

SEMO



**Department of
Environmental
Protection**

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

**Christopher O. Ward
Commissioner**

August 21, 2002

Edward F. Jacoby Jr.
Governor's Authorized Representative
Director, State Emergency Management Office
1220 Washington Avenue
Albany, NY 12226

Dear Director Jacoby:

The United States Environmental Protection Agency (EPA), in cooperation with the City of New York (the "City") and its Department of Environmental Protection (DEP), acting in the public interest, will undertake a cleanup of apartments, common areas and heating, ventilation, and air conditioning (HVAC) systems in buildings and structures near the site of the former World Trade Center. The cleaning work will consist of the removal of dust and debris from floors, walls, furnishings, and other items and surfaces within these structures, as well as air monitoring.

To facilitate this project, EPA will offer to each affected landowner and tenant a "Fact Sheet" describing the scope of work, and a "Request Form for World Trade Center Indoor Dust Cleaning Program" that grants EPA, DEP, and DEP's contractors access to each premises and permission to perform the cleaning work. The Request Form includes other provisions, including a reimbursement clause. Copies of the Request Forms and Fact Sheets are attached.

By this letter, the City agrees to indemnify and hold harmless the State of New York for any claims arising from the removal of dust or debris from apartments, common areas, HVAC systems, or other interior spaces of buildings or structures performed pursuant to the above-referenced Request Forms as a result of the terrorist attacks at the World Trade Center that were the subject of a major disaster declaration by the President of the United States in FEMA-1391-DR, except for those claims attributable to the negligence or willful misconduct of the State of New York, its employees or agents. This agreement is necessary to authorize assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Sincerely,

CHRISTOPHER O. WARD
By *Mark D. Hoff*
GENERAL COUNSEL

Christopher O. Ward



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