



**Department of
Environmental
Protection**

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

**Christopher O. Ward
Commissioner**

September 9, 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 at 125 Cedar Street, Manhattan, 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 the building, as well as air monitoring, as described in the attached Scopes of Work.

To facilitate this project, DEP has offered to the building owner and each tenant a "Cleaning Request Form" that grants DEP and its contractors access to the premises and permission to perform the cleaning work. The Request Form includes other provisions, including a reimbursement clause. Copies of the Request Forms 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 125 Cedar Street 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

