



HUDSON RIVER MANAGEMENT LLC

40 HARRISON STREET, NEW YORK, N. Y. 10013 • (212) 962-3530 • Fax (212) 571-5663

January 8, 2003

New York City Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11312

Attn. Arlene Anderson

Re: Independence Plaza North (IPN)
310 Greenwich Street, Carpet Removal

Dear Ms. Anderson:

As you know, in October 2001, IPN Management contracted with Commercial Lab Enterprises to conduct air tests for the presence of asbestos in our public corridors and to use the TEM protocol to analyze the samples. One floor, the 32nd floor corridor at the 310 Greenwich Street building, initially showed the presence of asbestos on 10.19.01. The area was HEPA vacuumed and the walls washed down. Subsequent re-testing and TEM analysis conducted on 10.24.01 revealed that there was no airborne asbestos in the corridor. Copies of the complete test results were sent to your Agency, the NYC Department of Health and the Independence Plaza North Tenant Association (IPNTA).

In August 2002, the IPNTA contracted with its own testing firm to conduct asbestos testing and analysis of the 32nd floor carpet. The results, which were sent to Commissioner Ward of your Agency on 12.15.02 (courtesy copy enclosed), indicated the presence of 1.3 million asbestos structures per square centimeter in the carpet (not airborne).

Although the DEP is completely responsible for the proper cleaning and testing of the building's common areas, Management is concerned about the huge discrepancy between our tests and analysis results (utilizing TEM technology), and the IPNTA tests/analysis, using the ultrasonification methodology.

Accordingly, Management respectfully requests that the DEP test and analyze the airborne particles in the 32nd floor hallway prior to removing the corridor carpet. If your tests indicate the presence of asbestos in excess of the permissible level, please confirm that the carpet will be removed in accordance with DEP's protocols for ACM.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Deborah Dolan', is written over a horizontal line.

Deborah Dolan
Manager

Enc.

Cc: Harold Cohn, Duane Street Associates
Harvey Cohn, Hudson River Management LLC
Diane Lapson, IPNTA Environmental Committee
Patricia Dillon, IPNTA Environmental Committee
Kathryn E. Freed, IPNTA Environmental Committee
Maureen Silverman, IPNTA Environmental Committee

Diane S. Lapson IPNTA – Environmental Committee
40 Harrison Street 31B New York, NY 10013
(212) 473-5900 (work) (212) 777-0337 (fax)

December 15, 2002

Christopher O. Ward, Commissioner
New York City Department of Environmental Protection
59-17 Junction Blvd.
Flushing, NY 11313

Dear Commissioner Ward:

I am writing on behalf of the Independence Plaza Tenant Association, representing more than 4000 tenants of Independence Plaza North (IPN), located on Greenwich Street between Duane and North Moore Streets.

As you are no doubt aware, IPN was severely impacted by the dust cloud caused by the destruction of the World Trade Center on September 11, 2001. Our homes and, indeed, our entire neighborhood, continued for over eight months to be subjected to airborne dust created by the debris-removal operation on Pier 25, which is virtually adjacent to our complex.

We have been trying to get the responsible government agencies to do an environmental cleanup of our buildings for more than a year. In all that time, neither DEP nor any other agency was willing to test our buildings for contaminants.

Therefore, out of concern for the health and well-being of IPN tenants, the Tenant Association hired MVA, Inc. laboratory to test a piece of carpet from the hallway of one of our towers, at 310 Greenwich Street, for asbestos, using the ultrasonication method that Dr. Millette developed for the EPA. We are enclosing herewith a copy of the results of the ultrasonication test, which show an extremely high level of asbestos (1.3 million asbestos structures per square centimeter). Given this test result, plus our massive 8-month exposure to WTC dust, it is reasonable to assume that all of the hallway carpeting in IPN contains asbestos.

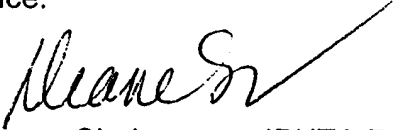
Recently, DEP ordered IPN's landlord to have testing done of the mastic that affixes the carpeting to the cement floor. Asbestos experts have advised us that, since carpet mastic is a non-friable material, EPA's ultrasonication test will not show any asbestos coming from carpet mastic. The test will only detect asbestos which comes from dust contamination of the carpet. Therefore, the results of the recent mastic testing have no relevance to the enclosed results of the carpet ultrasonication test, ordered by the IPN tenant association.

Therefore, we hereby request that further testing be done on the IPN carpeting itself. Air testing should be supplemented with other testing methods - namely ultrasonication or microvac - that would more accurately reflect the potential for asbestos contamination of the IPN complex. Such testing must be sufficient to demonstrate the need (or lack thereof) for asbestos abatement of the hallways of IPN buildings.

This matter is of the utmost urgency, since the EPA cleanup program has already begun and, if abatement of the hallways is needed, it must be done before the individual apartment cleanups.

Please call Kathryn Freed, of our committee, at (212) 349-0140 at your earliest convenience.

Sincerely,



Diane Lapson, Chairperson, IPNTA Environmental Committee

cc: EPA, Region 2 - ~~John~~ Kenny, Kathleen Callahan, Arlene Anderson, Benjamin Barry; Congreeman Jerrold Nadler, State Assembly: Sheldon Silver, Deborah Glick; Governor Pataki, Mayor Bloomberg, City Councilmember Allan Gerson, Deputy Commissioner Robert C. Avaltroni, Jr ; Senator Hillary Clinton.

Report of Results -- MVA Project No. 5198
Carpet Analysis
Across from #32F @ fire door, 310 Greenwich St.

INTRODUCTION

This report includes the results of analysis of one carpet sample received at MVA, Inc. on 05 August 2002 via Federal Express. The sample was described as having been collected across from #32F @ fire door, 310 Greenwich St. Upon receipt, the sample was assigned a unique MVA sample number: M3350.

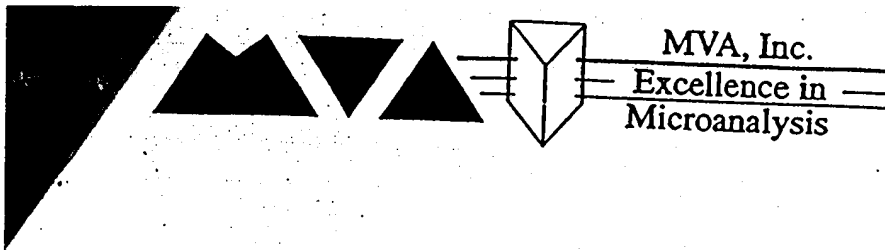
METHODS AND EQUIPMENT

The carpet piece was divided into four sections and a representative portion chosen for analysis by the Ultrasonic Carpet Method described in EPA/600/J-93/167. The TEM analysis was performed by analytical electron microscopy (AEM) using a JEOL 1200EX, 100 kV transmission electron microscope (STEM), equipped with a Noran EDS x-ray analysis system. Particles in the carpet were also characterized by light and scanning electron microscopy.

RESULTS

Sample M3350 (Carpet from hallway outside #32F @ fire door, 310 Greenwich St.) contained 1.3 million asbestos structures per square centimeter. The particles on the carpet included soil minerals, cotton fibers, hair, metal flakes and some calcium carbonate particles.

L:PROJECTS:MVA5198:RP081202



12 August 2002

Harriet M. Grimm
310 Greenwich Street
New York, NY 10013

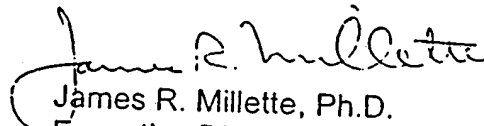
Re: Carpet Analysis and Particulate Characterization
MVA Project No. 5198

Dear Ms. Grimm,

MVA, Inc., has completed analysis of one carpet sample labeled: across from #32F @ fire door, 310 Greenwich St. received at our office on 05 August 2002 via Federal Express. The carpet was analyzed for asbestos following the Ultrasonic Carpet Method described in EPA/600/J-93/167.

Thank you for consulting MVA, Inc. If you have any questions, please call me at 770-662-8509. We will retain your sample for thirty (30) days prior to disposal.

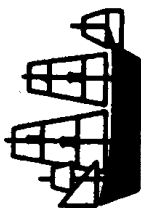
Sincerely,


James R. Millette, Ph.D.
Executive Director

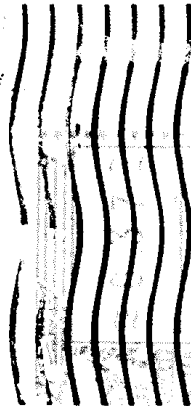
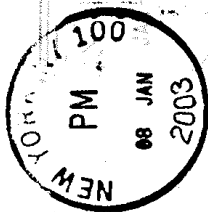
Enclosure

L:PROJECTS:MVA5198:RP081202

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www.mvainc.com



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