

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But for instance, on page 28, which I'm having trouble finding. I must have pulled it. On page 28 it refers to Bovis submitting a plan to the New York City Department of Buildings.

On page 29 it speaks about the chute which has long been a subject of controversy in the community. The community has had grave concerns about the chute because of contaminated demolition dust and debris traveling at very high velocities down the chute and landing somewhere.

Are there going to be engineering drawings of this chute submitted to DOB that the public will then have access to?

Are these going to be part of a final demolition plan that we will have access to?

MR. SCHICK: I think, you know, obviously I defer to, as always on the environmental questions that you raised, obviously Pat and Tom have discussed them to some degree. But I heard what Pat say was not that they sealed up the basement but that they said that the work that led to that exceedance cannot occur until there's a plan proposed that the environmental

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regulators believe would ensure that such an exceedance doesn't occur again.

MS. KIMBERLY FLYNN: Oh, but I kind of -- I moved on. Thank you for that but I moved to the issue of the chute.

MR. EMIL: No, it's important to explore that. But we'll come to the next point.

As you correctly point out, there's an issue here both of community safety and of worker safety. And we haven't spoken in great detail to the fact that we have a representative of OSHA working with the regulators, Mr. Mendelson, who has correctly insisted that where there are instances of exceedances that there be a plan, a simultaneously developed plan that both addresses the worker safety and exposure issues as well as community safety and exposure issues.

So we feel your concern is well placed and we are attempting to address it working with OSHA as well as with the other environmental regulatory agencies.

MS. KIMBERLY FLYNN: And are we likely to see those plans posted to your website some time soon?

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2 MR. SCHICK: It's unclear whether
3 every detail or every agreement gets reflected in a
4 plan. I think the whole -- part of it as you see
5 from the panel that's assembled here both to the
6 right of myself and David and to the left, you have
7 representatives of, as you said, environmental
8 regulators on the City, State and federal level,
9 worker safety in the person of Mr. Mendelson from
10 OSHA.

11 And then you have safety in every
12 regard both from Chief Weinline who's here from the
13 Fire Department and Brad Gear at OEM. And then
14 certainly with respect to structural issues, Mr.
15 Santulli of the Department of Buildings.

16 Understand that this group and
17 more has to approve of each one of these plans both
18 large and as well as the smaller decisions. So if
19 there's an engineering control issue, it's not like
20 they say go fix it. They say, go tell us -- you
21 know, stop the work, tell us what the plan going
22 forward is and then before any work can recommence,
23 this group of regulators representing all the vast
24 different interests, worker safety, community,
25 safety, structural safety, environmental safety;

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has to get comfortable that it works.

With respect to the structural issues and obviously 'cause that was a large part of your questions as well, and I'll defer to Mr. Santulli. But again, not only are the permits that are issued public as a matter of course on the DOB website, but more importantly, we have always, LMDC has always throughout this job posted on its website all of the permits that are pulled so that the community knows what's going on. One can kind of get all those documents.

We keep them on -- once it goes on it stays on. And we continue to put them on. So that process is a public process itself both for the regular matter of course of DOB but also in addition, LMDC posts them so that one could just go to one place. You don't just have to search the DOB website. You can go to the 130 Liberty page at the LMDC site and you'll find that information there as well.

MR. SANTULLI: All of our DOB permits, the actual paperwork information is available on our website and the drawings are available at our office at 280 Broadway.

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MS. KIMBERLY FLYNN: Okay. And we can -- there's a 130 Liberty page on the DOB website that we can find easily enough and review the --

MR. SANTULLI: Yes. By typing in the address you can review what was submitted.

MS. KIMBERLY FLYNN: You can just type in the address.

MR. SANTULLI: You can type in the address if you go on our website and you'll see what actual permits were submitted. And then if you look at the job number, you can see specific details about that application. And if you want to see the drawings, they're available at 280 Broadway.

MS. KIMBERLY FLYNN: I mean I just want to, you know, state what has already been stated, which is that the community really does have an abiding interest in whether and how these gaps are filled prior to work commencing. And we may not be able to fill these gaps. I mean after all, these gaps need the elaboration of engineers and other experts.

But we absolutely want to track

1
2 how these gaps are being filled. And just to sort
3 of point out that the plan has any number of
4 inconsistencies. I mean this plan leaves many
5 operational decisions to the demolition and
6 subcontractor at some future date without specifics
7 as to, you know, why the use of debris chutes is
8 necessary or the main tower crane is necessary or
9 whether there will be smaller cranes that are
10 called in for removal of material from the
11 building. We don't know at what point these
12 decisions are going to be made, who will make them.

13 We can certainly guess at the
14 regulatory bodies that will play a role in
15 oversight but some of the controversial aspects of
16 this plan over the many years are the use of chutes
17 and the use of the concrete crusher. And it's
18 weird that the document sort of doesn't say that
19 you're going to do it or not going to do it.

20 But at any rate, I finally want to
21 move onto an environmental question.

22 On page 30 under dust control, it
23 says dust control shall be maintained at the site
24 throughout the deconstruction process, A, on each
25 level where the deconstruction of concrete slabs in

1

2 ongoing. B, proximate to concrete crushing
3 operations. C, within the basement levels where
4 debris is deposited at the base of concrete debris
5 chutes, once again, if utilized.

6

7 You know, there also is another
8 point in the document where it talks about there
9 being some kind of suitable barrier put around the
10 place where the debris is going to come out of the
11 chute in the basement. I don't understand why at
12 this stage in the game we have language, "suitable
13 barrier," and we don't have any specifics on that.

14

15 But at any rate, I guess I have a
16 question for EPA as to whether or not the dust
17 control, as it is specified now, either in this
18 document or in discussion that are not represented
19 in this document yet, will be adequate.

20

21 MR. EVANGELISTA: Well, we hope
22 that keeping the material wet or as wet as possible
23 will go a long way in keeping the dust suppressed.
24 There will be monitoring, ambient air monitoring to
25 give us an indication of how effective that control
is. And if the control turns out not to be as
effective as we'd like it to be, then it would be
enhanced.

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2

MS. KIMBERLY FLYNN: Is there any runoff concern?

3

4

MR. EVANGELISTA: I don't -- I don't think so. I mean that -- there was a reference to -- there was a -- well, there was a reference earlier to a sump pump that would be installed in the basement. That pump, that pump is really intended to address the bathtub that will remain after the building is done.

10

11

12

13

To the extent that when it becomes available or operational, that will address water accumulating in the basement.

14

15

16

17

I don't believe that there will be runoff off site. If there is, it would have to be controlled. It wouldn't be allowed to simply just run off the site.

18

19

MS. KIMBERLY FLYNN: And finally, --

20

21

MR. EVANGELISTA: Kimberly, I'm sorry.

22

23

MS. KIMBERLY FLYNN: Oh, I'm sorry. Yes.

24

25

MR. EVANGELISTA: I wanted to go back to the barrier. You mentioned the barrier

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2 related to the chute. Chris Santulli referred to
3 designs that would be submitted, drawings,
4 engineering design. That would be one of them. So
5 if the chutes are used, there will be an
6 engineering design that would be associated with
7 that chute, that barrier all of the details.

8

MS. KIMBERLY FLYNN: And I'm
9 assuming that when you talk about wetting down
10 that's going on for the materials that are falling
11 through the chute, you're talking about a sprinkler
12 or are you talking about a worker who is going to
13 stand and hold a hose over the chute at the top
14 floor where the material's being inserted?

15

MR. EVANGELISTA: I think that's
16 a question for LVI.

17

MR. MOONEY: With respect to
18 dust suppression, it will be a combination of
19 hoses, dust hoses for lack of a better term, a
20 machine that is utilized to prepare to create a
21 mist. And that mist is utilized to knock down
22 fugitive dust and we also would like to provide
23 supplemental water within areas to suppress the
24 dust that is generated.

25

MS. KIMBERLY FLYNN: And from what

1

2 height do you believe debris will be dumped?

3 MR. MOONEY: There's a code
4 requirement that you can't see, but at 1.5?5 MR. SANTULLI: I'm not sure
6 offhand.

7 MR. MOONEY: Under 110.

8 MS. KIMBERLY FLYNN: What does
9 that translate into floor wise?

10 A VOICE: I don't know.

11 MR. SCHICK: Thank you,
12 Kimberly. And we look forward -- I know you said
13 you're going to send some written comments.14 MS. KIMBERLY FLYNN: Thank you.
15 Yes.16 MR. SCHICK: And get them in
17 because the sooner you get them in, the more time
18 people will have to review them. And you've been
19 one of the most outspoken community partners that
20 we have and so we understand you've gotten a real
21 familiarity with the project and so get them so we
22 can get them circulated to the folks and looked at.

23 Thank you.

24 The next speaker is Rob Spencer.

25 MR. ROBERT SPENCER: I'm Rob

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Spencer.

I'm with the Organization of Stafinalis (phonetic) which is union that represents city workers. We have a lot of workers at a number of buildings in the proximity to 130 Liberty so, of course, we're greatly concerned about the progress of the project.

Thank you to the Speaker for convening this meeting and for all the ongoing work with the TAC and so forth.

The implementation plan on page 21, all outstanding violations that are going to impact the progress of work have to be satisfied before the commencement of deconstruction.

Could you tell us what violations remain outstanding that might fall into the category of impacting the progress of the work?

And it then goes on to say that Bovis would resolve all other violations that have been issued before 12/1 before deconstruction and remedy the ones after 12/1 sort of expeditiously.

Can I like get a sense of how many fall into each of those categories?

I'll try and just ask all the

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questions at once and then you can sort of, whoever wants to answer can.

The latest violation on the building happened last week. It was basically something I think, what I can make out and perhaps Commissioner Santulli could correct me if I'm wrong, it would effect worker safety, that there was a partial stop work order issued for a failure to install a guard rail and netting on the 14th floor.

Now, the EHSP spends a great deal of time talking about, as I think the workers probably would appreciate, fall protection, shaft protections, protecting the edges of holes in the slab so that motorized equipment will not fall through, that things should not drop from the building or into any of the holes that are being cut in the slab.

So it seems to be a little bit concerning that the last two -- and there have been others -- but the last two violations that have occurred or one for a motorized piece of equipment that injured another worker and that worker had a broken leg and that now there might be some items

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2 of protection that clearly the EHSP is talking
3 about. We're not, you know, sort of put in place.

4 So I'm just wondering, it's really
5 good to have in the EHSP the sort of the "we
6 shalls" and I think what we need to find out is how
7 are we going to ensure all these things become sort
8 of "we did's" and it worked out.

9 MR. SCHICK: I think they're
10 public. I don't know of anybody here who has the
11 complete list of violations, but again they're
12 public. So if one goes on the DOB website and puts
13 in the address for 130 Liberty Street, one will be
14 able to find not only the violations but I believe,
15 Chris, is this right, I believe it gives the
16 status. So if it's been resolved, it will say and
17 yet if it's open, it will say it as well. So one
18 can get it that way?

19 MR. SANTULLI: Yes. You can
20 actually see the status of all the violations on
21 the website.

22 MR. ROB SPENCER: Right, but I
23 mean to our knowledge, I mean is it a substantial
24 amount that remain -- I'm talking in moving --

25 MR. SANTULLI: Approximately 25

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open violations currently.

MR. ROB SPENCER: 25 open violations. And how many of them would fit in that first category which is the category of something that would impede the progress of the actual planned demolition work so that they would --

MR. SANTULLI: Fourteen of those.

MR. ROB SPENCER: Fourteen of them. Okay.

MR. SANTULLI: And the other outstanding eleven violations were issued to the prior contractor. And the statement in that plan is for them to certify to us that they corrected that violation. Obviously it's issued to a contractor that's no longer on the site. So we want the condition corrected and we want that certified to us and we want the fines paid for that outstanding violation before they go back to work.

MR. ROB SPENCER: Are the --

MS. HUGHES: Wait. So who pays the violations? I'm sorry, is it Bovis or is it Galt?

MR. SANTULLI: As long as we

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collect the money. We're --

MS. HUGHES: So work is allowed to begin before the violations have been paid off?

MR. SANTULLI: No, no, no. They need to pay for the violation. They need to certify correction to us. So the violation may remain open on our website because we can't physically close it out and it has to go before ECB by John Galt who's no longer on the project. So what we're going to get is a certification that the violation has been corrected in the field and we're going to get the fine collected before they go back to work.

MR. ROB SPENCER: But what would qualify as a kind of, just one as example, if you could give it, of a kind of violation that would actually impede the progress of the work? I mean that I don't --

MR. SANTULLI: You'd have to categorize all those violations issued to Bovis and LVI in that category.

MS. HUGHES: Is there someone from Bovis who can answer this?

MR. SCHICK: I was going to ask -- I don't know if this team is finished on the

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2 other point -- Rob, which was on the question of
3 the most recent violation on the guard rail, I was
4 going to ask Ray Masters who's the safety
5 supervisor for Bovis on the job at 130 Liberty
6 who's here with us tonight to speak to that issue
7 directly.

8

MR. ROB SPENCER: I appreciate

9

that.

10

MR. SCHICK: Ray, if I can.

11

MR. MASTERS: Yes. Let me tell

12

you about guardrails in general.

13

There's hundreds of guardrails and

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in this particular one it was an inadequate

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guardrail protection put up. DOB identified it and

16

we immediately corrected it. But we didn't have an

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impact to the project.

18

But we did do a lot of diligence

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to focus on fall protection. And there was a

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massive amount of perimeter as well elevator shaft

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protection. But yes, this one got away from us.

22

With respect to violations, all

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violations are corrected immediately. We have a lag

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right now on the paperwork end of closing and it's

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particular to the Galt Company and another company

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2 and we do have some of our own, but we are vigilant
3 because we will not start until we get all of the
4 approvals.

5

6

MR. ROB SPENCER: Okay. Thank

you.

7

MR. MASTERS: Yes.

8

MR. SCHICK: Thank you, Rob.

9

Jeff Erlich.

10

MR. JEFF ERLICH: Thank you.

11

I have more of a specific

12

technical question which may span abatement and

13

deconstruction so I'm not sure who to address this

14

to. It's about the concrete and the masonry, the

15

masonry walls.

16

I've just been going over the

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construction. I see how they've been cleaned. It

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seems to refer to the surface or whatever you can

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get at. And I'm not sure how much of a problem this

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is but concrete is somewhat a porous material.

21

Anybody with a drainage problem outside their

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basement would know that.

23

So I'm wondering, given all the

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extreme conditions the building's been through and

25

the amount of water that's been used to clean

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2 possible cracks in the slab, exposure to the
3 elements sort of now it's through a freeze, a
4 freeze and thaw cycle for years, have there been
5 any core samples done of what's remaining of the
6 slab? Are we talking about just the surface being
7 clean? Before you, I forget the term you used, I
8 think downsize the concrete and send it through the
9 chute and use it as backfill in the basement, do we
10 know for sure that it hasn't been seeping through
11 into the concrete of, you know, through the water
12 and of any toxins?

13 MR. SCHICK: I would -- I see
14 that's something that people have gone through and
15 we have our own environmental people here, whether
16 it's Tom Kunkle or Ed Gertz. So we can either try
17 to address that now or again, it's a sort of a more
18 fundamental basic question. I don't know if you
19 want to reduce into writing and submit it as a
20 comment and we'll have to deal with then.

21 But I do know that the sort of
22 protocol for the abatement is one that maybe even
23 Bob wants to take a shot at that. There is a
24 protocol for the abatement that has been worked out
25 and is sort of governs the entire job.

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MR. AVILTRONE. Yes, I think what -- sir, to answer your question as best I can.

We tried to review everything. You know, the people -- let me first state this because I think it's very important. The people that you see up on the dais, if you fill, we meet constantly. Every two weeks we have a biweekly meeting. It involves our federal partners, our state partners, the owner, its consultants and its reps, as well as our city agency.

And this was in a post-fire environment and we thought it was very important that we get our collective heads together.

We tried to look at everything. And, you know, EPA obviously is a major partner in this role that you're speaking of is to try look and see where we can ensure that there is no release of any type of potential containment of concern.

With that, we have reviewed proposals that have been made to use. We've gone back to the folks at LMDC and the contractors and said, no, this is not going deep enough and we evaluate each situation as they come. So we've

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2 tried to cover, in essence, every nook and cranny
3 possible knowing that we need to protect your
4 environment in the community while ensuring that we
5 get the abatement completed so we can move onto the
6 deconstruction.

7

8 So again, this is something that
9 -- you know, I want to really reinforce to
10 everybody, this is not something we just come
11 together to meet the community and it's our
12 pleasure to be here. But besides the meetings that
13 we have, there are constant conference calls on
14 every issue and there's a constant dialogue between
15 all these agencies that, in essence, has become
16 one.

17

18 So we are looking to protect you
19 in any way possible and it's not one agency. It's
20 not two agencies. It's a collaborative effort by
21 federal, state and city folks and I think that's
22 been very important especially since 9/11 -- I'm
23 sorry, post-fire environment. And we've worked very
24 closely with the LMDC and their contractors.

25

26 MR. SCHICK: And one last thing,
27 Mr. Erlich, and the next and last speaker is Sally
28 Regenhard and she can come up. But I think before

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2 you came, Mr. Erlich, in response to a different
3 question, Ed Gertz of TRC, who's the -- TRC is the
4 outside environmental consultant, did make mention
5 of the fact that even post-abatement when it's just
6 deconstruction, the air monitoring protocol that
7 exists and with 12 monitors around the site, that
8 monitors for any exceedances will be maintained and
9 the precise nature of that is now the subject of a
10 proposal that is under review.

11 But there will be continued
12 monitoring for exceedances during the process that
13 you are discussing now, so at least in broad
14 strokes, but again, one will certainly take into
15 account these comments in broad strokes, one has
16 taken into account and therefore, and the very
17 comprehensive monitoring of the materials will go
18 on so that if there's any exceedance, it can be
19 dealt with both not only in terms of notification,
20 but more importantly in terms of what that tells us
21 about the work processes.

22 And as others said before, what
23 generally happens if there is an exceedance is,
24 first people stop things and say what led to it and
25 then how should we re-imagine this. So I think

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they're trying to accomplish it that way as well.

MR. EVANGELISTA: Let me try to address the concrete.

MR. JEFF ERLICH: Okay.

MR. EVANGELISTA: There is a cleaning process that is an extremely thorough cleaning process that goes on on each of these floors. And upon completion, the regulators are called in to visually inspect the area. And if the area passed a regulatory visual inspection, one could quite certainly assume that the area is very, very clean. You would -- you would almost not be able to find minor debris or dust.

Once that visual inspection passes, there is air monitoring that goes on on these floors while individuals are blasting the area with leaf blowers so as to the suspend anything that might be left that wasn't visible.

And if any dust is suspended, it's very likely that the air monitoring will capture it and allow us to see that the floor was perhaps not properly cleaned. If the floor passes the air testing, the aggressive air testing as we call it, the floor is then entirely encapsulated with a

1

2 spray encapsulent, floors, walls ceilings, and at
3 that point the floor is slated cleared. And that
4 all occurs before all of these other things that
5 were discussed before I chimed in.

6

MR. JEFF ERLICH: Thank you.

7

MR. EVANGELISTA: Sure.

8

MR. JEFF ERLICH: My concern

9 actually -- I mean if -- I mean I've tried to
10 repair slabs where it's falling apart and the rebar
11 is rusted inside. I mean water has seeped through
12 the concrete. If something seeps through carrying
13 toxins, and I don't know if this is possible. I'm
14 asking --

15

MS. HUGHES: No. Actually, RJ

16 Lanier's (phonetic) \$33 million report has a whole
17 section on the concrete in the basement and it
18 deals with this issue.

19

MR. JEFF ERLICH: Okay.

20

MR. EVANGELISTA: There's also a

21

procedure in the implementation/deconstruction

22

plan. There's a broader plan that's known as the

23

deconstruction plan that describes that if during

24

demolition there's a notion of staining of concrete

25

in any particular area, there's a protocol for

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testing it and determining whether or not it needs to be handled differently and disallowed from being used as backfill.

MR. JEFF ERLICH: Okay.

MR. SCHICK: Thank you very much, Mr. Erlich.

MR. JEFF ERLICH: Thank you.

MR. SCHICK: Sally Regenhard, please.

Thank you, Pat.

MS. REGENHARD: Good evening.

For the record I would like to thank Assemblyman Silver for holding these meetings and for responding to a request that was made last month, and that was that we need to have a discussion about the reclamation of human remains in the Deutsche Bank Building.

And I understand that there is a representative who can address these questions this evening?

MR. ADAMS: Bradley, yes.

MS. REGENHARD: Oh, hi. How are you?

First of all, I'd like to note

1

2 that in EITHER of these plans, you know, any
3 reference to human remains is very obviously, you
4 know, missing. And I also heard that among all of
5 the panel members you have a very cohesive and
6 constant communication, your plans and so on. I
7 really believe that the representative who is
8 responsible for the plan for the reclamation of
9 human remains should be part of your plans.

10 So I'd like to -- and I'd like to
11 see the person having a seat. I'm sure there's a
12 little room to squeeze another person in, going
13 forward, going forward. Okay?

14 And please, you know, feel free to
15 sit here if you'd like to.

16 I'd like to know from Mr. Adams
17 representing the Medical Examiners Office, what is
18 the overall status of the human recovery efforts at
19 this point at the Deutsche Bank?

20 MR. ADAMS: Bradley Adams, Chief
21 Medical Examiner.

22 With the Deutsche Bank remains,
23 there's been a total of 783 bone fragments that
24 were recovered mainly from the rooftop. There was
25 also -- of those, nineteen fragments came from a

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ledge.

All of those have been submitted for DNA testing on various phases. We've had 295 of the fragments have been matched to victims all of which are matched to American Airlines victims, American Airlines Flight 11.

There's also been several remains that were linked to four terrorists. And the testing's ongoing. So like I said, about 295 that we have results for. The others -- because these are small fragments. I mean that's one thing to stress. When you hear a large number like 783, it sounds like a lot.

But just to put it in perspective, if you took all 783 of those fragments and laid them end to end, it would really cover about this sheet of paper. They're very small fragments, very, very small. Most of them smaller than a penny, up to a few inches. So just to put that into perspective. In my opinion it's fairly impressive that the DNA results have come through like this.

So to answer your question, it's ongoing.

MS. REGENHARD: Actually, my

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2 question was, what is the status of the current
3 plan? What is the current plan for human remains
4 recovery efforts at the Deutsche Bank and what
5 areas of the Deutsche Bank have not been searched
6 to this date?

7

MR. ADAMS: We've gone through --
8 we've completed everything from the rooftop that
9 was meticulously done. We hand sifted all of the
10 ballast, all the rocks on the rooftop. That's all
11 been done, each inch of that.

12

We've gone through every single
13 floor, all forty floors. We walked through, myself
14 and some of the other staff along with the Fire
15 Department. We had a collaborative effort. We went
16 through every single floor, identified any areas in
17 the building, especially on the north face where
18 there was a breach, where there were windows
19 broken.

20

And in those areas where there's
21 been a breach or there's a possibility of debris
22 which could indicate human remains also could have
23 entered the building, we actually went through with
24 the contractors with vacuum cleans and vacuumed the
25 floors. We took apart the heating units that run

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2 along the windows. Vacuumed out all those areas
3 within all 40 floors where there'd been a breach
4 and then hand sifted through that. At this point
5 there were no human remains found inside the
6 building.

7 Now, the rooftop and interior had
8 been completed but the important point I think what
9 you're getting to and going forward is, we have an
10 understanding, we have an existing protocol with
11 the contractor with the deconstruction process
12 that, if they see anything, for example, on these
13 ledges, they collect it up. They notify us. Our
14 office responds. We have a presence down on the
15 site everyday. We respond and we sift through that.
16 That's the standing protocol that --

17 MS. REGENHARD: I have a question
18 on that.

19 What training does the contractors
20 have to recognize human remains?

21 MR. ADAMS: Well, they're not
22 looking for human remains. They're looking for
23 debris. The way we go forward with this is that if
24 you see debris, and it could be from World Trade
25 Center, there could be human remains presented

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2 mixed it with in. So obviously the Medical Examiner
3 staff and myself, we're not trained to go out on
4 the ledges which is the reason we haven't gone out
5 and walked along these ledges and why we leave it
6 to the contractors to recognize what could be
7 potentially debris.

8 And obviously if there's a
9 question, they collect it. We sift through it.
10 We've got our screens. We go through everything by
11 hand.

12 MS. REGENHARD: Are the basement
13 and below grade areas of the bank cleared of human
14 remains?

15 MR. ADAMS: We've gone through
16 everything from the roof to the basement.

17 MS. REGENHARD: Do you have
18 documentation that you could share with us
19 regarding that as to when the basement was
20 thoroughly searched and certified to be free of
21 human remains? If you don't have it now, I would
22 like to receive it at another date or know how to
23 access that.

24 MR. ADAMS: Okay. I don't have it
25 with me.

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MS. REGENHARD: Are there adjacent sections of Liberty Street that have not been searched such as its widely believed that the entire plaza in front of the Deutsche Bank has not been searched for human remains and if so, when will that begin?

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MR. ADAMS: Again, we've got Medical Examiner staff on site. We attend the construction coordination meetings twice a week. And so when there's an opportunity to see any material as excavation goes, we have staff on site evaluating that. We certainly identified areas that we feel are potentially more sensitive. And when those areas -- when the opportunities arise, we do have set plans to go forward and do a more formal search.

18

19

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MS. REGENHARD: When do you think this opportunity will arise to do a complete search of the plaza in front of the Deutsche Bank?

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22

MR. ADAMS: I don't know. It totally goes along with the deconstruction.

23

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MS. REGENHARD: Can the relatives of the 9/11 victims as well as the community be assured that these areas will be completely

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2 searched before destruction or before concrete is
3 pulverized and all of these types of plans? You
4 know, you can understand that, you know, you may
5 feel that it's a wonderful program but for the
6 people, 1,100 victims who have never been
7 recovered, not one single sliver of bone of 1,100
8 people, we really can't share the feeling that, you
9 know, how excellent the job has been.

10

11 So we need to have that
12 reassurance. And the community is, many members of
13 the community are deeply concerned of the fact that
14 they are living among -- essentially the remnants
15 of the dead are still with us. So it's not just a
16 family, although certainly the thousands of family
17 members, but certainly the community is very deeply
18 concerned and we appreciate that very much.

18

19 So I would really like a more
20 definitive answer to when are we going to know that
21 the entire plaza and any other un searched areas,
22 when will this search be commenced? It's very
23 important to us.

23

24 MR. ADAMS: Right now we're
25 going along with the construction schedule. And
like I said, when the opportunity arises, we will

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2 monitor it. We've got people, staff down there.
3 We've got a satellite office. We attend the
4 construction coordination meetings so it really
5 relies on the progress down on site. But we have a
6 commitment to be down there until the
7 construction's completed.

8 MS. REGENHARD: Yeah. I'd just
9 like to see that your part of the job and the
10 Medical Examiners and the searching be a little
11 more thorough and not to wait until a construction
12 worker -- and by the way, I have the greatest
13 respect for construction workers. However, I would
14 like to see your work certainly be preemptive and
15 proactive and independently done rather than
16 waiting for a construction worker to maybe see this
17 is something.

18 Certainly, we believe -- and I
19 should have mentioned that I am representing both
20 the Skyscraper Safety Campaign and 9/11 Parents and
21 Families of Firefighters and World Trade Center
22 Victims.

23 We certainly have reason to
24 believe from the experience of people who've worked
25 down there and other people we have consulted, that

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2 there certainly may be a significant amount of
3 human remains in the plaza in front of the Deutsche
4 Bank and that's why we're so concerned about
5 schedules and what the procedure will be.

6 MR. ADAMS: I may have given you
7 the wrong impression. If you think we're -- we're
8 not waiting for construction people to find it and
9 come to us. Our on-site monitoring is constantly
10 walking the site everyday and attending the
11 coordination meetings. So we're not going into this
12 blind. There is a lot of time. And like we
13 mentioned, a lot of coordination with the different
14 agencies. We work closely with FDNY. So it isn't a
15 by-chance operation. There's a lot of work and
16 planning that goes into it.

17 MS. REGENHARD: Okay. Does
18 anybody else have anything to add to that?

19 MS. HUGHES: I just have one
20 question.

21 MS. REGENHARD: Yes.

22 MS. HUGHES: Are we sure it's --
23 that Liberty Street Plaza is the only place that's
24 left? Are we sure that the Liberty Street Plaza is
25 the only place that has yet to be searched?

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MR. ADAMS: Well, no. I mean the

Medical Examiner's office has identified areas, for example, Washington Street. At some point we will take a look there. There's again, ongoing work and planning that's -- right now we can't look at Washington Street because of the construction work that's going on. That is on our radar over time.

MS. HUGHES: And the area in front of 130 Cedar?

MR. ADAMS: Well, we've done the majority of Cedar Street. There's just a small area where there's some scaffolding that as that scaffolding is taken down, we'll have access to get there. But it could be in the near future. But once that happens, we'll be working in that area.

MS. HUGHES: Thank you.

MS. REGENHARD: Thank you so much.

MR. SCHICK: Thank you.

I'd like thank both our community partners and our regulatory partners for participating.

And again, the e-mail address for those who want to send comments via e-mail is replylmdc@renewnyc.com. And again, all those

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comments will be circulated and considered.

Thank you.

Have a good night.

(At 7:33 p.m., the proceedings
were concluded.)

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C E R T I F I C A T I O N .


STATE OF NEW YORK)

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I, MARC RUSSO, a Shorthand
(Stenotype) Reporter and Notary
Public within and for the State of
New York, do hereby certify that the
foregoing pages 1 through 84 taken
at the time and place aforesaid, is
a true and correct transcription of
my shorthand notes.

IN WITNESS WHEREOF, I have
hereunto set my name this 20th day
of March, 2009.



MARC RUSSO

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