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The letters came with a three-page tip sheet from the city Health Department explaining how to remove asbestos-tainted dust. The letters also told drivers they couldn't simply drive their vehicles away — and instead had to cover them with tarps and haul them away on flatbed trucks because of health concerns.

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The New York Committee for Occupational Safety and Health, a coalition of public health advocates, argued yesterday that car owners shouldn't be asked — or trusted — to clean the vehicles.

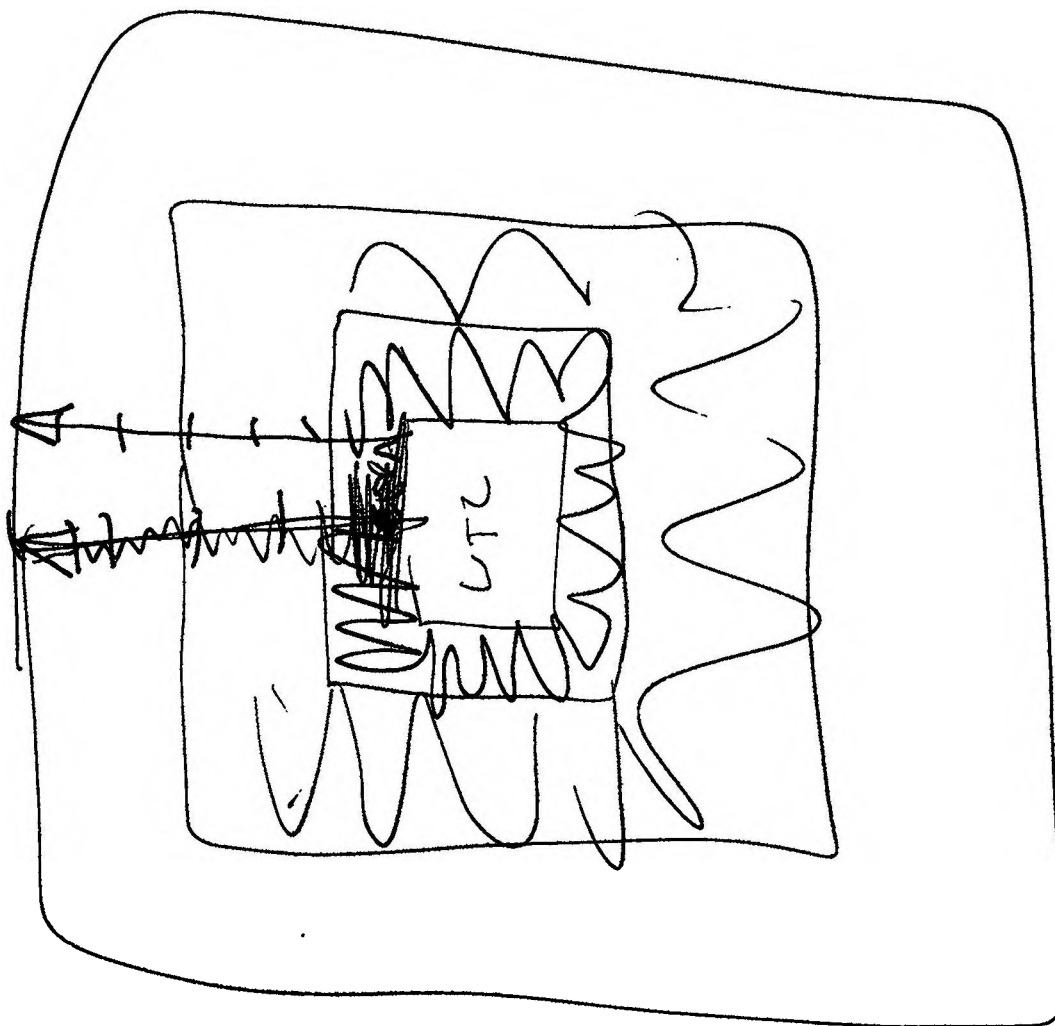
"We are not at all sure that these cars can be cleaned to make them safe," said committee spokesman Jonathan Bennett.

In December, then-city Health Commissioner Neal Cohen said the cars were so badly contaminated that they probably could not be returned. But after meeting with insurance companies and under threat of a class action lawsuit by irate owners, the city agreed to give them back.

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 **Last 6 Days****From: News and Views | City Beat |
Monday, March 18, 2002**

Return of WTC Cars Hits EPA Roadblock

By GREG GITTRICH
Daily News Staff Writer

Concerns about asbestos-tainted dust have slammed the brakes on the city's plan to return hundreds of cars towed from streets around the World Trade Center to their owners.

The city planned to start giving back the dust-covered vehicles today. But a Daily News report about the dangerous coating of asbestos on the cars prompted federal environmental officials to step in.

"No cars will be released [today]," Kathy Dawkins, a spokeswoman for the city Sanitation Department, said yesterday.

Instead, Environmental Protection Agency and city officials will meet this week to discuss what to do with the cars, parked at Fresh Kills landfill on Staten Island.

"We are going to review all the procedures," Dawkins said.

In a March 8 article, The News revealed that tests on the vehicles show that as much as 3% of the dust is asbestos, more than three times the level that triggers federal cleanup rules.

Many of the cars have little body damage — and nothing would stop scheming owners from rinsing them off and selling them to unwitting buyers.

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Watt's NEWS

During Ground Zero cleanup last month, a car is hoisted from the B2 level of the underground garage at 6 World Trade Center.

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- for disposal, in accordance 40 C.F.R. Section 61.147(e) and Section 112(c) and (e) of the Clean Air Act, 42 U.S.C. 7412 and (e).
- b. If contractors discharge visible emissions to the outside air during the collection, any processing, packaging, transporting, or deposition of asbestos containing waste material generated at the facility, they must use one of the disposal methods specified in 40 C.F.R. Section 152(b) (1), (2), or (3), thereby violating 40 C.F.R Section 152(b) and Section 112(c) and (e) of the Act, 42 U.S.C. Section 7412(c) and (e).
 - c. Those contractors unfit to hold a permit and who have been denied a permit in any state must not be allowed
 - i. Full disclosure of contractor's prior violations, enforcement history, and should be accompanied by a copy of the inspection report and any other documentation of violations.
 - ii. 40 C.F.R. Section 61.146 requires each owner or operator of a demolition operation where there is the regulated amount of asbestos to provide the Administrator of EPA with written notification of intention to demolish or renovate, setting forth specified information, at least 10 days prior to the commencement of the operation. Timely, complete, and accurate notices of demolition operations permit EPA to conduct efficient, unannounced inspections to ensure that work practice standards to prevent emission of asbestos are being met. Such notices are particularly important due to the short duration of most demolition operations. In the WTC cleanup - better and more timely notice should be given
 - d. Strict monitoring, recordkeeping and reporting requirements must be adopted to with the applicable If only the minimum requirements provided under applicable regulations are imposed compliance of all relevant actors will not be assured will not assure compliance of a bad actor.
 - e. The following information must be made public"
 - i. The name and position of the person responsible for supervising all work involving asbestos-containing material (ACM).
 - ii. The name, address, telephone number and contact person of the firm(s) which will transport any asbestos-containing waste from the site.
 - iii. A description of the procedures and equipment to be used to prevent visible emissions of asbestos-containing material, and to decontaminate workers.
 - iv. A description of the location and amount of asbestos containing material in the facility which will undergo renovation or demolition.
 - v. The name of the person who determined whether asbestos-containing material was located at the site and the basis on which such determination was made.
 - vi. Decontamination facilities must be made available, equipped, and used at each jobsite which involves removal of asbestos containing material.

- f. Each contract should include penalty/ liquidated damages clause
 i. www.envinfo.com/caain/enforcement/caad144.html
 Consent decree model Dept of Justice & Asbestos violator

Contractor Name : A.A.C. ENVIRONMENTAL CORP.

Street Address : 65 WAVERLY AVENUE

City : BROOKLYN

Zip Code : 11205-

State : NY

NARS ID : N44919

---Deficient Notif.---										Work Practs.			
<u>Qtr</u>	<u>Year</u>	<u>Loc</u>	<u>Agency</u>	<u>Type</u>	<u>Contractor #</u>	<u>Notif</u>	<u>NOVs</u>	<u>Warn.</u>	<u>Order</u>	<u>Insp.</u>	<u>NOVs</u>	<u>Order</u>	<u>Cits.</u>
4	1999	02NY		S	113443691	1	0	0	0	0	0	0	0
4	1999	02R2		E	2797	1	0	0	0	0	0	0	0
1	2000	02R2		E	2797	10	1	0	0	0	0	0	0
1	2000	02NY		S	113443691	6	1	0	0	1	0	0	0
2	2000	02R2		E	2797	2	0	0	0	0	0	0	0
3	2000	02R2		E	2797	5	0	0	0	0	0	0	0
1	2001	02NY		S	113443691	1	0	0	0	2	0	0	0
2	2001	02NY		S	113443691	2	1	0	0	1	0	0	0
2	2001	02R2		E	2797	1	0	0	0	0	0	0	0
3	2001	02NY		S	113443691	1	0	0	0	0	0	0	0
3	2001	02R2		E	2797	2	0	0	0	0	0	0	0
4	2001	02NY		S	113443691	1	0	0	0	0	0	0	0
4	2001	02R2		E	2797	1	1	0	0	0	0	0	0

14. Complaint(response to):

- a. Automatic ceasing of work-A STOP WORK ORDER must be issued immediately
- b. Establishment of 24 hour monitored complaint line
- c. The complaint line must be Multi-lingual (including Cantonese, Mandarin, Fujianese, & Spanish among others)
- d. Immediate response teams available to physically inspect. Locations of which complaints have been made

15. Transport and Removal

- a. NYSDEC must supervise
- b. Assignment of certain number of enforcers
- c. Determination of "acceptable" disposal site
 - i. Siting

16. Protection of asbestos workers

- a. Monitoring - medical test baselines - There must be a medical baseline of all cleanup workers involved in WTC cleanup
 - b. Designation and funding for occupation clinic - the CBNS/NYCOSH van must be used as a model
 - c. Any and all workers comp. Issues must be on a 'fast-track' in ensuring proper and expedited medical treatment - The treatment -his should be guaranteed at the federal level in conjunction with a trust fund which should be used in case of later illness/debilitation/death.
17. Removal of Waste Product
- a. All federal regulations should apply for debris removal disposal
 - b. DEC
 - i. Must monitor at all stages of disposal
18. PRE-CLEANUP-
- a. Full testing of apartments
 - b. Samples should be archived for further testing/examination
 - i. Including but not limited to disposed carpet samples

NEW YORK ENVIRONMENTAL LAW & JUSTICE PROJECT

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