UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

September 7, 2007

Avi Schick, Chairman
Lower Manhattan Development Corporation
One Liberty Plaza
New York, New York 10006

Dear Mr. Schick:

I am writing to express my concerns with recent actions taken by the Lower Manhattan Development Corporation ("LMDC") at 130 Liberty Street. LMDC's actions and your recent public statements contradict the U.S. Environmental Protection Agency's ("EPA's") position that the breached building at 130 Liberty Street should be resealed as soon as possible. It is my understanding that the City of New York continues to support EPA's position about the need to reseal the building.

I have learned that LMDC has recommenced work at 130 Liberty Street while the building remains open to the environment. In addition, this work has proceeded without notice to or review by the regulators. I am concerned that these work activities and the implementation methods utilized by LMDC in this breached building may cause a release of contaminated dust and debris. At the September 5, 2007 Community Board 1 public meeting, you also affirmed that LMDC did not intend to seal the building before commencing and completing other protective measures.

In my August 29 letter to LMDC President David Emil, I stated that EPA's primary environmental concern at this time is the need for LMDC to implement all necessary measures to seal the building to control potential releases of contaminants. I recommended this action to prevent an imminent and substantial endangerment to public health and the environment when any work is performed at 130 Liberty Street. I also urged LMDC to employ additional measures to safeguard public and worker safety and health, and to incorporate appropriate recommendations from the Fire Department of New York. EPA believes that all of these measures may be appropriately implemented in a contemporaneous manner.

EPA's concerns are supported by recent air monitoring results generated from the elevated monitoring station located on the northwest corner of the fifteenth floor scaffold. On August 27 and 28, 2007, dioxin was detected at levels below the established target and trigger levels for this project. Dioxin was not detected in any of the existing ambient air monitoring stations at 130 Liberty Street before the fire and the subsequent work within the building. These detections are a reasonable indicator of the ongoing potential for release of contaminants to the outdoor environment during periods of activity within the building. This can be mitigated by resealing the numerous breaches in the building's facade.

Please promptly advise me in writing of LMDC's schedule for resealing the building in accordance with previously accepted procedures, and include an explanation of any factors which you believe would prevent LMDC from the immediate completion of this environmentally time-critical work. Thank you in advance for your cooperation.

Sincerely,

Alan J. Steinberg

Alan J. Steinberg
Regional Administrator

cc: Honorable Edward Skyler, Deputy Mayor
Patricia K. Clark, Regional Administrator OSHA
Emily Lloyd, Commissioner NYCDEP
M. Patricia Smith, Commissioner NYSDOL
Pete Grannis, Commissioner NYSDEC
David Emil, President LMDC