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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.