



**Department of
Environmental
Protection**

59-17 Junction Boulevard
Flushing, New York
11373-5108

**Christopher O. Ward
Commissioner**

**Gerould J. McCoy
Assistant Commissioner**

**Office of Environmental,
Health & Safety Compliance**

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 **FAXED**
4/4/03 Gp 3:00pm

FAX COVER SHEET

TO: A. Patrick Nucciarone, Esq.

FAX. NO. 732/280-4801

NO. OF PAGES 4 (INCLUDING COVER SHEET)

FROM: Gerould J. McCoy *for 4/4/03*

DATE: April 4, 2003

(Message, if any, for recipient)

Pat --

Please see attached.



(718) DEP-HELP



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MEMORANDUM

BY TELECOPIER
732/280-4801

**TO: A. Patrick Nucciarone, Esq.
Monitor**

FROM: Gerould J. McCoy 

DATE: April 4, 2003

RE: 66 John Street

Pat:

As a follow up to our April 2, 2003 telephone conversation, attached is a memo from Robert Avaltroni (Deputy Commissioner/Bureau of Environmental Compliance) concerning asbestos investigation and abatement activities conducted at 66 John Street. If you have any questions, just let me know.

Attachment



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(718) DEP-HELP

bcc: Commissioner Ward
Robert C. Avaltroni
Anne McCarthy
Mark D. Hoffer
Robin E. Levine



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M E M O R A N D U M

**Christopher O. Ward
Commissioner**

TO: Gerould McCoy
Agency Compliance Officer
Office of Environmental Health & Safety Compliance

FROM: Robert C. Avaltroni *RAV*
Deputy Commissioner
Bureau of Environmental Compliance

DATE: April 3, 2003

SUBJECT: 66 John Street

Please find the attached sequence of events related to 66 John Street. Feel free to contact me if you need any additional information.

**Robert C. Avaltroni
Deputy Commissioner**

**Bureau of
Environmental
Compliance**

Tel (718) 595-4418
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New York City Department of Environmental Protection
Asbestos Control Program

66 John Street, Manhattan
9th and 10th Floors

Commissioner Ward received information from NYCDEP employees concerned about the results of a carpet sample taken from the 10th floor of 66 John Street. The Commissioner contacted Bureau of Environmental Compliance (BEC) and the Office of Environmental Health & Safety Compliance (OEHS). OEHS then provided the BEC Asbestos Control Program (ACP) with the result of the carpet sonication sample. The sample result was an excerpt of a report which neither ACP, OEHS nor the Commissioner has received. The sample result indicated a concentration of 393,061 structures/cm². Carpet sonication is not a New York State Department of Health approved method for the collection and analysis of asbestos-containing materials. Further, this sampling method has not been adopted as a Federal, State or local standard.

A single direct relationship between asbestos-containing dust and potential human exposure has not been established. Even though a direct relationship between dust levels and exposure has been documented for other contaminants (e.g., lead), a relationship has not been documented for asbestos fibers probably due to the unique aerodynamic aspects of asbestos fibers. Asbestos fibers do not pose a health hazard unless the fibers become airborne and are inhaled.

After September 11, 2001 ACP had responded to calls from concerned building occupants and reviewed bulk sample results received from the building owner. ACP then conducted site visits at the building. These site visits did not disclose the presence of visible debris within the interior of the building. According to the information in ACP records, 54 air samples were collected within the building on September 14th, 15th, and 16th, 2001. The samples were analyzed by phase contract microscopy (PCM) and were each below 0.01 f/cc. Ten bulk samples were collected from exterior surfaces during early July 2002. The results indicated the material was not ACM. On November 1, 2002, 9 additional bulk samples were collected from building exterior surfaces. The results indicated the material was not asbestos-containing material.

As a result of complaints, the building owner initiated air sampling on March 7, 2003. The air samples were collected on the 9th, 10th and 11th floors. The samples were analyzed by PCM and transmission electron microscopy (TEM). The samples were below the clearance levels. Specifically, the clearance level for PCM samples is 0.01 f/cc and for TEM samples is 70 s/mm². The ACP asked for and reviewed the data from the air samples after it became aware of complaints regarding the above premises.

Although the results of several previous site visits and the review of submitted results did not indicate a requirement for further action, the Commissioner requested the building owner re-clean the carpeting. The owner agreed to the request and initiated cleaning of the carpet using wet extraction procedures. The cleaning began on April 1, 2003 and is expected to be completed by April 4, 2003. BEC will perform air sampling on April 4, 2003. The results will be evaluated using the clearance criteria indicated above.