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

March 13, 2006

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

Dear Mr. Gallo:

I am writing to follow-up on the presentation by representatives of the Lower Manhattan Development Corporation (LMDC) for the regulators on March 8, 2006. The presentation encompassed not only abatement activities, but also LMDC's proposed Phase II deconstruction activities for the building at 130 Liberty Street. The regulators appreciated the opportunity to hear about the conceptual plans for this major deconstruction project from Thornton-Tomasetti. However, as we discussed in our telephone calls on March 9 and 10, 2006, the regulators have not been provided with the Phase II Deconstruction Plan covering in detail the manner in which the building will be taken down following abatement activities. As I explained in our discussion, the regulators accepted the Phase I abatement plans before any work was authorized to commence on Phase I.

By this letter, EPA and its regulatory partners request copies of the plans and specifications for the Phase II, Structural Deconstruction of 130 Liberty Street. The regulatory team will review and comment on the Phase II plans as expeditiously as possible. We must be provided with adequate time for review and comment prior to the commencement of structural deconstruction activities. Kindly let me know when the plans will be available.

In addition to the Phase II plans, the regulators also request copies of any engineering studies prepared for 130 Liberty that support the statement of Thornton-Tomasetti that the conceptual approach proposed for deconstruction will not impair the structural integrity of the building.

The attached copy of an electronic mail message from Mr. Christopher Alonge of the New York State Department of Labor (NYSDOL) identifies, among other things, specific concerns of NYSDOL and the regulators related to timely notifications when certain aspects of the deconstruction are about to occur.

First, the existing variance decision, including reopenings and amendments, requires advance notification when the walker duct/raceway video inspection is scheduled. As stated in the attached message, the conditionally-approved cleaning procedures may require modification

based upon this inspection. Second, NYSDOL and the regulators request notification when the initial cutting of the access holes for chute installation through the concrete floor decks is scheduled. Third, since aspects of the deconstruction may impact contaminated portions of the building, NYSDOL requests "the opportunity to review the entire plan prior to commencement of invasive (non-asbestos project) deconstruction activities."

The regulators look forward to receiving the Phase II plans as soon as possible to minimize any potential impacts on LMDC's anticipated project schedule.

Sincerely,

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Attachment

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

"Alonge, Christopher G (LABOR)"
<Christopher.Alonge@labor.state.ny.us>
03/10/2006 10:43 AM

To Pat Evangelista/R2/USEPA/US@EPA
cc "Krish Radhakrishnan (E-mail)" <krishr@dep.nyc.gov>
bcc
Subject LMDC timely notification of required regulatory inspections

Pat -

I just wanted to reiterate DOL's concerns regarding the regulators being notified by LMDC or their agent when certain aspects of the abatement are about to occur.

Specifically, as per the existing site-specific variance decision including reopenings/amendments, DOL shall be notified when the walker ducts/raceways video inspection is scheduled for the first interior work area. The conditionally approved walker duct/raceway cleaning procedures may require modification based upon the results of this initial inspection.

Also, DOL requests notification when the cutting of initial access holes for chute installation through concrete floor decks is scheduled. DOL's presence is necessary during the cutting of the initial access holes, for visual confirmation that the walker ducts/raceways will not be impacted by the cutting of the chute access holes.

In addition, certain aspects of the 130 liberty deconstruction may impact contaminated portions of the building. However, DOL has not received a copy of the finalized plan outlining the specific aspects of the deconstruction to follow asbestos abatement. The March 8, 2006 LMDC meeting with the regulators included a brief summary of various aspects of the deconstruction, but DOL would appreciate the opportunity to review the entire plan prior to commencement of invasive (non-asbestos project) deconstruction activities.

Thanks,

Christopher G. Alonge, P.E.
Sr. Safety and Health Engineer
Engineering Services Unit
NYS Department of Labor
Division of Safety and Health
518-457-7201