



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

February 6, 2008

BY ELECTRONIC MAIL AND REGULAR MAIL

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

Re: 2008 Proposed Addendum to 2005 Deconstruction Plan and Proposed 2008
Implementation Plan for 130 Liberty Street

Dear Mr. Emil:

I am writing in response to your letter and the attached documents, dated January 22, 2008, as well as all the subsequent modifications to those documents as a result of our working meetings, that were submitted by e-mail up to and including February 6, 2008. LMDC is seeking approval of its proposed modifications to the plans for the building at 130 Liberty Street, set forth in the "Proposed Addendum to Deconstruction Plan for 130 Liberty and Additional Submissions," in order to recommence abatement work at the building in compliance with legal and regulatory requirements. The documents were provided to the U.S. Environmental Protection Agency (EPA) and representatives of the New York State Department of Labor (NYS DOL), New York State Department of Environmental Conservation (NYS DEC), New York City Department of Environmental Protection (NYC DEP), New York City Fire Department (FDNY), U.S. Department of Labor Occupational Safety and Health Administration (OSHA), New York City Department of Buildings (NYC DOB) and the New York City Office of the Mayor (the "referenced agencies").

LMDC proposes to modify key sections of the Deconstruction Plan for 130 Liberty, dated September 2005, that EPA previously accepted and other agencies approved. LMDC is also seeking approval for modifications of its contractors' Implementation Plan, dated September 2006, previously accepted and approved. The 2006 Implementation Plan deals with both abatement and demolition, whereas the 2008 Implementation Plan deals predominantly with abatement. LMDC's proposed approach would "decouple" abatement and deconstruction with the exception of maintaining the enclosed stairwells A and B as contaminated until the resumption of building deconstruction, the demolition of the compromised bay slabs in proximity to the south hoist, and removal of debris from the uppermost floors of the building. A proposal dealing with the building deconstruction and contaminated stairwells will need to be submitted to the referenced agencies for review and approval before the start of deconstruction work.

EPA's review of the Addendum and 2008 Implementation Plan 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 2008 Implementation Plan will be provided for review and acceptance, EPA accepts the Addendum and the 2008 Implementation Plan with regard to the activities in the 2008 Implementation Plan. It is our understanding that NYSDOL, NYCDEP, NYCDOB, OSHA, FDNY, New York City Police Department, and Citywide Office of Occupational Safety and Health are conducting independent reviews of the Addendum and 2008 Implementation Plan. EPA's acceptance of the Addendum and 2008 Implementation Plan 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 abatement phase of the work for the building until approvals are given by NYSDOL, NYCDEP, NYCDOB, FDNY and other appropriate New York City agencies.

EPA reserves its rights to, *inter alia*, make additional comments about the proposed work if conflicts in the language or requirements of the 2005 Deconstruction Plan and Addendum and the 2008 Implementation Plan are identified, or if new information becomes available, or if information, currently known and considered, is changed in whole or in part.

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

Sincerely,



Pat Evangelista

WTC Coordinator

New York City Response and Recovery Operations

cc: Richard Mendelson, OSHA
Christopher Alonge, NYSDOL
Krish Radhakrishnan, NYCDEP
Robert Iulo, NYCDOB
Thomas Kunkel, LMCCC
Michael Weinklein, FDNY



New York State Department of Labor
Ellot Spitzer, Governor
M. Patricia Smith, Commissioner

February 5, 2008

Mr. David Emil
Lower Manhattan Development Corporation
One Liberty Plaza
New York, NY 10006

Re: Acceptance of LMDC Addendum to the 130 Liberty Street Deconstruction Plan, Bovis/LVI/ATC 130 Liberty Street Contractor's Implementation Plan for Decontamination and Bovis Environmental, Health & Safety Plan and Emergency Action Plan, submitted electronically on February 5, 2008.

Dear Mr. Emil:

The Department has received the revised LMDC Addendum to the 130 Liberty Street Deconstruction Plan, Bovis/LVI/ATC 130 Liberty Street Contractor's Implementation Plan for Decontamination and Bovis Environmental, Health & Safety Plan and Emergency Action Plan (EHASP) as provided by LMDC via e-mail on February 5, 2008. 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.

Sincerely,

Maureen A. Cox
Director
Division of Safety and Health



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

February 7, 2008

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

**Re: Proposed Addendum to the September 2005 Deconstruction Plan for 130
Liberty Street and Related Documents**

Dear Mr. Schick:

As you know, following the August 18, 2007 fire at 130 Liberty Street, the City developed a set of fire- and site-safety requirements to be implemented in connection with the resumption of decontamination and demolition work at the site. These requirements were transmitted to you in a September 10, 2007 letter from Deputy Mayor Edward Skyler (the "September 10 letter"), and the City has worked with LMDC and other state and federal agencies to modify and supplement these requirements, and to ensure that they are implemented and that the decontamination and demolition of 130 Liberty Street can resume safely and expeditiously.

A number of the City's requirements required an amendment to the September 2005 Deconstruction Plan for 130 Liberty Street, or had to be incorporated in other documents developed in connection with the implementation of that plan. On January 22, 2008, LMDC submitted a proposed Addendum to the September 2005 Deconstruction Plan and related documents (the "Amended Plan") to city, state and federal regulators for their review and comment. The Amended Plan proposed "decoupling" decontamination of the remainder of 130 Liberty Street from demolition of the remaining floors, and the documents submitted by LMDC address only decontamination of the building. A second addendum is required to address how the remainder of the building will be demolished, including the removal of the contaminated Stairways A and B, prior to the resumption of demolition.

The Fire Department of New York (FDNY), the Department of Environmental Protection (DEP), the Department of Buildings (DOB), the Office of Emergency Management (OEM) and the Mayor's Office participated in working sessions with LMDC and other state and federal agencies to review the Amended Plan, which was revised multiple times, up to and including February 6, 2008. The revisions also incorporate the comments of the New York City Police

Department, the Department of Health and Mental Hygiene, and the Citywide Office of Occupational Safety and Health (COSH), within the Department of Citywide Administrative Services, which were collected and provided to LMDC by the Mayor's Office and DEP.

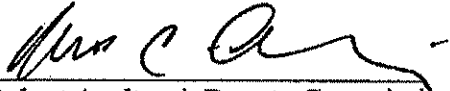
The City has reviewed (i) the Addendum to the 130 Liberty Street Deconstruction Plan dated February 6, 2008; (ii) the Waste Storage and Transportation Plan for the Deconstruction of 130 Liberty Street dated February 6, 2008; the Environmental, Health & Safety Plan and Emergency Action Plan for the 130 Liberty Street Building Decontamination Project dated February 6, 2008; and the 130 Liberty Street Contractor's Implementation Plan for Decontamination dated February 6, 2008 and acknowledge and accept that these documents incorporate the City's fire- and site-safety requirements.

Notwithstanding this acceptance, as the Amended Plan expressly states, FDNY, DEP and DOB must approve additional submissions—including, but not limited to drawings, permit applications and any other necessary materials and submissions—required to carry-out the Amended Plan, and LMDC and its contractors and subcontractors have agreed to make all such submissions and obtain all such approvals. As noted above, the Amended Plan is expressly limited to the resumption of decontamination activity at 130 Liberty Street, and LMDC must submit a second addendum and any necessary accompanying documents for review and approval by the relevant city, state and federal agencies—including, but not limited to, the City agencies referenced in this letter—prior to the resumption of demolition.

We look forward to continuing to work with you as LMDC and its contractors and subcontractors prepare to implement the Amended plan.



Michael Weinlein, Manhattan Borough Commander
Fire Department of New York



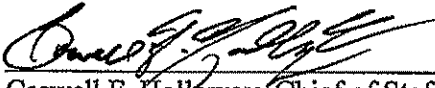
Robert Avaltroni, Deputy Commissioner
Department of Environmental Protection



Eric D. Reid, P.E., Principal Engineer
Department of Buildings



Ilene Lees, Deputy Commissioner
Department of Citywide Administrative Services



Caswell F. Holloway, Chief of Staff
Deputy Mayor for Operations
Office of the Mayor

cc: David Emil, President, Lower Manhattan Development Corporation