



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

August 4, 2005

**BY ELECTRONIC MAIL AND REGULAR MAIL**

Mr. William Kelley  
Director of Technical Services  
Lower Manhattan Development Corporation  
One liberty Plaza, 20<sup>th</sup> Floor  
New York, New York 10006

Dear Mr. Kelley:

This is in response to your July 27, 2005 letter requesting permission to perform certain "non-intrusive preparatory tasks" as soon as possible. Specifically, such proposed preparatory tasks are (1) construction of sidewalk bridges and perimeter fencing (Task 1); (2) pouring of a concrete pad for the hoist (Task 2); and (3) installation of hanging rig support frames including placement of a crane on the roof (Task 3).

The U.S. Environmental Protection Agency (EPA), in consultation with the New York State Department of Labor (NYSDOL, in accordance with NYSDOL's letter attached hereto) and the New York City Department of Environmental Protection, hereby accepts your proposal to perform Tasks 1 and 2 provided that all work related to performing Tasks 1 and 2 does not in any way impact contaminated areas within the building at 130 Liberty Street or any exterior surfaces of the building or the netting. Impacts to contaminated areas of the building interior or exterior or the netting may cause a release or potential release of hazardous substances or contaminants which may adversely effect human health and the environment.

EPA concurs with NYSDOL's position regarding Task 3 as described in the attached NYSDOL letter. The rooftop has not yet been cleaned, and the proposed work for Task 3 may cause the release of hazardous substances or contaminants which may pose a risk to human health and the environment. As you know, this proposed task also includes activities within the contaminated building which may be a further potential cause for release of hazardous substances or contaminants. In the absence of an acceptable comprehensive deconstruction plan which properly addresses all the regulatory comments provided to the Lower Manhattan Development Corporation, as well as incorporates NYSDOL's variance request responses, the regulators concur that Task 3 should not be performed at this time.

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If you have any questions please feel free to contact Mr. Emmet Keveney of my staff at (212) 637-3459.

Sincerely,

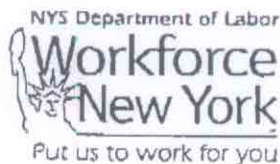


Pat Evangelista  
WTC Coordinator  
New York City Response and Recovery Operations  
USEPA-Region II

Attachment

cc: Chris Alonge, NYSDOL w/attachment  
Sal Carlomagno, NYSDEC w/attachment  
Krish Radhakrishnan, NYCDEP w/attachment  
Richard Mendelson, OSHA w/attachment  
Robert Iulo, NYCDOB w/attachment  
Emmet Keveney, USEPA w/attachment

George E. Pataki, Governor



Linda Angello, Commissioner

July 29, 2005

Pat Evangelista  
US EPA  
290 Broadway  
New York, NY

**Re: Response Regarding LMDC July 27, 2005 Letter Request to Proceed with  
Non-intrusive Preparatory Work  
Vacant High Rise Office Building  
130 Liberty Street  
New York, NY**

Dear Pat,

The Department has reviewed the LMDC letter dated July 27, 2005, requesting to proceed with non-intrusive preparatory work, as it relates to asbestos material (ACM) removal and cleanup or disturbance of the WTC dust/residue at the site.

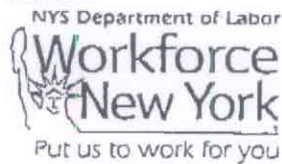
A portion of the request is acceptable to the Department. Numbers (1) and (2) of the request (construction of sidewalk bridges, perimeter site fencing, and pouring of a concrete pad) appears to include ground level work which will not impact the interior contaminated areas or exterior contaminated surfaces of the building. However, any existing air monitoring equipment in the vicinity of this ground level preparatory work should be repositioned as appropriate to avoid air sample interference by this non-asbestos project site preparation work.

Regarding number 3 of the request (installation of hanging rig support frames), this work is considered to be asbestos project work, as the rooftop has not yet been cleaned and the potential exists for releasing WTC dust/residue from the rooftop. In addition, this work would require travel through contaminated portions of the building by personnel transferring adequately protected equipment to the rooftop, as well as significant rooftop work to install the portable crane and support frame equipment. Appropriate procedures for movement of personnel and equipment through contaminated portions of the building are included within site-specific variance decision #05-0427, and the decision amendments/reopenings. Also included within this variance are procedures for the façade and rooftop cleaning of WTC dust/residue.

The Department understands the need to move ahead with scaffold installation and other preparatory work, but logically it would make sense to complete the rooftop cleanup before equipment is placed on the rooftop, otherwise a portion of the contaminated rooftop surfaces would become inaccessible due to the newly placed equipment. In addition, as the rooftop surfaces have yet to be cleaned of WTC dust/residue, all rooftop preparatory work must be completed by appropriately licensed firms utilizing appropriately certified personnel as per condition #8 of site-specific variance decision #05-0427.

Phone: (518) 457-1538 Fax: (518) 457-1301  
W. Averell Harriman State Office Campus, Bldg. 12, Room 154, Albany, NY 12240

George E. Pataki, Governor



Linda Angello, Commissioner

As indicated within the site-specific variance decisions #05-0427 and #05-0813, prior to proceeding with any asbestos project preparatory work (including rooftop work), all pertinent sections of the revised deconstruction plan should be submitted to all pertinent federal, state and local regulatory agencies, and all necessary approvals obtained. In addition, all proposed air monitoring for contaminants other than asbestos must be submitted to the appropriate regulatory agency for their review and approval prior to the commencement of any asbestos project work, including scaffolding installation and other necessary preparatory work.

The Department anticipates that these issues will be appropriately addressed prior to commencement of any intrusive activities, or rooftop asbestos project preparatory work at the site. The owner's asbestos project designer firm must address any additional deviations from ICR 56 with amendment/reopening requests to the existing site-specific variance decisions, or submission of an additional site-specific variance petition, for the ACM abatement and WTC dust/residue cleanup portion of the overall deconstruction project.

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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