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

March 20, 2006

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

Re: Abatement and Deconstruction of 130 Liberty Street

Dear Mr. Gallo:

I am writing on behalf of the United States Environmental Protection Agency ("EPA") and other regulatory agencies, including the New York State Departments of Labor ("NYSDOL") and Environmental Conservation ("NYSDEC"), the New York City Department of Environmental Protection ("NYCDEP"), and the U.S. Department of Labor, Occupational Safety and Health Administration ("OSHA"), to again followup on the meeting we had on March 8th, EPA's letters to you of March 1st and13th, and our recent telephone conversations. We have not received the further submissions we have requested from LMDC concerning the proposed deconstruction of 130 Liberty. We believe that it remains necessary for the regulators to review additional information and plans concerning the proposed deconstruction to assist you in preventing releases of contaminants into the environment.

As you know, it is our view that LMDC is now planning a deconstruction which apparently has significant differences since our review and acceptance of LMDC's abatement plan last September. Some of those differences include: the use of concrete crushing equipment on the floors where deconstruction is taking place; the construction of a chute for transporting crushed concrete to the ground level; the use of a five-story buffer zone between the abatement and demolition zones; the use of a reconstructed "floating" roof; and the use of C+D debris as fill on-site. These and other changes will of course have an impact on potential releases of contaminants.

In order for the regulators to insure that the deconstruction of 130 Liberty does not lead to releases of contaminants that could endanger the workers and the surrounding community, please send as soon as possible the information we requested in our March 1 and March 13 letters and attachments, as well as in the March 8th meeting and in our telephone conversations. To the extent the information is not available, please let us know at our meeting this Wednesday when we may expect it.

I have attached a letter from OSHA offering to provide technical assistance in the preparatory phase of the deconstruction project. As that indicates, and as I've mentioned before, the regulators remain ready to work cooperatively with LMDC, as they have done previously in this project. However, receipt and analysis of the requested information is essential to our ongoing responsibility to protect public health and the environment.

Sincerely,

P. Evangelista

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Attachment

cc: Robert Iulo, NYCDOB
Christopher Alonge, NYSDOL
Krish Radhakrishnan, NYCDEP
Richard Mendelson, OSHA
Salvatore Carlomagno, NYSDEC
Anne Papageorge, LMDC

U.S. Department of Labor

Occupational Safety and Health Administration
201 Varick Street, Room 908
New York, New York 10014
Tel: (212) 620-3200
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OSHA Website Address: http://www.osha.gov

March 15, 2006

Pat Evangelista
WTC Coordinator
US EPA – Region 2
290 Broadway
New York, NY 10007-1966

Dear Mr. Evangelista:

In reference to today's discussion regarding 130 Liberty Street, I concur with your request for detailed plans and procedures for the physical deconstruction of the building. There are numerous safety and health hazards associated with demolition activities. In addition to the health issues already addressed, physical hazards such as falls from elevations, struck-by, and caught-in/between are commonly found in demolition projects. Proper job hazard analyses and planning must be performed by the employer in order to safely mitigate these hazards.

Under the OSH Act, it is the employer's responsibility to ensure the safety and health of employees. Due to the high profile nature of certain projects surrounding the WTC site, we have offered to provide technical assistance to employers and other agencies in the preparatory phases of the projects. Employers are not required to submit plans to us, nor does our review constitute acceptance or endorsement.

The 130 Liberty Street site and others around WTC are subject to OSHA enforcement. Therefore, once work begins we are precluded from offering advice to employers on site-specific issues, although we may continue to answer general questions about OSHA standards. We will also continue to cooperate with other Federal, state, and local regulatory agencies.

I appreciate the leadership role which EPA has taken to help coordinate the regulatory agencies' activities regarding 130 Liberty Street. If the Lower Manhattan Development Corporation (or their contractors) provides you with the requested information, we will be happy to review them from a worker safety and health perspective, subject to the constraints noted above.

Sincerely,

Richard Mendelson
Area Director