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May 13, 2002

NYC Department of Environmental Protection
59-17 Junction Blvd
Flushing, NY
11373-5108
ATTENTION: Mr. R. Radhakrishnan

COPY

Re: 81 Greenwich St.
aka 44 Trinity Place

Sir:

I am in receipt of your letter, dated May 3, in which you state (1) that this office has not responded to your earlier communications, and (2) that an inspection of the exterior of the referenced building shows an accumulation of debris resulting from the attack on the World Trade Center.

On March 5, 2002, you wrote to this office regarding standards for cleaning buildings after the attack. I responded in writing immediately (enclosed), and then called your office on three occasions. The third call resulted in a discussion with Ms Theodorellys in which she made two points. They were: (1) EBW, LLC, the owner of the property had responded properly to the conditions at the building, and (2) the building had been inspected on March 5 and that an accumulation of dust had been observed on the store awning on the Greenwich Avenue side of the building. As my March 5 letter to you makes clear, shortly after the attack, EBW, LLC, the owner of the property, took steps to clean the building's public areas and exterior. The roof and all exterior walls were thoroughly washed by a vendor who specializes in such work.

After my discussion with Ms Theodorellys, I wrote to her (March 27, enclosed). That letter made several points, including thanking her for helping to schedule the reinspection of the building's exterior.

This office, in the person of Rafael Matos, next spoke to DEP on March 28, the next day, and was told by an inspector who identified himself as Carl that a reinspection was not required. Rafael stated, nonetheless, that the awning would be rewashed immediately – and it was. Upon receipt of your May 3 letter, we washed the awning yet again.

We are earnestly concerned to do the right thing – and to protect our reputation. For that reason, I request two things: (1) the removal of 81 Greenwich St. (aka 44 Trinity Pl.) from the mailing list of companies that have not cleaned their buildings or have not responded to your letters; (2) a specific date for reinspection of the building's roof and exterior, in the hope that it will put an end to your organization's unreliable communications and wrongly accusatory letters to EBW, LLC. Upon satisfaction of those two requests, you will receive the signed license agreement that you request. The contact person in this office is Rafael Matos, 212 473 6359 ext. 212.

Yours Truly,

Bernard McElhone
for EBW, LLC

cc: Ms P. Theodorellys
Mr. C. Ward

March 5, 2002

Department of Environmental Protection
59 – 17 Junction Boulevard
Corona, NY
11368-5107
ATTENTION: R. RADHAKRISHNAN

Re: 44 Trinity Place, NY, NY

Sir:

I have your letter of this date. It is inconsistent with the guidance provided by DEP to EBW,LLC, the owner of the referenced multiple dwelling, in the weeks following September 11.

In those early days, I called DEP and other City and State agencies in order to solicit guidance regarding compromised environmental conditions and their possible remediation in residential buildings. I am concerned that your memo of March 5 is somewhat at odds with the information that I was given in those earlier communications.

On September 14, 2001, a directive was issued bearing your signature. The subject was Cleanup of Asbestos-containing Material. In that directive, you differentiate between sites containing debris, and those that merely have an accumulation of dust resulting from the attack. In that second instance, the dust accumulation, you indicate the requirement to clean public areas, but not to test the dust for hazardous materials. Your March 5 memo implies otherwise: that all buildings should have been tested, including those that had dust, but not debris, resulting from the September 11 attacks. This office relied upon your written advice of September 14, and we expect you to stand by it – or to issue an explicit revision of your directive. Please let me know whether you are, in fact, revising that earlier directive.

I attach herewith a list of steps taken to restore 44 Trinity Place between September 11, 2001 and now.

Yours Truly,

Bernard McElhone
for EBW,LLC

44 TRINITY PLACE

CLEAN-UP ACTIVITIES THROUGH MARCH 6, 2002

1. Building roof washed twice.
2. Entire exterior of building, including sills and windows, washed.
3. Building lobby washed and painted.
4. Interior stairwells washed and painted.
5. Central HVAC ducts hepa vacuumed and washed.
6. Tenants' individual air conditioners hepa vacuumed and washed.
7. New cap ordered for utility room fresh air duct.

Ms Penny Theodorellys
Deputy Director
Asbestos Control
DEP
59 – 17 Junction Boulevard
Corona, NY
11368 - 5107

March 27, 2002

Re: 44 Trinity Place, NY, NY

Ms Theodorellys:

Thanks for your call (March 26) in response to my letter to Mr Radhakrishnan regarding testing and cleaning standards at the referenced property. In my letter, I expressed concern that your organization was changing the standards for testing and cleaning as set forth in Mr Radhakrishnan's letter of September 14, 2001. Your response may be summarized as follows:

1. The standards outlined in Mr Radhakrishnan's letter have not changed.
2. A light coating of dust in an apartment, meaning an accumulation that cannot be scooped using a small spoon, does not require testing.
3. In the case described above, cleaning should be done using HEPA vacuums and wet wiping.

During our discussion, you also mentioned that the exterior of 44 Trinity Place had been inspected on March 5, 2002, and that accumulations of dust had been observed. I stated that I believe the inspection to be in error (wrong building, perhaps) as we had had the building façade washed several weeks after September 11. I requested a reinspection, preferably by the same inspector. Today, the Enforcement Division called to schedule another inspection; thanks for your help in producing their quick response.

Yours Truly,

Bernard McElhone
for EBW, LLC