

ENVIRONMENTAL CONTROL BOARD CITY OF NEW YORK	NOTICE OF VIOLATION AND HEARING	VIOLATION NO. 50035583M
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YOU ARE REQUIRED, AND ARE HEREBY DIRECTED, TO APPEAR FOR A HEARING ON 1/24/2003 at 9:30 AM at the Environmental Control Board, 66 John Street, New York, NY 10038, 10th Floor.

This hearing is your opportunity to answer and defend the allegations set forth below. IF YOU DO NOT APPEAR, YOU WILL BE HELD IN DEFAULT AND SUBJECT TO MAXIMUM PENALTIES. READ THE INSTRUCTIONS ATTACHED.

Commissioner of the Department of Environmental Protection, **Premise 22 JOHN STREET**
 City of New York, Petitioner, V.

Borough MANHATTAN

RELIDE REALTY COMPANY	Respondent
15 MAIDEN LANE	Street Address of Respondent
NEW YORK, NY 10038	City, State, Zip Code

Capacity of Respondent: Contractor: ☐ Building Owner ☒ Other: ☐

Upon Investigation, Petitioner has determined that there is reasonable cause to believe that Respondent has violated the following subsections of

Title 24, Chapter 1, New York City Administrative Code
 (Air Pollution Control Code)

§ 5: _____

Title 15, Chapter 1, Rules of the City of New York

- ☒ Section 1-25(c) Failed to file Asbestos Inspection Report (Form ACP-7) with DEP one week in advance of the start of the work.
- ☐ Section 1-51(a) Employed uncertified workers) on an asbestos project.
- ☐ Section 1-51(c) Failed to provide and/or ensure the wearing of protective clothing () by all individuals engaged in abatement activities.
- ☐ Section 1-51(g) Failed to post asbestos warning signs.
- ☐ Section 1-81(c) Failed to shut down electric power to the work area.
- ☐ Section 1-81(i) Failed to seal fixed objects with at least one layer 6-mil plastic sheeting.
- ☐ Section 1-81(m) Failed to seal floor and wall surfaces with at least two layers 6-mil plastic sheeting.
- ☒ Section 1-82(a) Failed to provide a worker decontamination system.
- ☐ Section 1-83(a) Failed to provide a waste decontamination system.
- ☐ Section 1-91(a) Failed to utilize negative pressure equipment.
- ☐ Section 1-92(a) 2 Failed to maintain an entry / exit log.
- ☐ Section 1-102(a) Failed to abate ACM by wet methods.
- ☒ Section 1-102(d) Failed to bag ACM directly upon detachment from the substrate.
- ☐ Section 1-102(f) Failed to remove all visible residue from surfaces from which ACM has been removed.
- ☐ Section 1-112(f) Failed to verify the absence of visible ACM prior to commencement of clearance air monitoring.

Other:

(1) 1-36(a) Failed to contract a third party air monitor.

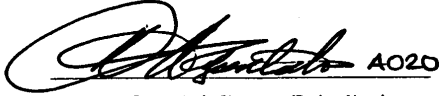
(2) _____

(3) _____

(4) _____

SECOND OFFENSE (LIST SUBSECTIONS): _____

The above violation occurred or was observed or was determined to exist based on a review of departmental records, on or about
 Tuesday, September 17, 2002
 at: 8:30 PM


 Inspector's Signature/Badge Number

If such violation be proven or admitted, Respondent may be subject to civil penalties for each subsection of the violation in amounts according to the schedule set forth on the reverse side of this form for each day during which such violation continues.


50035583M

ASBESTOS INSPECTION REPORT

PAGE 1 OF 3

PREMISE NO.		STREET				INSPECTION DATE	
22 JOHN STREET		/ 18 JOHN STREET / 15 MAIDEN LANE				09-17-02	
FLOOR ROOF AND FACADE	ZIP	BORO CODE	BLOCK	LOT	SQUAD #	BADGE #	
	10038	1	65	07	N/A	A020	
INSPECTOR		BLDG TYPE	BASIS OF INSPECT.			PHOTOS TAKEN (YES/NO)	
D. ANTZOULATOS		A	WTC 91802			(YES) NO	
CONTRACTORS NAME				SAMPLE NO.			
MALOY RESTORATION CORP				20918A078001 TO 20918A078024			
ADDRESS				CITY			
56 MASPETH AVENUE				BROOKLYN			
STATE				PHONE (TIB)			
NY				963-3366			
LABORATORY NAME				OWNERS NAME			
NONE				RELIDE REALTY COMPANY			
ADDRESS				CITY			
15 MAIDEN LANE				NEW YORK			
STATE				PHONE			
NY				964-3180			
CONTACT PERSON:				TIME OF INSPECTION FROM: 8:30 am TO: 9:30 am			
INSPECTION DISCLOSED:							

ON SEPTEMBER 17 2002 AT 8:30 PM I OBSERVED MALOY RESTORATION CORP WORKERS POWERWASHING THE NORTH FACADE OF THE PREMISE. A PLASTIC SHEET DRAPED OVER THE STORE FRONT WINDOWS AND COVERED APPROXIMATELY ONE HALF THE WIDTH OF THE SIDEWALK (SEE PHOTOS). MINOR ACCUMULATIONS OF WTC DEBRIS AND WATER WERE PRESENT. WORK ACTIVITIES HAD APPARENTLY STARTED JUST PRIOR TO MY ARRIVAL. I IDENTIFIED MYSELF AS A DEP INSPECTOR AND ASKED TO SPEAK WITH THE CREW SUPERVISOR. AT THIS TIME I MET AND SPoke WITH MR. JACEK POMIANEK THE SITE SUPERVISOR. I ASKED TO SEE A COPY OF THE ASBESTOS PROJECT NOTIFICATION (ACP-T) FORM, A COPY OF HIS COMPANY'S ASBESTOS ABATEMENT CERTIFICATE AND THE DEPARTMENT OF TRANSPORTATION (DOT) PERMITS FOR THE SIDEWALK CLOSURE. NONE OF THESE DOCUMENTS COULD BE PRODUCED. MALOY RESTORATION WAS NOT A LICENSED ASBESTOS CONTRACTOR, NO ASBESTOS PROJECT NOTIFICATION (ACP-T) FORM HAD BEEN FILED PRIOR TO THE START OF WORK, THIS IS IN DIRECT VIOLATION OF SECTION 1-25(c) OF TITLE 15, CHAPTER 1 OF RCNY, AND NO DOT PERMITS HAD BEEN APPLIED FOR. I INFORMED MR. POMIANEK THAT THE DEBRIS MATERIAL HIS WORKERS WERE POWERWASHING OFF THE BUILDING FACADE HAD TESTED POSITIVE FOR ASBESTOS AND WAS ASBESTOS CONTAINING MATERIAL (ACM) [THE BUILDING OWNER SUBMITTED SAMPLE RESULTS TO THE DEPARTMENT]. I ASKED MR. POMIANEK TO CEASE WORK. MR. POMIANEK IMMEDIATELY ORDERED HIS WORKERS TO CEASE WORK AND THEN CALLED THE BUILDING OWNER'S REPRESENTATIVE, MR. LAWRENCE ANG, TO INFORM HIM ABOUT THE SITE CONDITIONS. HE ASKED MR. ANG WHY HE HAD NOT BEEN TOLD OF THE POSITIVE ASBESTOS RESULTS. MR. ANG TOLD HIM THAT WHILE THERE WERE POSITIVE ASBESTOS RESULTS FOR OTHER FACADES OF THE

NOV #	INFRACTIONS				RESULT CODE
	1-25(c)	1-82(a)	1-36(a)	1-102(d)	1
NOV #					SUPERVISORS INITIALS
					PA

BORO 1 - MANHATTAN 2 - BRONX 3 - BROOKLYN 4 - QUEENS 5 - RICHMOND

BLDG TYPE A > 6 Stories B < 6 Stories C Single Family
D School E Hospital F Public Owned Property

RESULT CODES 1 - Violation Issued 2 - No Violations Issued 3 - No Access
4 - Project not Started (No NOV) 5 - Project Completed (No NOV)

ACP 3093

ASBESTOS INSPECTION REPORT

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EMISE NO. 22 JOHN STREET / 18 JOHN STREET / 15 MAIDEN LANE		STREET				INSPECTION DATE 09-17-02
FLOOR ROOF AND FACADE	ZIP 10038	BORO CODE 1	BLOCK 65	LOT 07	SQUAD # N/A	BADGE # A020

BUILDING, THERE WERE NO POSITIVE ASBESTOS SAMPLE RESULTS FOR THE NORTH FACADE OF THE BUILDING. MR. POMIANEK TOLD MR. ANG THAT AT THIS POINT HE DID NOT KNOW WHAT TO BELIEVE AND THAT HE WAS GOING TO COMPLY WITH THE DEP INSPECTOR'S REQUEST TO CEASE WORK ACTIVITIES. MR. ANG ASKED TO SPEAK WITH ME VIA TELEPHONE. I TOLD MR. ANG THAT I COULD NOT BELIEVE THAT AFTER MY NUMEROUS VISITS TO HIS OFFICE, AND MY MANY CONVERSATIONS WITH HIM AND FRAN OF HIS OFFICE, THAT HIS ORGANIZATION WOULD CHOOSE TO AN IMPROPER COURSE OF ACTION. I TOLD HIM THAT ONLY DAYS BEFORE (SEPTEMBER 13 2002) I HAD A LONG CONVERSATION WITH FRAN AT HIS OFFICE AS TO THE PROPER METHOD OF ADDRESSING THE REMOVAL OF WTC DEBRIS FROM THE FACADES OF THE BUILDINGS. I EXPLAINED AT THAT TIME THAT THERE WERE ONLY TWO ACCEPTABLE OPTIONS GIVEN THAT POSITIVE ASBESTOS SAMPLES OF THE DEBRIS HAD BEEN COLLECTED BY THEIR OWN ASBESTOS INVESTIGATOR. THE BUILDING OWNER COULD EITHER SIGN THE LICENSING AGREEMENT GIVEN TO THEM BY THE DEPARTMENT (I HAD DROPPED OFF TWO COPIES PERSONALLY) AT WHICH POINT THE DEPARTMENT'S LICENSED ASBESTOS CONTRACTOR WOULD SCHEDULE THE CLEAN UP ACTIVITIES AS SOON AS POSSIBLE OR THE BUILDING OWNER COULD HIRE THEIR OWN LICENSED ASBESTOS CONTRACTOR TO PERFORM THE CLEAN UP ACTIVITIES. I EXPLAINED THAT IF THE BUILDING OWNER CHOSE HIS/HER OWN CONTRACTOR THAT AN ASBESTOS PROJECT NOTIFICATION (ACR-1) FORM MUST BE FILED WITH THE DEPARTMENT, THAT A SCOPE OF WORK MUST BE SUBMITTED FOR APPROVAL BY THE DEPARTMENT, THAT A THIRD PARTY AIR MONITOR MUST BE HIRED BY THE OWNER TO PERFORM AIR MONITORING DURING THE CLEAN UP ACTIVITIES AND THAT ANY DOT PERMITS REQUIRED (FOR STREET/SIDEWALK CLOSURES) WOULD BE OBTAINED PRIOR TO THE START OF WORK. I TOLD MR. ANG THAT NEITHER OF THE TWO PROPER OPTIONS HAD BEEN TAKEN AND THAT HIS ORGANIZATION HAD CHOSEN TO DO THE WRONG THING BY HIRING AN UNLICENSED ASBESTOS CONTRACTOR TO PERFORM THE CLEAN UP IN THE MIDDLE OF THE NIGHT. I TOLD MR. ANG THAT ALL WORK TO BE CONDUCTED BY MAJOY RESTORATION CORP SHOULD CEASE UNTIL SUCH TIME THAT THE EXTERIOR FACADE SURFACES WERE PROPERLY CLEANED. MR. POMIANEK'S CREW REMOVED ALL THE PLASTIC SHEETING THAT COVERED THE STORE FRONT WINDOWS AND SIDEWALK AS WELL AS THE DISPOSABLE SUITS WORN AND PLACED THESE MATERIALS INTO LARGE BLACK GARBAGE BAGS. THE BAGS WERE SEALED AND THEN TAKEN TO A LOCKABLE ROOM INSIDE THE PREMISE FOR STORAGE UNTIL THEIR PROPER DISPOSAL COULD BE ARRANGED. THE WORKERS THEN LEFT THE WORKSITE. NO THIRD PARTY AIR MONITORING FIRM HAD BEEN HIRED TO CONDUCT AIR SAMPLING DURING THE PROJECT. THIS PRACTICE IS IN DIRECT VIOLATION OF

NOV #	INFRACOCTIONS				RESULT CODE
	1-25(c)	1-82(a)	1-36(a)	1-102(d)	1
NOV #					SUPERVISORS INITIALS
					pl

ACP 31/80

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ASBESTOS INSPECTION REPORT

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EMISE NO.		STREET				INSPECTION DATE
22 JOHN STREET / 18 JOHN STREET / 15 MAIDEN LANE						09-17-02
FLOOR ROOF AND FACADE	ZIP	BORO CODE	BLOCK	LOT	SQUAD #	BADGE #
	10038	1	65	0T	N/A	A020

SECTION 1-36(a) OF TITLE 15, CHAPTER 1 OF RCNY. NO WORKER DECONTAMINATION SYSTEM WAS PROVIDED. THIS PRACTICE IS IN DIRECT VIOLATION OF SECTION 1-82(c) OF TITLE 15, CHAPTER 1 OF RCNY. THE ASBESTOS CONTAINING DEBRIS WAS NOT BEING BAGGED DIRECTLY UPON DETACHMENT FROM THE FACADE SURFACES NOR WAS IT CAUGHT IN A CATCH BASIN AND IT WAS BEING DROPPED GREATER THAN A HEIGHT OF TEN FEET (WORK BEGAN ON THE 6TH STORY OF THE BUILDING). THESE PRACTICES ARE IN DIRECT VIOLATION OF SECTION 1-102(d) OF TITLE 15, CHAPTER 1 OF RCNY. PRIOR TO LEAVING THE PREMISE, I NOTIFIED DEPUTY DIRECTOR P. THEODORELLYS AS TO WHAT EVENTS HAD TRANSPIRED AT THE PREMISE. THE PREMISE WILL BE REVISITED.

SEE FOLLOW UP REPORT

NOV #	INFRACTIONS				RESULT CODE
	1-25(c)	1-82(c)	1-36(a)	1-102(d)	1
NOV #					SUPERVISORS INITIALS
					RP

ACP 31/00

ASBESTOS INSPECTION REPORT

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FLOOR ROOF AND FACADE	ZIP	BORO CODE	BLOCK	LOT	SQUAD #	BADGE #	
	10038	1	65	01	N/A	A020	
INSPECTOR D. ANTZOULAKOS		BLDG TYPE A	BASIS OF INSPECT. WTC 91802			PHOTOS TAKEN (YES/NO)	
CONTRACTORS NAME MALOY RESTORATION CORP				SAMPLE NO. 20918A078001 TO 20918A078024			
ADDRESS 56 MASPETH AVENUE		CITY BROOKLYN		SAMPLE NO.			
STATE NY	ZIP 11211	PHONE (718) 963-3366		SAMPLE NO.			
LABORATORY NAME NONE				OWNERS NAME RELIIDE REALTY COMPANY			
ADDRESS		CITY		ADDRESS 15 MAIDEN LANE		CITY NEW YORK	
STATE NY	ZIP	PHONE		STATE NY	ZIP 10038	PHONE (212) 964-3180	
CONTACT PERSON:				TIME OF INSPECTION FROM: 9 ³⁰ am/pm TO: 10 ³⁰ am/pm			
INSPECTION DISCLOSED:							

AT APPROXIMATELY 9:30 AM I REVISITED THE PREMISE AND OBSERVED WORKERS, FROM MALOY RESTORATION CORP, CUTTING INTO THE MASONRY OF THE SOUTH FACADE OF THE PREMISE (15 MAIDEN LANE PORTION). THIS FACADE HAD VISIBLE WTC DEBRIS ON IT. ALREADY AT THE SCENE WAS CARL LUTCHMEDIAL, DIRECTOR OF ENFORCEMENT - ASBESTOS CONTROL PROGRAM AND INSPECTOR RAM RAMMOHAN. THEY PROCEEDED TO THE BUILDING OWNERS OFFICE ON THE 13TH FLOOR TO SEE MR. LAURENCE ANG IN ORDER TO HAVE THE ONGOING WORK CEASE. I PROCEEDED TO THE ROOF OF THE ADJACENT PREMISE TO ORDER THE WORKERS TO STOP WORK. WHILE ON THE ROOF I OBSERVED A WORKER WHO WAS NOT WEARING ANY PERSONAL PROTECTIVE EQUIPMENT. SO MUCH DUST WAS BEING GENERATED BY THE CUTTING OPERATION THAT THE WORKER WAS DISAPPEARING IN A CLOUD OF DUST. I CALLED OUT TO THE WORKER, IDENTIFIED MYSELF AS A CITY INSPECTOR AND ORDERED HIM TO STOP WORK. HE IMMEDIATELY COMPLIED. I ASSISTED INSPECTOR RAMMOHAN WITH THE COLLECTION OF BULK SAMPLES FROM THE FACADES OF THE PREMISE (15 MAIDEN LANE PORTION - WHERE CUTTING INTO MASONRY OCCURRED; 22 JOHN STREET PORTION - WHERE POWERWASHING ACTIVITIES OCCURRED YESTERDAY; AND THE 18 JOHN STREET PORTION). SAMPLES WERE ALSO COLLECTED FROM ROOF AREAS AS WELL. PHOTOGRAPHS SHOWING WORK PRACTICES ARE ATTACHED. SUBSEQUENT ANALYSIS OF THE SAMPLES COLLECTED REVEALED THAT THE WTC DEBRIS ON THE SURFACES OF THE BUILDING WAS ASBESTOS CONTAINING MATERIAL. I CALLED

NOV #	INFRACTIONS	RESULT CODE
		2
NOV #		SUPERVISORS INITIALS
		pl

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FLOOR ROOF AND FACADES	ZIP 10038	BORO CODE 1	BLOCK 65	LOT 07	SQUAD # N/A
					BADGE # A020

MR. LAWRENCE ANG, THE BUILDING OWNER'S REPRESENTATIVE, AND NOTICED HIM OF THE RESULTS OF THE LABORATORY ANALYSIS. AT THIS TIME, MR. ANG ASKED IF THE SAMPLES, COLLECTED AT THE PREMISE EARLIER, COULD BE RE-ANALYZED BY HIS OWN LABORATORY. I ASKED HIM TO CONTACT THE DEPARTMENT'S LABORATORY DIRECTOR DIRECTLY REGARDING THIS MATTER. I THEN NOTIFIED THE DEPUTY DIRECTOR OF THE ASBESTOS CONTROL PROGRAM, PENNY THEODORELLYS, THE DIRECTOR OF THE ENFORCEMENT UNIT, CARL LUTCHMEDIAL, AND THE INSPECTOR, RAM BANNOHAN ABOUT THE RESULTS OF THE SAMPLE ANALYSIS.

THURSDAY SEPTEMBER 19 2002

A FORMAL WRITTEN STOP WORK ORDER IS ISSUED AND IS HAND DELIVERED BY DEPUTY DIRECTOR PENNY THEODORELLYS. MR. LAWRENCE ANG SIGNS OFF AS THE RECIPIENT OF THE STOP WORK ORDER

NOV #	INFRACTIONS	RESULT CODE
		2
NOV #		SUPERVISORS INITIALS
		pl