UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

April 28, 2006

Mr. Victor J. Gallo
Senior Advisor & Counsel, Environmental & Regulatory Affairs
Lower Manhattan Development Corporation
One Liberty Plaza, 20th Floor
New York, N.Y. 10006

Re: Roof Cleanup and Other Activities at 130 Liberty Street, New York City

Dear Mr. Gallo:

This is to confirm that the United States Environmental Protection Agency ("EPA") has agreed, at your request, to postpone the meeting of April 27, 2006 with the New York State Department of Labor ("NYSDOL"), New York City Department of Environmental Protection ("NYCDEP"), EPA and the Lower Manhattan Development Corporation ("LMDC") which had been scheduled to discuss issues relating to improper cleaning of the roof at 130 Liberty Street. At this time, we have not been able to reschedule with the other members of the regulatory team, and we will inform you promptly when we determine their availability. Pending the meeting, work on the roof should not resume.

We believe that the agenda for our rescheduled meeting about roof cleaning issues should also address how best to ensure implementation of September 2005 acccepted cleaning protocols for the deconstruction of the building. For your purposes in coordinating LMDC's presentation at the meeting, when scheduled, EPA, NYSDOL and NYCDEP would appreciate a full explanation of the roof "cleaning" from the commencement to the present with specific reference to what procedures were followed to clean and what clearance standards were utilized. With regard to the asbestos-containing material found in the roof ballast, the regulators would like an explanation of the basis for LMDC's statement that "TRC has assured us the isolated findings did not pose any health risk to workers on the roof."

EPA has received LMDC's April 22, 2006 revised "130 Liberty Street – Proposed Enhanced Roof Search/Cleaning Procedures" document which was submitted to the regulators with regard to "enhancements" for worker safety and environmental protection. The document does not supplement or detail additional measures beyond the procedures stated in the "NYCDEP WTC Dust/Residue Roof and Façade Cleaning Procedures" (required for the work pursuant to the accepted September 2005 "Asbestos and COPC Abatement and Removal Plan"). The

NYCDEP Cleaning Procedures were intended to be basic standards for the roof cleanup and worker protection.

On March 31, 2006, EPA inspected the roof and pointed out areas of the roof that purportedly had been cleaned requiring cleaning. Subsequently, on April 19, 2006, EPA again inspected these areas and informed representatives of LMDC that these areas were still not in fact clean. From the regulators' inspections of the roof, areas of the roof that LMDC representatives claimed were cleaned according to the NYCDEP protocol appeared to be improperly cleaned with visible debris and residual fines commingled with the roof ballast. In addition, EPA was recently informed by LMDC representatives that the entire lower roof has not yet been cleaned.

To facilitate a comprehensive presentation of the work performed by LMDC's contractors and a meaningful dialogue among the parties at our meeting of the work that remains to be done, kindly bring to our meeting copies of all notes, reports, photographs and sampling results documenting this phase of the work.

We will notify you of the proposed date for rescheduling our meeting. LMDC's anticipated cooperation in working with the regulators both to identify instances where safeguards and plan implementation protocols must be strengthened is appreciated.

Sincerely,

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

cc: Chris Alonge, NYSDOL
Krish Radhakrishnan, NYCDEP
Richard Mendelson, OSHA
Sal Carlomagno, NYSDEC
Robert Iulo, NYCDOB