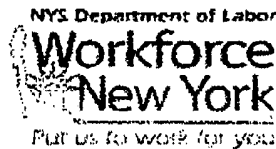


30 WEST BROADWAY



**STATE OF NEW YORK
DEPARTMENT OF LABOR**
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DATE: 2/24/06

DELIVER TO:

Krish Radhakrishnan - NYC DEP - 718-595-3744
Name: Gie Giesen - USDOJ/OSHA - 212-337-2371
Robert Tulo - NYC DOB - 212-566-3848
Richard Fram - NYS DEC - 718-482-4874
Office: Norma Aird - NYS DOL - 212-352-6902

Location:

Floor:

Room:

Phone No:

Fax No:

FROM:

Name: CHRIS ALONSO
Office: Engineering Services

Location: Bldg 12 State Campus Room 154

Phone No: 518-457-1536

Fax No: 518-457-1301

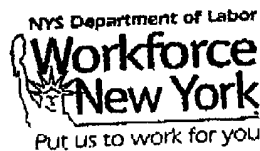
COMMENTS: COPY OF LETTER SENT TO EPA RE: FITZGERALD HALL

NUMBER OF PAGES BEING TRANSMITTED: (Including cover sheet)

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GA 150 (07-05)

George E. Pataki, Governor



Linda Angello, Commissioner

February 17, 2006

Pat Evangelista
US EPA
290 Broadway
New York, NY

**Re: Comments on Asbestos/WTC Dust Portion of
Airtek Preliminary Façade & Environmental Characterization Reports
& Regulatory Submittal – Part I Work Plan
Fiterman Hall Building
30 West Broadway
New York, NY**

Dear Pat,

The Department has reviewed the January 10, 2006 Airtek Façade & Environmental Characterization Reports, as well as the Part I Work Plan document, as they all relate to asbestos material (ACM) and WTC dust/residue identification, assessment and removal/cleanup procedures. Several significant items within the reports and work plan must still be revised for consistency with the report data, and to address other Departmental concerns.

The Department has discussed concerns regarding the reports with the NYC DEP, and the Department provides the following general and specific comments on the reports and work plan, to be included with your comments on the entirety of the referenced reports.

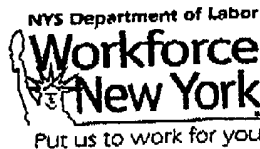
General Comments

- Neither of the reports or the work plan included floor plans that identified areas severely damaged by the collapse of building 7. For the reports, these floor plans shall also identify locations of remaining ACM within the building.
- Tables, figures and plan drawings included within the reports and work plan were illegible due to sizing. Please include revised tables, figures and plan drawings with legible information.
- Information regarding cleaning of the "gash area" needs to be expanded upon. For example,
 - What is the extent of the gash area?
 - Was the entire gash area cleaned and cleared when bulk debris was previously removed?

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- Is the gash area now enclosed with temporary barriers to allow for removals and cleaning still necessary? If not, what portion of gash area is enclosed?
- What is the scope of work and procedures specified to address asbestos project removals, cleanup and required visual inspections within the gash area? Limited information is provided within section 6.3.1 of the work plan, but full details of existing conditions and site-specific procedures to be followed for temporary hardwall barrier and containment construction at the gash area must be included.
- The Department adopted amended Industrial Code Rule 56 (ICR 56) on January 11, 2006. Please modify all references to ICR 56 within subsequent revised reports and work plans to be consistent with current requirements.
- Within the work plan, no detailed procedures were included for the majority of the asbestos project tasks. Instead, references were included which indicated that once selected, the asbestos abatement contractor would determine actual asbestos project procedures within site-specific variance decisions yet to be obtained. This approach is not advisable, as all specifics regarding implementation of the asbestos project should be established by the asbestos project designer prior to the bidding of the project; so all bidders know what will be required to complete the asbestos project.

The role of the project designer is to "plan the scope, timing, phasing and remediation methods to be utilized on any asbestos project". For an asbestos project that includes asbestos contamination cleanup, and specifically WTC dust/residue cleanup, establishment of the required asbestos project procedures within the work plan is essential, to reduce potential asbestos project procedural problems throughout the course of the asbestos project. If procedures must be specified that aren't consistent with ICR 56 requirements, a site-specific variance must be obtained by the project designer as an agent for the owner, and the procedures and conditions contained within the site-specific variance decision must be incorporated into the work plan specified asbestos project procedures.
- All asbestos project design submittals, including variance petitions, must be submitted to DASNY internal asbestos project design personnel for appropriate review and approval, prior to submission to the Department. The Department will not review any site-specific variance petition, or revised work plan asbestos project procedures, without DASNY's prior approval of the submission.

Specific Comments

PRELIMINARY FACADE CHARACTERIZATION REPORT

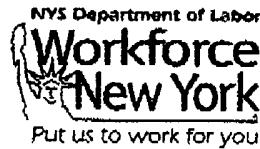
- **3.4 ASBESTOS-CONTAINING MATERIAL(ACM) INSPECTION AND TESTING**

"Figure F-1 Section View for flashing location" was referenced within this section, but not apparent within the report. Also, ACM interior vapor barrier and ACM lintel flashing located below the windows between brick fascia and façade structural components were

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both referenced within this section, but no obvious correlation was apparent with the ACMs identified within Report Attachment B.

- **4.3 FACADE INTEGRITY**

Were operable window hidden surfaces investigated? Do these surfaces still contain WTC dust/residue, which must be cleaned prior to sealing of the windows as critical barriers? Please provide additional information regarding these potentially contaminated surfaces.

- **4.4 ASBESTOS-CONTAINING MATERIALS**

The only materials referenced within this section are interior vapor barrier and non-friable lintel flashing. Is the lintel flashing included within this section the same as the ACM spandrel flashing mastic and beam flashing mastic at the loading dock entrance identified within the asbestos summary table later in the report? Please correlate these materials appropriately with bulk sample analysis data. Also, no information is apparent within this section regarding the ACM window caulking at the stair and elevator mechanical room roofs, the ACM roof membrane on the 14th floor roof, or the ACM window frame caulking at the first floor exterior of the building. All of these materials were identified within Report Attachment B, Table 1 "Summary of Building Envelope Inspection Results for Asbestos".

PRELIMINARY ENVIRONMENTAL CHARACTERIZATION REPORT

- **1.0 EXECUTIVE SUMMARY**

ACM spandrel flashing removal during deconstruction was referenced, but no other exterior ACM identified within the Facade Report was discussed within the summary.

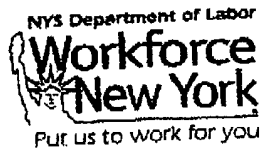
- **5.4 ASBESTOS CONTAINING MATERIALS SURVEY**

Is the vapor barrier on interior surface of façade block referenced within this section the same as the ACM tar, paper, and fiberglass/felt materials (1st through 15th floor) on the perimeter walls identified within the asbestos summary table later in the report? Please correlate these materials appropriately with bulk sample analysis data. Also, no information is apparent within this section regarding the ACM window caulking at the elevator mechanical room roofs, the ACM roof membrane on the 14th floor roof, or the ACM window frame caulking at the first floor exterior of the building. All of these materials were identified within Report Attachment IV, Table 1 "Summary of Inspection Results for Asbestos". In addition, the results summary indicates that floor covering materials were assumed to be ACM, but nothing is included regarding the floor covering adhesives/mastics. These materials should also be assumed and treated as ACM, unless appropriate bulk sampling and analyses adequately show the materials to be non-ACM.

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REGULATORY SUBMITTAL PART I – WORK PLAN

- 4.5 ELEVATOR SERVICE

This section indicates that the elevator shafts will be vented to the top floor, which will be placed under negative pressure to filter and control the vented air. However, the reopening request detail drawings don't agree with this proposed method. All asbestos project work plan procedures shall correspond with all conditions and procedures within existing site-specific variance decisions, decision amendments and decision reopenings for the project.

- 6.1 OPERATION I – CLEAN ZONE DECONTAMINATION & CLEARANCE

This section indicates that three zones on the first floor will be sealed off, gut-stripped, decontaminated, and then clearance achieved. However, no details regarding specified procedures (i.e. decontamination system enclosures construction, placement and utilization requirements, work area preparation requirements, removal/handling and cleaning procedures, etc.) to complete these tasks were apparent.

- 6.2 OPERATION II – EXTERIOR CLEANING

No specific scope of work, or details regarding specified procedures (i.e. decontamination system enclosures construction, placement and utilization requirements, work area preparation requirements, wastewater collection methods, removal/handling methods, cleaning and clearance procedures, etc.) to complete these tasks were apparent.

- 6.3 OPERATION III – GUT STRIP

- 6.3.1 Building Envelope Preparation Work

It is unclear how operable window hidden surfaces that may still contain WTC dust, will be cleaned prior to sealing of the windows as critical barriers. Also, the façade cleaning procedures during erection of the scaffolding must be thoroughly defined within the work plan. Also, the specific details regarding barrier installation and establishment of containment at the gash area must also be addressed.

- 6.3.2 Establishment of Negative Air Pressure

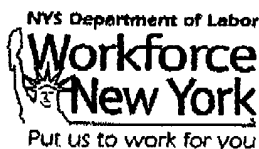
This section refers to a site-specific variance "to be solicited" for alternate procedures. All asbestos project work plan procedures shall correspond with all conditions and procedures within existing site-specific variance decisions, decision amendments and decision reopenings for the project.

- 6.3.3 Material Shredder

More information must be included regarding any proposed shredding operations. For instance, adequate manufacturer information on whatever unit is proposed must be provided, as well as information regarding isolation barriers for the shredding operations within the work area, and all appropriate engineering controls to be

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utilized during the shredding and bagging/containerization of the shredded waste stream. In addition, no ACM removed shall be shredded.

○ 6.3.4 Work Areas

This section indicates that the entire structure will be one work area. This approach may be problematic, as the entire work area will be abated, then cleaned then cleared. One floor couldn't be under removal, while another floor was in the cleaning stage or clearance stage, unless work area segregation occurs per floor or group of floors. The single work area approach should be revisited before the work plan is finalized.

○ 6.3.5 Removals

This section includes procedures not in compliance with the current ICR 56. As previously indicated, if procedures must be specified that aren't consistent with ICR 56 requirements, a site-specific variance must be obtained by the project designer as an agent for the owner, and the procedures and conditions contained within the site-specific variance decision must be incorporated into the work plan specified asbestos project procedures.

• 6.4 OPERATION IV – IN PLACE ACM

No information is apparent within this section regarding the ACM window caulking at the elevator mechanical room roofs, or the ACM window frame caulking at the first floor exterior of the building. These materials were identified within Report Attachment IV, Table 1 "Summary of Inspection Results for Asbestos". In addition, ACM floor covering materials are included, but nothing is included regarding the floor covering adhesives/mastics. These materials should also be assumed and treated as ACM, unless appropriate bulk sampling and analyses adequately show the materials to be non-ACM.

Regardless of the listed ACMs, as previously indicated if procedures must be specified that aren't consistent with ICR 56 requirements, a site-specific variance must be obtained by the project designer as an agent for the owner, and the procedures and conditions contained within the site-specific variance decision must be incorporated into the work plan specified asbestos project procedures.

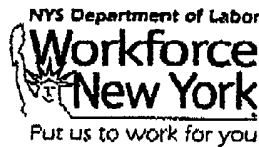
• 7.3 SCAFFOLDING

A "Deconstruction and Scaffold Layout Plan" was referenced within this section, but not apparent within the documents". The document detailing all appropriate procedures for this work must be included with the work plan.

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- **7.5 DEMOLITION SEQUENCE**

No information was apparent in this section regarding sequencing of removals, cleaning and clearance at the contaminated elevator shafts or other remaining contaminated utility areas, prior to commencement of the general deconstruction of the building.

- **7.6 WASTE MANAGEMENT – CONVENTIONAL DEMOLITION**

The only information regarding exterior ACM removals included a generalized statement that the non-friable asbestos spandrel flashing would be removed during "conventional demolition". No information was apparent in this section regarding specific asbestos project details for all the exterior ACM removals, which must be completed prior to commencement of the general deconstruction of the building.

The Department anticipates that these issues will be appropriately addressed within revised versions of these documents. If you have any questions regarding these comments please contact our office at (518) 457-1536.

Sincerely,

Christopher G. Alonge, P.E.
Senior Safety and Health Engineer

ec Krish Radhakrishnan, P.E. - NYC DEP
Gil Gillen – USDOL/OSHA
Robert Iulo – NYC DOB
Richard Fram – NYS DEC
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