

NYC DEP ASBESTOS CONTROL PROGRAM

EMERGENCY ASBESTOS PROJECT NOTIFICATION (15 RCNY Section 1-56)

Written notification must be received within 48 hours via

- a) Asbestos Inspection Report (ACP-7)
- b) Cover letter explaining the nature of the emergency

1) Caller's Name: McCarthy | Anne M. Louth
 Affiliation: American Insurance Comp. | American Insurance Company
 Telephone #: (678) 393-4621 | (800) 486-6380 ext 7276

2) Nature of Emergency: WTC.

3) Actual Date and Time of Emergency 9/11/01

4) Method of Asbestos Abatement:

Removal _____ Sq. ft. _____ L. ft. Repair _____ Sq. ft. _____ L. ft.
 Encapsulation _____ Sq. ft. _____ L. ft. Clean-up 315 Sq. ft. _____ L. ft.
 Enclosure _____ Sq. ft. _____ L. ft.

by phone 11/26/01

5) Facility Address: 20 Vesey Street
 Owner/Agent: tenants Contact Person Arye Lustig & Sassower PC Tel. (212) 732-4992
 Location of Asbestos Abatement: 10th Floor Office of
Mr. Carl Lustig

6) Asbestos Abatement Contractor:

Name: Asbestos Containment Services, Inc. (ACSI)
 Address: 350 Warren Street, 1st Fl. W. Jersey City
 Telephone #: 201, 945-0080

7) Starting Date: 11/30/2001 Projected Completion Date: 12/8/2001

8) Verification by Owner/Agent: Yes. _____ No. _____

FAX

Call Taken By:

Date:

Penny Theodorally / hisukeyne
11/20/01

xc: Enforcement (Urgent).

Form N7 7/93

NOV. 20. 2001 3:24PM

FF CATASTROPHE

NO. 652 P. 1

**Fax Transmission**

**NATIONAL CAT CENTER
727 CRAIG ROAD
PO BOX 419012
ST LOUIS MO 63141**

To: Department of Environmental Protection **From:** Anne Louth
Fax: 718-595-3744 **Fax:** 1-800-426-7574
Phone: **Phone:** 1-800-486-6380 ext. 7276
Date: November 20, 2001 **No. of pages:** 12 including cover
Re: Insured: Arye, Kors, Lustig & Sassower
Location: 20 Vesey Street, New York, NY

The following is being presented on the behalf of our insured regarding Asbestos Removal from their office. We are the insurance company working with our insured to ensure proper remediation is completed. Please review this information and contact me with any questions or concerns.

Sincerely,



**Anne M. Louth
Senior Claim Representative
The American Insurance Company**

NOV. 20. 2001 3:24PM

FF CATASTROPHE: SASSOWER

NO. 652:0875P. 2 P.02

ARYE, LUSTIG & SASSOWER, P. C.
ATTORNEYS AT LAW

LEONARD A. ARYE
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ROBERT M. FALA*
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**ALSO MEMBER MASS. BAR

November 19, 2001

Mr. R. Radhakrishnan, PE
The City of New York Department of Environmental Protection
59-17 Junction Boulevard
Corona, New York 11368-5107

Re: Emergency Asbestos Abatement Action Resulting from WTC Dust
10th Floor Office, 20 Vesey Street, New York City 10007

Dear Mr. Radhakrishnan:

This letter provides the emergency notification for the above-mentioned location as outlined in your September 14, 2001 building owners correspondence concerning clean up of asbestos containing material (ACM). Correspondence with Arye, Lustig, & Sassower can be directed to:

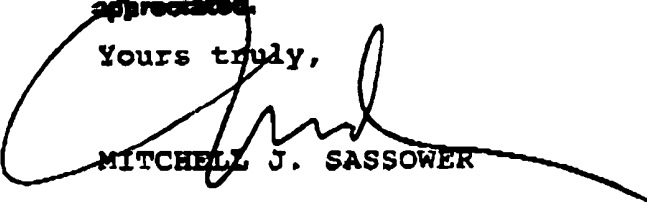
Mitchell Sassower, 20 Vesey Street, New York, NY 10007, 212-732-4992

Asbestos Containment Services, Inc. (ACSI) will perform the abatement work. ACSI's address is:

350 Warren Street, First Floor West, Jersey City, NJ 07302, 201-945-0080

The work will be guided by ACSI's scope of work letter dated November 13, 2001 and the attached Asbestos Removal Specification. The work will abate hard (i.e. desk, chairs, sills, furniture, etc.) and soft (i.e. carpet, padding, etc.) surfaces. R.A. West Associates, an independent third party, will conduct verification air sampling and analysis in accordance with the requirements in Title 15, Chapter 1 of the Rules of the City of New York. The verification contractor possesses a valid NYS Asbestos Project Air Sampling Technician Certificate. The work will commence on or about November 30, 2001 and conclude within approximately a week. Your concurrence in this work is appreciated.

Yours truly,


MITCHELL J. SASSOWER

TOTAL P.02

Section 17000**Asbestos Removal****Part 1 - General****1.1 Description**

- A. This section specifies administrative and procedural requirements and the scope of work for asbestos abatement and related items of work.
- B. Furnish all labor, materials, licenses, facilities, equipment, services, employee training and testing, notifications, variances, permits and agreements necessary to perform the work required for asbestos removal and demolition in accordance with these specifications, the latest regulations from the U.S. Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the State of New York, and the recommendations of the National Institute of Occupational Safety and Health (NIOSH), Standard 241 of the National Fire Protection Association (NFPA) and any other applicable federal, state, and local government regulations. Whenever there is a conflict or overlap of the above references, the most stringent provision shall apply.
- C. The work specified herein shall be performed by competent person's trained, knowledgeable and qualified in state-of-the-art techniques of asbestos abatement, handling, and the subsequent cleaning of contaminated areas.
- D. Work required on this project involves fall hazards. The contractor shall comply with all OSHA regulations including but not limited to 29 CFR 1926.500 - .503. The contractor shall provide guarded platforms or lifelines to allow access to all work locations. The contractor may have a competent person on site to determine if guarded platforms, and anchor points and or lifeline attachments, comply with OSHA 29CFR 1910. The contractor may retain the services of a Certified Industrial Hygienist (CIH), Certified Safety Professional (CSP), or Professional Engineer (PE) to develop a fall protection work plan and to review the contractors work practices and ensure that workers are adequately protected from fall hazards. Worker safety is the sole responsibility of the asbestos abatement contractor.

1.2 Scope of Work**A. Background**

Asbestos containing dust and construction debris was found in Mr. Carl Lustig's office location in the Arye, Lustig & Sassower offices of 20 Vesey Street, 10th Floor, New York, NY. This settled dust is associated with the collapse of the World Trade Towers on September 11, 2001. These law offices had been previously cleaned subsequent to the WTC collapse by a cleaning service under contract with the building owner. On October 5, 2001, R.A. West Associates, Inc. sampled such dust from various locations as documented by the attached Scientific Laboratories, Inc. report of October 6, 2001. These

findings have caused R.A. West Associates, Inc. to recommend asbestos abatement procedures be employed in the cleaning and removal of this dust from the western facing office of Mr. Lustig.

B. Specific Items of Work

Scope of Work Summary

The selected contractor shall submit a verbal abatement plan to the NYCDEP in accordance with Mr. R. Radhakrishnan's memo to building owners dated September 14, 2001 regarding the World Trade Center collapse (a copy is attached to this specification).

Both offices shall have an air lock installed at the entrance and all window and duct opening shall be sealed with 6 mil polyethylene and duct tape. Microtraps shall be placed in each office with a local exhaust to the outside through a window opening. A constant negative pressure of 0.02 inches of water shall be maintained in these spaces during all cleanup activities conducted in them.

Residual asbestos containing settled dust and construction debris is present on various horizontal surfaces in the office. Therefore, the carpeting on the floor of the office must be removed. All waste materials from this cleanup shall be disposed as Asbestos Containing Materials under NYC Title 15 and NYS Code Rule 56. All other surfaces of the office shall be wet wiped clean.

Aggressive air clearance sampling shall be conducted in these two rooms individually after all surfaces have been cleaned. All clearance samples shall be analyzed by TEM and shall be less than 0.01 fibers per cubic centimeter.

The balance of the office shall be wet wiped without containment and all wastes from this process shall be disposed as ACM in accordance with NYC Title 15 and NYS Code Rule 56.

C. Material Disposal

All porous materials present within full containment friable asbestos removal work areas defined below, shall be disposed of as asbestos containing waste. Such materials include but are not limited to plaster ceilings, and wall material, block wall material (except as otherwise noted), duct and pipe insulation materials and fiberglass batting.

D. General Requirements

1. The contractor shall submit a work plan or scope of work letter prior to the Arye, Lustig & Sassower designated site representative prior to project initiation. The work plan or scope of work letter will be reviewed and shall consist of the following:
 - a. Material staging information including waste handling;
 - b. Sequence of work;
 - c. Work schedule defining days and hours worked with anticipated manpower for each scheduled work-shift; and

- d. Sequence of work including a summary of the anticipated work schedule with work shifts for each scope of work item.
2. The contractor shall supply adequate lighting for all work areas. Minimum illumination intensity shall be 10-foot candles.

1.3 Asbestos Hazard

- A. Asbestos-containing material when damaged or disturbed is very friable.
- B. Strict compliance with each of the provisions outlined in these specifications for the removal and handling of asbestos-containing material is of great importance, because:
 - 1. The inhalation of airborne asbestos fibers can cause very serious and often fatal disease.
 - 2. Workers may not be aware they are inhaling asbestos fibers.
 - 2. Symptoms of the disease do not appear for many years.
 - 4. Only the contractor and his employees can prevent the inhalation of asbestos fibers and the development of asbestos-related disease.

1.4 Regulations, Codes and Standards

- A. The contractor shall comply with applicable federal, state, municipal, and local regulations including but not limited to:
 - 1. Title 29, Code of Federal Regulations, Part 1926.1101, OSHA, U.S. Department of Labor.
 - 2. Title 40, Code of Federal Regulations, Part 61, Sub-parts A and M, National Emission Standards for Hazardous Air Pollutants, (EPA).
 - 3. Code Rule 56, Title 12, New York State Department of Labor
 - 4. New York State Department of Environmental Conservation Waste transporter regulations.
 - 5. 29 CFR, 1910.134 - Occupational Safety and Health Standards (Respiratory Protection)
 - 6. New York State Department of Environmental Protection (NYSDEC), Title 6, Parts 370-374
 - 7. NYSDEC, Title 6, Part 364 and 370

8. 40 CFR Part 260 - Hazardous Waste Management System: General
9. 40 CFR Part 261 - Identification and Listing of Hazardous Waste
10. 40 CFR Part 262 - Standards Applicable to Generators of Hazardous Waste
11. 40 CFR Part 263 - Standards Applicable to Transporters of Hazardous Waste
12. 40 CFR Part 264 - Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
13. 40 CFR Part 265 - Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
14. 40 CFR Part 50 - "National Ambient Air Quality Standards for Lead"

The above listing is not intended to be exhaustive. The contractor is responsible for compliance with all applicable laws, rules and regulations whether or not they have been listed above.

1.5 Fire Protection

- A. The Contractor shall provide a fire watch (i.e. guard service) in compliance with NFPA 601/602. The watch shall be provided from the onset of asbestos removal until the contractor has completed their scope of work and has removed all equipment/materials from the site. The personnel providing said fire watch will not be allowed in the containment work area. The owner will provide fire protection services including fire hose and water.
- B. Contractor must supply the work area with adequate quantity of charged and inspected fire extinguishers at designated locations within and outside the work area, and familiarize employees regarding the location and operation of the extinguishers in compliance with OSHA regulations (1926.150) and National Fire Protection Association (NFPA) guidelines (10A-1998). OSHA requires at least one, 2A or greater extinguisher for each 3,000 square feet of work area.
- C. Extinguishers must have a record of inspection and service within the past 12 months.

1.6 Air Monitoring

- A. Air Monitoring (Except for the Contractor's OSHA compliance monitoring) will be performed by the Environmental Consultant.
- B. The Environmental Consultant will collect air samples in accordance with the New York State Department of Labor Industrial Code Rule 56 requirements. Samples will be analyzed by Phase Contrast Microscopy by a New York State Department of Health Certified Laboratory.

- C. When visual work areas reviews and/or air monitoring is required, the Contractor shall notify the Owner and the Environmental Consultant, in writing, 48 hours in advance of the day and time when the Contractor will be ready for such inspections or monitoring.
- D. Air monitoring results generated by the Environmental Consultant shall not be used by the Contractor to represent compliance with regulatory agency requirements for monitoring of worker's exposure to airborne asbestos, nor shall any other activity on the part of the Owner or Environmental Consultant represent the Contractor's compliance with applicable health and safety regulations.

1.7 Environmental Consultant

- A. The Environmental Consultant on this project will be R.A. West Associates, Inc.
- B. The Environmental Consultant will be employed by the owner to perform air monitoring as required by New York State Department of Labor Industrial Code Rule 56 requirements and to perform the following visual reviews of the asbestos work areas:
 - 1. Review the asbestos contractor activities whenever the contractor is engaged in activities that can potentially disturb asbestos. The purpose of the reviews is limited to verifying that the contractor is complying with applicable asbestos regulations while on site. Noted violations with applicable asbestos regulations will be communicated to the contractor's designated supervisor so that corrective action can be taken.
 - 2. Conduct reviews of the asbestos containment system prior to removal activities and on a daily basis to verify compliance with asbestos regulations. Noted violations with applicable asbestos regulations will be communicated to the contractor's designated supervisor so that corrective action can be taken.
 - 3. Conduct final visual review of the work area to verify that the area is ready for final clearance air monitoring. Final work area visual reviews will only be conducted after the contractor has completed an extensive visual inspection of the work area and can ensure that all specified asbestos materials and debris have been removed and the work area is clean as required by NYS-DOL ICR 56.
- C. The Environmental Consultant will advise the owner in matters pertaining to the asbestos work and to act as the owners technical liaison in technical matters involving the asbestos-related work performed at the site.
- D. The Environmental Consultant's role in advising the owner on environmental health matters does not relieve the Contractor's obligation to comply with all applicable health and safety regulations promulgated by the federal, state, or local governments. The environmental consultant will not engage in directing, managing or supervising the asbestos contractors employees or subcontractors in performance of the work. The environmental consultant will not under any circumstances review, inspect or take any responsibility for the contractors or subcontractors equipment. The environmental

consultant will not under any circumstances review, inspect or take any responsibility for the use or misuse of the contractors or subcontractors equipment including but not limited safety equipment.

Part 2 - Products

2.1

Materials

- A. Deliver all materials in original packages, containers, or bundles bearing the name of the manufacturer and the brand name.
- B. Store all materials subject to damage off the ground, away from wet or damp surfaces, and under cover sufficient to prevent damage or contamination.
- C. Damaged or deteriorating materials shall not be used and shall be removed from the premises. Materials that become contaminated shall be disposed of in accordance with applicable regulations.
- D. Polyethylene **flame retardant** sheet, of six-mil thickness shall be used unless otherwise specified. Polyethylene sheeting shall be sized to minimize the number of joints.

2.2

Encapsulants and Sealants

- A. Encapsulate materials shall be a penetrating type with the following characteristics:
 - 1. Encapsulates shall not be organic solvent-based or utilize a hydrocarbon in the liquid in which the solid parts of the encapsulant are suspended.
 - 2. Encapsulant shall not be flammable.
 - 3. Encapsulant shall be compatible with the anticipated asbestos replacement product; e.g. encapsulant application shall not void re-fireproofing warranty.
- B. A non-hardening lagging sealer shall be used for enclosing and sealing raw exposed edges and surfaces of asbestos-containing materials.
- C. Sealants shall be compatible with concrete, metals, wood, cable-jacketing etc.
- D. Sealant shall prevent fire, smoke, water and toxic fumes from penetrating through sealants. Sealant shall have a flame spread, smoke and fuel contribution of zero, and shall be ASTM and UL rated for 3 hours.
- E. Noncombustible expanding foam shall be used to seal penetrations in work areas unless otherwise specified.

Part 3 – Execution**3.1 Pre-Construction Meeting**

- A. The contractor shall attend a pre-construction conference at the job site at a date to be defined by the owner. The conference will be with the owner or the owner's authorized representative and the Project Monitor. Agenda for this conference will include, but not be limited to:
 - 1. Contractor's work plan or scope of work letter as defined in section 1.2 C 1
 - 2. Contractors plan for collection and analysis of OSHA compliance samples
 - 3. Contractor's fire prevention plan
 - 4. Contractor's plan for job security both for prevention of theft and for barring entry of curious but unprotected personnel into work areas
 - 5. Documentation of compliance with environmental laws and standards.
- B. In conjunction with the pre-construction conference, the contractor shall accompany the project monitor on a pre-construction walk-through, documenting existing condition of finishes and furnishings, reviewing overall work plan, location of fire exits, fire protection equipment, water supply, and temporary electrical tie-in location(s).

3.2 Utilities

- A. The contractor will furnish water needed for construction. Shower water for the decontamination unit shall be individually adjustable hot and cold at the shower unit.
- B. The owner will pay the cost of the electricity needed for the project.
- C. All of the contractor's temporary lighting and electrical services for the work area shall be in weatherproof enclosures and shall be individually ground fault protected as required by local state and federal regulatory agencies.
- D. The contractor shall provide the electrical panel to be used for the project, which will be hooked up by the owner's electrician. All other electrical work shall be performed by a locally licensed electrician, including providing electrical tie in to electrical utilities at a location designated by the owner.
- E. All wiring must be copper wire of an appropriate gauge to safely handle the load, voltages and current requirements of the equipment being operated.

3.3 Asbestos Waste Disposal Requirements

- A. Transportation and Disposal Site
 - 1. The contractor's Disposal Site shall be subject to approval by the Owner.

B. Waste Storage Container

1. All waste containers shall be fully enclosed and lockable (i.e. enclosed dumpster, trailer, etc.) **NO OPEN CONTAINERS WILL BE PERMITTED ON-SITE** (i.e. open dumpsters with canvas cover, etc.).
2. Once the container is loaded at the site, the door(s) will be locked at all times.

End Of Section