

Post-it® Fax Note		7671	Date	11/21/02	# of pages	6
To	Charles Gangler		From	Penny Theodorellis		
Co./Dept	189 Broadway		Co.	NYC DEP		
Phone #	(908) 753-6264		Phone #	(718) 595-3657		
Fax #	(908) 753-6264		Fax #	(718) 595-3744		

LICENSE AGREEMENT

This License Agreement made this _____ day of _____, 2002 by and between the CITY OF NEW YORK (hereinafter called "the City"/Licensee), acting by and through the Department of Environmental Protection of the City of New York (hereinafter called "DEP"), with an office at 59-17 Junction Boulevard, Corona, New York 11368-5107 and ~~David Baldwin~~ c/o Baldwin Realty ("Landowner/Licensor") the owner of the premises at 189 BROADWAY (the "Premises").

WHEREAS, the facades, roofs and setbacks ("exterior areas") of many structures in close proximity to the site of the former World Trade Center have been found to contain debris, refuse and other deposits ("the foreign material") of unknown origin;

WHEREAS, the owners of said structures are desirous of having the foreign material removed;

WHEREAS, the City believes that it is in the interest of the public to undertake a clean up of these exterior areas;

WHEREAS, the City's willingness to undertake such a cleanup should not in any way be construed as an acknowledgment or admission that the City is in any way responsible for any condition, environmental or otherwise, that may exist in or on the exterior areas or that the foreign material is a risk to the public health or safety;

NOW THEREFORE, it is hereby agreed by and between the parties to this agreement, for and in consideration of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged,

1. **Permission to Perform Cleaning Work.** Subject to the terms and conditions hereof, Licensor hereby grants permission to Licensee and its authorized contractor(s) to perform the cleaning work on the exterior areas of the structure(s) located on the Premises, as described in the Scope of Work attached hereto as Exhibit A and made a part hereof (the "Cleaning Work").

2. **Grant of Access.** Subject to the terms and conditions hereof, Licensee and its agents, contractors and employees shall have the right, at all times while this License Agreement is in effect, to enter in and on the Premises, and to cross the Premises, with personnel, material and equipment, for the purpose of performing the Cleaning Work. It is expressly understood that the right granted under this Section 2 includes:

(a) the right to access all portions of the Premises deemed necessary by Licensee or its contractor(s) in order to properly perform the Cleaning Work, including (without limitation) roofs, parapets, window ledges, and other building exterior surfaces; and



**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



www.nyc.gov/dep

(718) DEP-HELP

November 25, 2002

Mr. John Malvasio
Department of Subways – MOW
New York City Transit
370 Jay Street, Room 1125B
Brooklyn, New York 11201
Fax: (718) 243-3772

Subject: Subway Entrance Closure at Southwest Corner of Broadway and Dey Street

Dear Mr. Malvasio:

As you are aware from our previous correspondences, the NYC DEP has been removing debris from the collapse of the WTC from exterior building surfaces since June 2002. A NYSDOL licensed asbestos contractor with NYC DEP and NYSDOL certified workers performs the cleaning activities and an independent air monitor performs air sampling. The NYC DEP monitors the cleaning activities.

The building at 189 Broadway is scheduled for cleaning of exterior surfaces. We are requesting your assistance and cooperation for closure of the subway entrance at the southwest corner of Broadway and Dey Street for the cleaning of the building facades. This program is coming to a close and we would appreciate your help in expediting this request. The station is normally closed at 9:30 P.M. We would therefore like to begin work at that time so as not to impact the station. We will mobilize as soon as we have Transit and DOT approval. We will not be able to get approval from DOT until we receive a written reply from your office.

Thank you in advance for your time and effort. If you have any questions or require additional information, please contact me at (718) 595-3721 or Penny Theodorelly at (718) 595-3657.

Sincerely,

R. Radhakrishnan, P.E.
Director
Asbestos Control Program

cc. Eric Kim, NYCDOT



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September 3, 2002

**TO: David Baldwin c/o Baldwin Realty
113 Cedar Street
New York, NY 10006-1061**

**RE: 189 BROADWAY
1-3 Dey Street
FINAL NOTICE**

Dear David Baldwin c/o Baldwin Realty:

I am writing with regard to 189 BROADWAY which was inspected by DEP on 08/28/02. 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



**Department of
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59-17 Junction Boulevard
Corona, New York
11368-5107

**Joel A. Miele Sr., P.E.
Commissioner**

**Robert C. Avaltroni
Deputy Commissioner**

**Bureau of
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Tel (718) 595-4418
Fax (718) 595-4422

February 23, 2002

David Baldwin c/o Baldwin Realty
113 Cedar Street
New York, NY 10006-1061

**Subject: 189 BROADWAY
1-3 Dey Street
Second Notice**

Dear Sir/ Madam:

This is a follow-up to the NYC DEP request for copies of the environmental hazard assessments including bulk sample results and air monitoring results and a summary of clean-up activities at the above referenced site. To date, our office has not received the requested documents and information. They may be faxed to (718) 595-3744 or sent to the NYC DEP Asbestos Control Program at 59-17 Junction Boulevard, 8th floor, Corona, New York 11373-5108.

Please be advised building owners are responsible for the cleaning of building exteriors, grounds, and common areas. 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. DEP inspectors will be following up on this matter.

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. DEP staff is available to provide guidance and technical assistance.

Sincerely,

R. Radhakrishnan, P.E.
Director
Asbestos Control Program



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Fax (718) 595-4422

February 12, 2002

David Baldwin c/o Baldwin Realty
113 Cedar Street
New York, NY 10006-1061

**Subject: 189 BROADWAY
1-3 Dey Street**

Dear Sir/ Madam:

In September 2001, the New York City Department and Environmental Protection (NYC DEP) and the Department of Health (NYC DOH) advised building owners regarding building maintenance and re-occupancy issues following the collapse of the World Trade Center. The steps included the professional assessment of building contamination for possible hazardous components, including asbestos, and a retrospective filing, as required, if applicable.

The NYC DEP is hereby requesting copies of the environmental hazard assessments including bulk sample results and air monitoring results and a summary of clean-up activities at the above referenced site. Please forward the requested documents to our offices within FIVE BUSINESS DAYS. They may be faxed to (718) 595-3744 or sent to the NYC DEP Asbestos Control Program at 59-17 Junction Boulevard, 8th floor, Corona, New York 11373-5108.

Please be advised building owners are responsible for the cleaning of building exteriors, grounds, and common areas. 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. DEP inspectors will be following up on this matter.

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. DEP staff is available to provide guidance and technical assistance.

Sincerely,


R. Radhakrishnan, P.E.
Director
Asbestos Control Program



1-3 DEY ST.

1001072



**Department of
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59-17 Junction Boulevard
Corona, New York
11368-5107

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**Robert C. Avaltroni
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February 8, 2002

**BALDWIN DAVID M
113 CEDAR STREET
NEW YORK, NY 10006**

Subject: 189 BROADWAY, 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,

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

R. Radhakrishnan, P.E.

Director

Asbestos Control Program



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