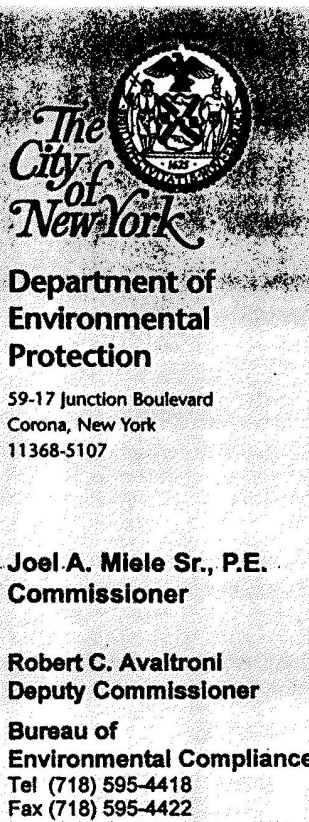




February 8, 2002

DOWNTOWN ACQUISITION
70 WEST 36 STREET
NEW YORK, NY 10018

Subject: 17 BATTERY PLACE, MANHATTAN

Dear Sir/ Madam:

The New York City Department of Environmental Protection in cooperation with the New York State Department of Labor and the United States Environmental Protection Agency has continued inspections/surveys of buildings in the vicinity of the World Trade Center.

During the recent inspections/surveys, visible debris from the collapse of the Towers was observed on the roof, setbacks, and/or facades of the above referenced building. In accordance with previously issued guidelines, copies of which are enclosed, these accumulations must be assessed by a NYC DEP certified investigator to determine whether the material is asbestos-containing material and then cleaned up appropriately.

Building owners are responsible for the cleaning of building exteriors, grounds, and common area. Due to changing conditions and continued activity at Ground Zero, building owners should periodically assess the condition of building exteriors and air conditioning systems for cleanliness and may have to periodically re-clean areas. Adherence to proper cleaning methods is important for the protection of public health and the environment.

If you have any questions, you may reach the Department at (718) 595-3682 during office hours or the 24-hour Help Center at (718) DEP-HELP.

Sincerely,

R. Radhakrishnan, P.E.

Director

Asbestos Control Program





**Department of
Environmental
Protection**

59-17 Junction Boulevard
Flushing, New York
11373-5108

**Christopher O. Ward
Commissioner**

**Robert C. Avaltroni
Deputy Commissioner**

**Bureau of
Environmental
Compliance**

Tel (718) 595-4418
Fax (718) 595-4422

September 3, 2002

TO: Newmark & Co. Real Estate
594 Broadway, Room 311 Attn. Ken Bonal
New York, NY 10012

RE: 17 BATTERY PLACE
1 West Street, 2-26 Washington Street, 1 Western Union Plaza
FINAL NOTICE

Dear Newmark & Co. Real Estate:

I am writing with regard to 17 BATTERY PLACE which was inspected by DEP on 08/30/02. During this inspection, debris from the collapse of the World Trade Center towers was observed on the exterior surfaces of the building.

You have been previously contacted with regard to participating in DEP's Lower Manhattan Building Cleaning Program. Under this program, contractors retained by DEP will clean all exterior building surfaces affected by World Trade Center debris at no cost to the building owner.

The Building Cleaning Program is now drawing to a close, and we have yet to receive a response from you regarding your participation. If you do not participate in the Program, the building will be scheduled for another DEP inspection in the near future. If that inspection shows that there is still visible debris from the World Trade Center on the exterior of the building, samples will be collected. If laboratory analysis of these samples shows that the debris is asbestos-containing material, you will then be issued a Commissioner's Order directing you to retain a contractor to clean the exterior of the building. Such cleaning would be at your expense, and failure to comply with the Commissioner's Order could result in the issuance of notices of violation carrying penalties of up to \$10,000 per day.

You are strongly urged to take advantage of the Building Cleaning Program. A blank License Agreement has been attached for your convenience. Please fill in the appropriate information and sign and return the form as soon as possible.

If you have any questions, please call 718-595-3682 during office hours, or the 24-hour Help Center at 718-DEP-HELP. Your cooperation is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Radhakrishnan".

R. Radhakrishnan, P.E.

Director

Asbestos Control Program



www.nyc.gov/dep

(718) DEP-HELP