



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

May 15, 2009

Mr. Avi Schick
Chairman
Lower Manhattan Development Corporation
One Liberty Plaza, 20th floor
New York, NY 10006

Dear Mr. Schick:

As you know, in February 2008 the City accepted the Addendum to the 130 Liberty Street Deconstruction Plan, the 130 Liberty Street Contractor's Implementation Plan for Decontamination, and the Environment, Health & Safety Plan and Emergency Action Plan for the 130 Liberty Street Building Abatement Project. The City's acceptance, in addition to acceptance by the Environmental Protection Agency and the New York State Department of Labor, allowed the decontamination of 130 Liberty Street to resume; a condition of acceptance was that further amendments would be required to resume deconstruction.

Since last fall, Bovis has prepared and submitted several drafts of the necessary amendments to City, State and Federal regulators for review and comment, including the final drafts dated May 13 and May 14, 2009. The Fire Department of New York (FDNY), the Department of Environmental Protection (DEP), the Department of Buildings (DOB), the New York City Police Department, and the Citywide Office of Occupational Safety and Health within the Department of Citywide Administrative Services have provided comments on all or some of these drafts.

The City has reviewed (i) the 130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction dated May 14, 2009 and (ii) the Environment, Health & Safety Plan and Emergency Action Plan for the 130 Liberty Street Building Abatement & Deconstruction Project dated May 13, 2009 (the "Amended Plans"), and acknowledges and accepts that these documents incorporate the City's comments and requirements.

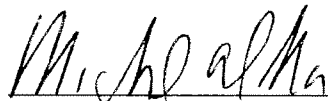
Notwithstanding this acceptance, as the Amended Plans expressly state, FDNY, DEP and DOB must approve additional submissions – including, but not limited to drawings, permit applications and any other necessary materials – required to carry-out the Amended Plans, and LMDC and its contractors and subcontractors have agreed to make all such submissions and obtain all such approvals.



Michael Weinlein, Manhattan Borough Commander
Fire Department of New York



Robert Avaltroni, Deputy Commissioner
Department of Environmental Protection



Michael Alacha, Assistant Commissioner of Engineering and Emergency Operations
Department of Buildings



Caswell F. Holloway,
Chief of Staff to Deputy Mayor for Operations
Special Advisor to the Mayor

- c: Edward Skyler, Deputy Mayor for Operations
- Robert C. Lieber, Deputy Mayor for Economic Development
- Nicholas Scoppetta, Commissioner, FDNY
- Robert D. LiMandri, Commissioner, DOB
- Stephen Lawitts, Acting Commissioner, DEP
- David Emil, President, LMDC
- Robert Harvey, Acting Executive Director, LMCCC
- Pat Evangelista, U.S. Environmental Protection Agency
- Christopher Alonge, New York State Department of Labor



New York State Department of Labor
David A. Paterson, *Governor*
M. Patricia Smith, *Commissioner*

May 14, 2009

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

Re: Acceptance of Bovis/LVI/ATC 130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction, dated May 14, 2009, and Bovis Environmental, Health & Safety Plan and Emergency Action Plan, dated May 13, 2009

Dear Pat,

The Department has received the revised Bovis/LVI/ATC 130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction, dated May 14, 2009, and the Bovis Environmental, Health & Safety Plan and Emergency Action Plan (EHSP), dated May 13, 2009. The submitted documents have been reviewed by the Department, as they relate to asbestos project activities under the jurisdiction of 12 NYCRR 56.

The documents submitted are acceptable to the Department and in conformance with current site-specific variance decisions, including reopenings/amendment decisions and clarifications for this project.

If an unanticipated situation is encountered during the project, which requires additional relief from 12 NYCRR 56, the owner's asbestos project designer firm must submit a reopening request to the existing site-specific variance decision as necessary, or submit an additional site-specific variance petition to address the situation. If you have any questions please contact our office at (518) 457-1536.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Alonge".

Christopher G. Alonge, P.E.
Associate Safety and Health Engineer

ec Krish Radhakrishnan, P.E. - NYC DEP
Chief Michael Weinlein - NYC FDNY
Richard Mendelson - USDOL/OSHA
Christopher Santulli - NYC DOB
Suzanne Mattei - NYS DEC
Norma Aird - NYS DOL
David Emil - LMDC
05-0427



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

May 14, 2009

BY ELECTRONIC MAIL AND REGULAR MAIL

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

Re: May 14, 2009 Proposed "130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction" and May 13, 2009 Proposed "Environment, Health and Safety Plan and Emergency Action Plan for 130 Liberty Street Building Abatement and Deconstruction Project"

Dear Mr. Emil:

This is to inform you that the U.S. Environmental Protection Agency (EPA) has completed its review of the May 14, 2009 proposed "130 Liberty Street Contractor's Implementation Plan for Decontamination and Deconstruction" and May 13, 2009 proposed "Environment, Health and Safety Plan and Emergency Action Plan for 130 Liberty Street Building Abatement and Deconstruction Project" (both documents defined as "Plans") submitted by TRC Environmental Corporation (TRC) on behalf of the Lower Manhattan Development Corporation (LMDC) for 130 Liberty Street in lower Manhattan. LMDC is seeking acceptance of these plans in order to continue decontamination activities and recommence deconstruction work at the building in compliance with legal and regulatory requirements.

EPA's review of the Plans has focused on containment measures to control potential releases of contaminants, proper procedures for monitoring the work, and waste management and disposal. EPA's principal objective in its review is to identify instances where safeguards must be strengthened for the prevention of releases that may present an imminent and substantial endangerment to public health and the environment.

Based on our review and in consideration of LMDC's assurance that additional submissions related to the Plans (including an amendment to the September 7, 2005 Ambient Air Monitoring Plan as required by EPA) will be provided for review and acceptance, EPA accepts the Plans with regard to the activities described in the Plans. It is our understanding that the U.S. Department of Labor Occupational Safety and Health Administration (OSHA), New York State Department of Labor (NYSDOL), New York State Department of Environmental Conservation (NYSDEC), New York City Department of Environmental Protection (NYCDEP), New York City Fire Department (NYCFD), New York City Department of Buildings (NYCDOB), New

York City Police Department and the New York City Office of the Mayor (the “referenced agencies”) are conducting independent reviews of the Plans. EPA’s acceptance of the Plans shall not be construed of as an acceptance by any of these agencies. Moreover, EPA’s acceptance is not intended as a review and acceptance of structural engineering and safety matters or requirements for the protection of worker safety and health or for fire protection and safety at 130 Liberty. EPA’s acceptance is also based on our understanding that LMDC will not proceed with the Plans’ activities for the building until approvals are given by NYSDEC, NYCDEP, NYCDOB, NYCFD and other appropriate New York City agencies. NYSDOL’s acceptance of the Plans is enclosed.

EPA will continue to work cooperatively with the referenced agencies and with LMDC, its consultants and contractors on the decontamination and deconstruction of 130 Liberty Street.

Sincerely,



Pat Evangelista

WTC Coordinator

New York City Response and Recovery Operations

Enclosure

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