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

March 28, 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:

As you know, on March 24, 2006 the United States Environmental Protection Agency ("USEPA") was notified of an exceedance of the USEPA Site-Specific Trigger Level for silica. According to your consultant's (TRC Environmental Corporation) March 24, 2006 written report regarding this exceedance, TRC concluded its evaluation of the laboratory data and verified this exceedance at approximately 12:00 PM on March 24th, notified the EPA via telephone at approximately 12:30 PM on March 24th and work stopped on site at approximately 2:00 PM on March 24th. In effect, there was a delay in stopping work.

The above-described delay in stopping work as a result of the exceedance is unacceptable and should not recur in the future. Please clearly understand that upon your conclusion of an exceedance of a USEPA Site-Specific Trigger Level work must stop immediately. Work will be reinitiated once the USEPA has agreed with your conclusions, the corrective action(s) proposed, if necessary, to prevent the potential for exceedances in future work and such corrective actions have been implemented.

The only exception to the work stoppage requirement will be for an exceedance of the USEPA Site-Specific Trigger Level for $PM_{2.5}$ at one of the off-site roof top locations. If the USEPA Site-Specific Trigger Level for $PM_{2.5}$ is exceeded at an off-site roof top location, regulator notifications must be made and an assessment, with the active involvement of the USEPA, must be performed to determine if the exceedance was due to an off-site or regional condition unrelated to 130 Liberty Street work If the assessment determines the exceedance to be associated with 130 Liberty Street, the exceedance will result in a stoppage of work associated

with the exceedance until an evaluation of emission controls is performed and corrective action acceptable to USEPA is in place.

Sincerely,

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

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