



**Department of
Environmental
Protection**

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

Christopher O. Ward
Commissioner

Robert C. Avaltroni
Deputy Commissioner

**Bureau of
Environmental
Compliance**

Tel (718) 595-4418
Fax (718) 595-4422

TO: Trudel Food Stores Inc.
49 Nassau Street, New York, NY 10005

ORDER

WHEREAS:

1. On or about April 30, 2002, the New York City Department of Environmental Protection (DEP) conducted an inspection of 55 Liberty Street, Manhattan, and found the exterior of the building to be contaminated with residue from the collapse of the World Trade Center towers on September 11, 2001.
2. The analysis of representative samples taken during inspections in the vicinity of WTC, shows that some of the residue is asbestos-containing material (ACM), a hazardous substance.
3. The continued presence of this residue on the exterior of the building constitutes a substantial threat of a release of a hazardous substance into the environment. This constitutes a violation of Title 24, Chapter 6 of the New York City Administrative Code and may present an immediate and substantial danger to the public health and welfare or to the environment.
3. The owner of 55 Liberty Street has consented to have the residue cleaned from the exterior of the building by a licensed asbestos abatement contractor retained by DEP. However, the north-facing facade of 55 Liberty Street can only be accessed from the roof of 49 Nassau Street (Block 64, Lot 7). Requests for voluntary cooperation in accessing the roof of 49 Nassau Street have been rejected.
4. Under Title 24, Chapter 6 of the New York City Administrative Code, you are a "responsible person" to whom an order to implement response measures or to cooperate with and assist DEP in implementing response measures may be addressed.

THEREFORE:

Pursuant to my authority under §§1403 and 1403(h) of the New York City Charter and §§24-608 and 24-610 of the New York City Administrative Code, I hereby order that you perform the work or render the cooperation or assistance specified in the attached Scope of Work.

Dec. 4, 2002
Date

Christopher O. Ward,
Commissioner,
New York City Department of
Environmental Protection, by
R. Radhakrishnan P.E.
Director, Asbestos Control Program

R. Radhakrishnan
Signature

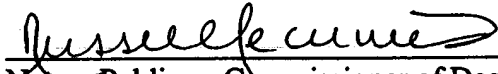


www.nyc.gov/dep

(718) DEP-HELP

State and City of New York, County of Queens, ss:

On the 4 day of December in the year 2002 before me, the undersigned, personally appeared R. Radhakrishnan, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on this instrument the individual, or the person on behalf of which the individual acted, executed the instrument.


Notary Public or Commissioner of Deeds

Russell Pecunies
Commissioner of Deeds,
New York City
4-6227
Term Expires December 13, 2003

SCOPE OF WORK

You are hereby ordered to render the following cooperation and assistance:

- by December 9, 2002
1. Provide access to the roof of 49 Nassau Street, Manhattan, to DEP and its cleaning contractor for the purposes of constructing a scaffold and otherwise accessing the exterior of 55 Liberty Street in order to clean said exterior.

PROTECT YOUR RIGHTS - READ THIS NOTICE

1. If you fail to comply with this Order as specified in the Scope of Work, DEP may perform the work or apply to a court of competent jurisdiction for an order directing you to comply.
2. Failure to comply with this Order may subject you to a civil penalty of up to \$5,000 for each day of noncompliance and for an additional civil penalty of one to three times the amount of any costs incurred by the City due to your failure to comply. Such penalties may be recovered in a civil action or in a proceeding before the Environmental Control Board.
3. Costs incurred by the City for response measures implemented pursuant to applicable law are a debt recoverable from each responsible person by means of a civil action brought against such person and a lien against the property at which such measures were implemented.
4. You may request a hearing for a determination as to whether this Order should be modified or revoked. The request must be made in writing within ten (10) working days of the service of this Order. The request **must** include your name, the location subject to the Order, the date of service of the Order, the hazardous substance involved, the action ordered to be taken, the specific reason for requesting the hearing, and an address for subsequent service of documents. The request must be served personally or by certified or registered mail to:

NYC Department of Environmental Protection
Bureau of Legal Affairs
59-17 Junction Boulevard, 19th Floor
Corona, NY 11368
Attn: Hazardous Substances Emergency Response Attorney

You will be notified by mail of the decision with regard to the request. If served within the stated time period, the request stays compliance with this Order until the decision is made.

5. A copy of this Order is filed with the appropriate City Register or County Clerk's office.

Served to Ms Shirley Proctor
@ 2270 Broadway