



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAY 17 2005

Kevin M. Rampe
President
Lower Manhattan Development Corporation
One Liberty Plaza, 20th Floor
New York, New York 10006

Dear Mr. Rampe:

The Environmental Protection Agency (EPA) has reviewed the Environmental Assessment for the proposed refinements to the Approved World Trade Center Memorial and Redevelopment Plan. This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act (NEPA).

Background:

In June 2004, the Lower Manhattan Development Corporation (LMDC), acting on behalf of the Department of Housing and Urban Development (HUD), released a Record of Decision for the World Trade Center Memorial and Redevelopment Plan. As the implementation of the Plan proceeded, further refinements to the Plan were made based upon aesthetics, commercial viability, security, cost, and technical and practical considerations. This EA identifies those proposed refinements, analyzes the associated environmental impacts, and determines if any of those refinements in and of themselves cause a significant environmental impact. The EA reports that none of the Proposed Refinements would either individually or cumulatively have any new environmental impacts that were not previously analyzed in the final Environmental Impact Statement.

Comments:

EPA agrees with the findings in the EA, however, we have one concern. In the ROD for the Redevelopment Plan, LMDC made the commitment that the deconstruction of 130 Liberty Street would be done in accordance with all Federal and State regulations, and that LMDC would share the hazardous materials characterization and Deconstruction Plan with the appropriate agencies, including EPA. It was understood at the time of the final EIS and the ROD that the issues surrounding the deconstruction of 130 Liberty Street still needed to be resolved and that the details would be forthcoming. However, the anticipation was that if all of the regulations were followed there would not be a significant impact to the environment. At the end of 2004, LMDC provided both of those reports to EPA and in January of this year, EPA provided extensive comments on the Deconstruction Plan for 130 Liberty Street. In those comments, EPA raised several issues with the Plan that needed to be clarified and "materially strengthened," before we could agree that the deconstruction would be done in accordance with all Federal and State regulations and that when followed properly would not result in a significant release of pollutants into the environment. While the EA recognizes this and indicates that comments are in the process of being addressed, the Deconstruction Plan for 130 Liberty Street has not been finalized. Nonetheless, LMDC has made commitments, both in the ROD and in this EA, that the deconstruction of 130 Liberty Street will be done in accordance with all Federal and State

regulations, therefore, we fully anticipate that the revised Deconstruction Plan will contain the measures and level of detail necessary to demonstrate such compliance. We are also pleased to learn, the Lower Manhattan Construction Command Center has committed to neighborhood air monitoring during the demolition process, which will provide an additional level of protection and assurance to the communities adjacent to the project site.

EPA looks forward to receiving the revised Deconstruction Plan for 130 Liberty street in the near future. If there are any questions regarding the implementation of our Deconstruction Plan recommendations, please contact Pat Evangelista at (212) 637-4447. We also encourage LMDC to continue with their public outreach efforts for the Plan. Thank you for the opportunity to comment. If you have any questions please feel free to contact David Carlson of my staff at (212)637-3502.

Sincerely yours,



Grace Musumeci, Chief
Environmental Review Section

cc: T. Fretwell, HUD
Lynette M. Stark, Acting Commissioner, NYSDEC