

Exhibit A**New York City Department of Environmental Protection
Bureau of Environmental Compliance****Asbestos Control Program****Building Exterior Clean-up****Scope of Work**

All work performed shall be in compliance with all applicable, relevant, and appropriate regulations, including but not limited to those of the United States Environmental Protection Agency (USEPA), the United States Department of Labor Occupational Safety and Health Administration (OSHA), the New York State Department of Labor (NYS DOL), the New York State Department of Environmental Conservation (NYS DEC), the New York State Historic Preservation Office (SHPO), the New York City Department of Sanitation (DOS), the New York City Department of Health (DOH), the New York City Landmarks Preservation Commission (NYC LPC), and the New York City Department of Environmental Protection (DEP).

Background

The DEP with assistance from representatives of the NYS DOL and US EPA performed follow-up site visits at buildings in the vicinity of the World Trade Center. The visual assessments disclosed the presence of various amounts of debris with various dispersal patterns at the building exteriors. The majority of buildings had isolated areas of debris specifically at the perimeter of the roofs, at the base of parapet walls, and in gutters. Debris was also visible at horizontal surfaces on some of the building facades. For some buildings, building facades facing the street were cleaned while the facades at the rear remained dirty.

The observed debris was characteristic of the debris from the impact of September 11, 2001. The debris appears to have reformed into a dense mass (caked). During the DEP follow-up visits, samples of the debris were collected from various roofs. The uneven dispersal identified above was also evident in the sample collection. Samples collected from various buildings indicated that some of the debris was asbestos-containing material (ACM). Based on these results and the most stringent assessment and evaluation, this material may be ACM and shall be cleaned by NYS DOL licensed contractors with DEP and NYSDOL certified workers.

Purpose

A NYS DOL licensed asbestos contractor with DEP and NYSDOL certified workers shall perform the clean-up of building roofs, setbacks, and/or building facades within the vicinity of the WTC. The scope of work for the clean-up activities is attached. The clean-up activities shall consist of collection of debris and wet cleaning/HEPA vacuuming until the surfaces are clean of visible debris.

Contract Term and Specifications

The contract shall be in force for 120 consecutive calendar days from the DEP commencement date. Services shall be directed by the DEP. Contractors shall be prepared to mobilize within 72 hours of the contract award. The DEP expects contractors to provide four to five crews with a minimum of five handlers per day at each of the areas. Multiple building roofs shall be cleaned simultaneously.

Work shall not be performed at any building found to be structurally unsound.

An ACP7 form signed by the contractor and air-monitoring firm shall be submitted directly to the DEP representative on site. The DEP shall provide notification to the NYS DOL. The size of the project, specified area, shall be indicated on the ACP7 form.. Building owners shall provide written authorization to the DEP for the work activities.

DEP will coordinate activities with building owners and other city agencies.

The sites and specific areas to be cleaned shall be determined and specified by the DEP.

The contractor shall restrict access by the public to the work area (s) during clean-up activities. Caution tape and warning signs shall be used to identify work areas. Access shall be limited to the contractor, his employees, and Federal, State or local officials.

The contractor shall provide all necessary equipment, to remove, bag, transport, and dispose collected waste. The contractor is responsible for supplying all necessary equipment.

The specific clean-up procedures for building roofs are attached. The DEP shall consider substitution of the specified methodologies only if the request is received in writing. Any substitutions must receive prior approval by the DEP.

For large asbestos clean-up projects, a partial decontamination system (changing room and shower) shall be required at an entry/exit from each work area. A remote decontamination system shall be acceptable with DEP on-site approval.

Contractor Qualifications

The contractor shall have on staff and assigned to the contract a sufficient number of properly trained and certified workers. See above.

CLARIFICATION OF LICENSE AGREEMENT, § 4 - REIMBURSEMENT

Section 4 is intended to require reimbursement to DEP if

- (1) a property owner received an insurance check or other funding for cleanup of building exterior surfaces and did not perform such a cleanup; or
- (2) if there is additional insurance money or other sources of funding available for building exterior cleanup.

Section 4 is NOT intended to apply if a building owner collected insurance money or other funding which has been spent for a previous cleanup of building exterior surfaces.

Theodorellys, Penny

From: Theodorellys, Penny
Sent: Thursday, May 09, 2002 1:10 PM
To: Wyatt, Lisette
Subject: FW: License Agreement

-----Original Message-----

From: Radhakrishnan, Krish
Sent: Thursday, May 09, 2002 12:28 PM
To: Theodorellys, Penny
Subject: FW: License Agreement

FYI

-----Original Message-----

From: Sevier, Adrian [<mailto:Adrian.Sevier@fema.gov>]
Sent: Thursday, May 09, 2002 11:50 AM
To: 'Pecunies, Russ'
Cc: Hoffer, Mark; Avaltroni, Robert; Radhakrishnan, Krish; Theodorellys, Penny; Martinet, Mary
Subject: RE: License Agreement

No. If a property owner collected insurance money which was utilized for a previous cleanup, there is no duplication with present assistance—a second cleanup. However, if they received an insurance check for cleanup and they did not do any cleanup, then FEMA would be entitled to the insurance money. In addition, if there is additional insurance money available for cleanup, we would expect that. I am in NYC more than Washington these days and you may reach me locally at 212-693-7490 with any additional questions. Thanks.

-----Original Message-----

From: Pecunies, Russ [<mailto:russp@dep.nyc.gov>]
Sent: Thursday, May 09, 2002 10:30
To: 'adrian.sevier@fema.gov'; 'patricia.trask@fema.gov'
Cc: Hoffer, Mark; Avaltroni, Robert; Radhakrishnan, Krish; Theodorellys, Penny
Subject: License Agreement

I left messages with both of you this morning concerning the License Agreement for Building Exterior Cleaning in Lower Manhattan. The first batch of License Agreements has gone out and so far the main question we have been getting from building owners is related to the language that FEMA had required related to reimbursement of insurance proceeds.

Many building owners expended funds on cleaning the outsides of their buildings last year after the collapse of the WTC. They are now calling to find out if they are expected to reimburse FEMA for the amount that they have already spent. For example, if I'm a building owner and I paid \$10,000 last year to a contractor to clean the outside of my building (which was reimbursed by insurance), and my building still has residue on it, will I have to pay FEMA \$10,000 if I sign the License Agreement to let the City clean my building?

This appears to be a major sticking point for a lot of building owners and we need an interpretation from FEMA ASAP. Please advise.

Russell Pecunies