



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

September 8, 2005

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

Dear Ms. Papageorge:

I am writing to confirm that the September 7, 2005 revised plans and specifications for the deconstruction of 130 Liberty Street (the "Deconstruction Plan") prepared by and on behalf of the Lower Manhattan Development Corporation ("LMDC") are acceptable to the United States Environmental Protection Agency ("EPA"), and that work pertaining to the abatement and deconstruction activities may proceed as set forth below. It is our understanding that these plans and specifications are also acceptable to the other concerned regulatory agencies, including the New York State Departments of Labor ("NYSDOL") and Environmental Conservation, and the New York City Department of Environmental Protection. NYSDOL's letter of acceptance, enclosed herein, addresses asbestos material removal and cleanup of World Trade Center dust/residue.

Containing more than 1,400,000 square feet, the 130 Liberty Street office building was the most heavily damaged structure remaining after the September 11, 2001 terrorist attack. The building was severely contaminated both inside and outside with dust and debris containing asbestos, lead and other hazardous substances and contaminants. The highest priority of the regulatory agencies and LMDC in preparing the Deconstruction Plan has been the prevention of releases into the environment during abatement and deconstruction with potential impact on neighboring residents and workers. Abatement and deconstruction of 130 Liberty Street in a safe and effective manner is a unique project, which requires the best efforts of all concerned to ensure that it is completed properly and safely.

The Deconstruction Plan is intended to implement best management practices for all phases of the deconstruction, to incorporate containment measures to control potential releases of contaminants, and to provide comprehensive air monitoring coupled with appropriate mechanisms which may trigger work stoppage to address any releases that may occur. Adherence to the safeguards contained in the Deconstruction Plan, and careful monitoring of abatement and deconstruction activities throughout the project will help prevent the occurrence of situations that may present an imminent and substantial endangerment to public health and the environment.

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Specifically, the September 7, 2005 Deconstruction Plan includes the following:

- Section 1 - Waste Sampling and Management Plan for the 130 Liberty Street Deconstruction Project;
- Section 2 - Ambient Air Monitoring Program for the 130 Liberty Street Deconstruction Project;
- Section 3 - Emergency Action Plan for the 130 Liberty Street Deconstruction Project;
- Section 4 - Asbestos and Contaminants of Potential Concern Abatement and Removal Plan for the 130 Liberty Street Deconstruction Project;
- Section 5 - Health and Safety Plan for the 130 Liberty Street Building Deconstruction Project;
- Quality Assurance Project Plan for the Ambient Air Monitoring Program 130 Liberty Street Deconstruction Project New York, New York;
- NYSDOL Project Variance File No. 04-1432, dated September 27, 2004 and Amendment dated October 6, 2004;
- NYSDOL Phase I - Variance Decision File No. 05-0427, dated May 11, 2005;
- NYSDOL Phase I - Variance Decision Amendment, dated June 10, 2005, for File No. 05-0427;
- NYSDOL Phase I - Variance Decision Amendment #1 Clarification, dated June 28, 2005, for File No. 05-0427;
- NYSDOL Phase I - Variance Decision Amendment #2, dated July 22, 2005, for File No. 05-0427;
- NYSDOL Phase II - Variance Decision File No. 05-0813, dated June 23, 2005.

LMDC has completed its background ambient air sampling that was conducted over a two week period. Two of the analytes sampled and analyzed during the background ambient air sampling were PM<sub>10</sub> and PM<sub>2.5</sub> using both real-time monitors and reference method samplers. EPA will work with LMDC immediately to ensure that an appropriate correction factor is applied, if necessary, to the real-time Met One E-BAM monitors to simulate the reference



method PM<sub>10</sub> sampler and the reference method PM<sub>2.5</sub> sampler based on the analytical results of the background sampling.

LMDC states in Section 2 of the September 7, 2005 Deconstruction Plan that it is committed to working with the EPA to site the actual locations of the air monitoring stations in the field. Accordingly, EPA would like to work with LMDC to relocate some of the street level air monitoring stations during the Preparation Phase of the Deconstruction Project. During the Phase I - Preparation Phase of the Deconstruction Project, LMDC will be staging waste transport containers within the existing interior ground level loading dock, along Washington Street, on the west side of 130 Liberty Street. Consequently, EPA would like to relocate at least one of the street level air monitoring stations in close proximity to the loading dock on Washington Street prior to the initiation of work activities in the loading dock area during the Phase I - Preparation Phase. In addition, as soon as the hoists and new loading platforms are in place and ready for use during the Phase I - Asbestos and Contaminants of Potential Concern Abatement, EPA would like to relocate at least one of the street level air monitoring stations in close proximity to the loading platforms. EPA believes it would be beneficial for LMDC to relocate the street level air monitoring stations and the four "floating" monitoring stations which will be relocated from the roof and in increments on the scaffolding during the Deconstruction Project, during appropriate times when no work is being performed at the 130 Liberty Street building.

We encourage you to continue to keep the public informed throughout the deconstruction project, using your Web site and regular interactions with local elected officials and community members to convey monitoring data, overall progress on the project, and day-to-day developments that might have immediate local impacts. EPA and the other regulatory agencies will monitor the deconstruction work as it progresses, and will be available for consultation with LMDC and its consultants and contractors throughout the execution of the project.

Sincerely,



Pat Evangelista  
WTC Coordinator  
New York City Response and Recovery Operations

Enclosure

cc: Chris Alonge, NYSDOL  
Krish Radhakrishnan, NYCDEP  
Richard Mendelson, OSHA  
Robert Iulo, NYCDOB  
Sal Carlomagno, NYSDEC

September 7, 2005

Pat Evangelista  
US EPA  
290 Broadway  
New York, NY

**Re: Acceptance of Asbestos Abatement/WTC Dust Cleanup Portion of  
LMDC Deconstruction Plan, dated September 7, 2005  
Vacant High Rise Office Building  
130 Liberty Street  
New York, NY**

Dear Pat,

The Department has reviewed the September 7, 2005 LMDC Deconstruction Plan, as it relates to asbestos material (ACM) removal and cleanup of the WTC dust/residue.

The Deconstruction Plan, including both the Regional Scaffolding/Safeway and Bovis Waste Storage & Transportation Plans, is acceptable to the Department. The Deconstruction Plan appears to be in conformance with current site-specific variance decisions, including reopenings/amendment decisions and clarifications for this project. The Department has discussed aspects of the plan with the New York City Department of Environmental Protection (DEP), and DEP concurs with the Department's acceptance of the plan.

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

Sincerely,



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

ec Krish Radhakrishnan, P.E. - NYC DEP  
Gil Gillen - USDOL/OSHA  
Robert Iulo - NYC DOB  
Richard Fram - NYS DEC  
Norma Aird - NYS DOL  
04-0427, 05-0813

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