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 (NYSDOL), New York State Department of Environmental Conservation (NYSDEC), New York City Department of Environmental Protection (NYCDEP), New York City Fire Department (FDNY), U.S. Department of Labor Occupational Safety and Health Administration (OSHA), New York City Department of Buildings (NYCDOB) 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,

P. Evangelista

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 Weinlein, FDNY