

Dec 18 2001 17:00 P.01

CITY OF NEW YORK
DEPARTMENT OF INVESTIGATION
OFFICE OF THE INSPECTOR GENERAL
DEPARTMENT OF ENVIRONMENTAL PROTECTION

FACSIMILE TRANSMISSION

FAX (212) 442-0160



DATE: 12/18/01

TO: Robert Avaltroni, Deputy Commissioner,
NYC DEP, Bureau of Environmental Compliance

FROM: Sandy Richman, Examining Attorney
NYC Inspector General's Office, DEP

RE: Riverpoint, Inc. / World Trade Center
Air Sampling Project

NUMBER OF PAGES: 8 FAX #: (718) 595-4544
(including cover sheet)

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The City of New York
Department of Investigation
EDWARD J. KURIANSKY
COMMISSIONER

OFFICE OF THE INSPECTOR GENERAL
DEPARTMENT OF ENVIRONMENTAL PROTECTION
2 LAFAYETTE STREET, 17TH FLOOR
NEW YORK, NEW YORK 10007
(212) 442-0200; FAX (212) 442-0180

December 18, 2001

Via Facsimile and Regular Mail

Moustafa Fawzy
Division Director, Division of Emergency Response and Technical Assessment
Innocenzo Catanzaro
Acting Director, Hazardous Materials Emergency Response Unit
New York City Department of Environmental Protection
59-17 Junction Blvd.
Corona, NY 11368

RE: Riverpoint, Inc./World Trade Center Air Sampling Project

Dear Mr. Fawzy and Mr. Catanzaro:

I write regarding Riverpoint, Inc., ("Riverpoint"), which is the company that the NYC Department of Environmental Protection ("DEP") retained on an emergency basis to perform asbestos air sampling at locations designated by DEP near the World Trade Center (WTC) vicinity.

Riverpoint started conducting air sampling for DEP on approximately October 5, 2001. As I informed Mr. Fawzy, on December 12, 2001, it has come to the attention of the Inspector General's Office that Riverpoint has, on multiple occasions, conducted the air sampling at more than one site location, during the same general time period, by the same field technician, at locations which are separated by more than one block. As a result, the field technician cannot view the air sampling pumps while the sampling is being conducted. In addition, each field technician performs his own air samples, and does not have additional Riverpoint personnel to monitor the pumps.

For example, a review of Riverpoint's "PCM Air Sample Analysis and Calibration Form," dated, November 4, 2001, indicates that the field technician Boron Grzegorz performed an air sample at Vesey and West Broadway (DEP site number 20) starting at 10:05 a.m., and

conducted another air sample at Fulton and Church (DEP site number 5) starting at 10:08 a.m. (see attachment). Both of these samples took a total of approximately forty-five minutes to perform. These two sites are located more than two blocks away from each other. As a result, an air sample was unmanned at the time of its performance.

This practice is in direct breach of DEP's scope of work requirements for Riverpoint. Specifically, as part of DEP's "Bid Sheet/Purchase Order," the terms of the scope of work include, in part, that "each sampling point shall be manned at all times while sampling is in progress" (see attachment, section A3., Scope of Work). In addition, according to Emmanuel Brutus, a DEP employee in the DERTA unit, he informed Riverpoint's owner, Birger Elvenaes, and Riverpoint's field technicians, during the first week of the project, that all sampling pumps are to be manned while being run.

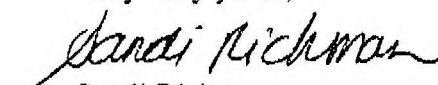
It is this office's recommendation that, due to the emergency nature of this project, that DEP continue to use Riverpoint to conduct the WTC air sampling; however, Riverpoint must be told immediately to rectify the problem regarding the unmanned air sampling locations.

In addition, we recommend that, as a result of Riverpoint's breach of the scope of work terms, for its work from October 5, 2001 through and including December 18, 2001, that the company not receive the full amount of \$1,900 per day, per its original bid. Instead, DEP should determine an equitable or pro-rata share of payment for Riverpoint's work performed to date.

Finally, our investigation of Riverpoint is ongoing, regarding one of its field technicians, Marek Pawlik. Mr. Pawlik is apparently conducting air sampling for Riverpoint, and is also the laboratory director of Renata Consulting Services, Inc., which Riverpoint has retained to analyze its air samples. Mr. Pawlik is also performing the analysis of the air samples being collected by Riverpoint. This office will keep DEP apprized of developments in the investigation.

If you should have any questions, please contact the undersigned at (212) 442-0198.

Very truly yours,


Sandi Richman
Examining Attorney

Attachments

cc: with attachments

Via Facsimile and Regular Mail

Robert Avaltroni
Deputy Commissioner
NYC Department of Environmental Protection
Bureau of Environmental Compliance

Michael Gilsenan
Assistant Commissioner
NYC Department of Environmental Protection
Bureau of Environmental Compliance

Riverpoint, Inc.

7 Hillside Avenue, Suite 100 • New Rochelle • New York 10801-1608

(014) 632-1552 Telephone

(014) 632-1558 Facsimile

PCM Air Sample Analysis and Calibration Form

Job Number: 101171

F • Final Clearance

Page: 1 of 3Job Name: WTC PCM

P • Pre-Abatement

Date: 11/04/01Work Area: N/A

I • Inside Work Area

Field Technician: Borov GregorContractor: N/A

O • Outside Work Area

Project Manager: B. ElvenaesShift Hours: N/A

A • Ambient, Outside Building

Number of Workers: N/A

Sample Number	Location and Activity	Sample Type	Pump Number	Initial Flow Rate (l/min)	Final Flow Rate (l/min)	Average Flow Rate (l/min)	Time On	Time Off	Total Time (Minutes)	Total Volume (liters)	Fibers/cc	NIOSH 7400
01 11 04	Park Place/Church	A	G-29	15	15	15	08:17	9:02	45			
02 11 04	Park Place/Greenwich	A	G-07	15	15	15	09:13	9:58	45			
03 11 04	Murray/Church	A	07	15	15	15	08:15	9:00	45			
04 11 04	Murray/Greenwich	A	G-29	15	15	15	09:10	9:55	45			
05 11 04	Fulton/Church	A	G-29	15	15	15	10:08	10:53	45			
19 11 04	Trinity Pl./Thames	A	G-29	15	15	15	11:00	11:45	45			
20 11 04	Vesey/West Broadway	A	G-07	15	15	15	10:05	10:50	45			

Calibration Method: RotameterSignature: Borov Gregor

Chain of Custody

Released by: <u>Borov Gregor</u>	Date: <u>11/04/01</u>	Accepted by: <u>M. Jawlik</u>	Date: <u>11/04/01</u>
Signature: <u>Borov Gregor</u>	Time: <u>17:00</u>	Signature: <u>A J</u>	Time: <u>17:00</u>
Released by: _____	Date: _____	Accepted by: _____	Date: _____
Signature: _____	Time: _____	Signature: _____	Time: _____
Released by: _____	Date: _____	Accepted by: _____	Date: _____
Signature: _____	Time: _____	Signature: _____	Time: _____

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NOTICE OF EMERGENCY CONTRACTOR USE

Department of
Environmental
Protection

156-17-1000
Columbia, NY 10007
212-401-5172

Joel A. S. P.E.
Commissioner

Robert D. Avallone
Deputy Commissioner

Bureau of
Environmental Compliance
Tel: (718) 401-4415
Fax: (718) 401-4422

TO: Robin Steinmetz
FROM: Virginia Smyth

DATE: 10/3/01
HANSEN #: 352173

Req. #: _____

Emergency PO #: _____

Date of Incident: 9/11/01 Time: 8:45 (AM/PM)
Site Location: World Trade Center Boro: Manhattan
Contractor service required: provide air monitoring
and analysis (20 samples)

Vendors Contacted

Bid

- | | |
|--------------------------------|------------------------------------|
| 1. Riverpoint Env. Consultants | \$ 1900/day \$80/each TEM analysis |
| 2. Pedman/T Associates | \$ 2500/day \$80/each TEM analysis |
| 3. Independent Testing Labs | \$ No bid |
| 4. Environmental Testing Labs | \$ No bid |
| 5. National Testing Labs, Inc. | \$ No bid |

Selected Contractor: Riverpoint Env. Cons. Phone: 914 632 1552

Material(s) and quantity removed: N/A

Total estimated cost: \$ 1900/day \$80/each TEM analysis required.

DEP HazMat Representative

The above Bid Sheet has been properly completed.

DEP HazMat Specialist

Title



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**INFORMATION REQUIRED FOR THE DECLARATION OF EMERGENCY
TO ENGAGE OUTSIDE LABORATORY FOR THE COLLECTION OF AIR
SAMPLES ASSOCIATED WITH THE WORLD TRADE CENTER CRISIS:**

A. SCOPE OF WORK:

1. Air Sampling will occur daily at the twenty sites listed below. (Site Locations may change periodically).
2. All equipment needed for air sampling, (i.e. electric generators, air sampling pumps, etc.) Will be provided by the vendor.
3. Each sampling point shall be manned at all times while sampling is in progress.
4. Samples are to be collected after 0800 hours each day with the PCM results to be provided to DEP no later than 2100 hours each evening. The results shall be e-mailed to selected individuals within DEP.
5. Certain samples may require analysis using Transmission Electron Microscopy (TEM). The TEM results will be provided no later than 1600 hours on the following day. The TEM results will also be e-mailed and faxed to the designated individuals.
6. Air Sampling Sites:

Site #	Location Sampled
4	River Terrace & Chambers St
6A	River Terrace Park Area Between Park Place & Warren
7	Warren St. & North End Avenue
8	West Street & Warren St.
9	River Terrace & Park Place West
10	North End Ave & Park Place West
11	Murray & Greenwich.
12	Murray & Church St
15	Park Place & Greenwich
16	Park Place & Church
17	River Terrace & Vesey St
20A	Vesey & West Broadway
21	Fulton & Church St.
27	Gateway Plaza Park Area
29	Trinity Place & Thames St.
31	South End Ave & Albany St
32	West St & Albany
33A	Reactor Pl by the Park

- 34 W. Thames St - Along Waterfront
37 West of Third Place

B. ESTIMATED TIME FRAME.

Approximately 6 months.

C. ESTIMATED COST.

\$ 400,000

D. JUSTIFICATION FOR CONTRACT.

Following the September 11th incident, DEP has been asked to monitor the air in the vicinity surrounding the World Trade Center.

D. LIST OF CONTACTED BIDDERS.

	Name	Cost
1.	Riverpoint Environmental Consultants	\$1900 daily + \$80 ea TEM sample
2.	Pednault Associates	\$2500 daily + \$80 ea TEM sample
3.	Independent Testing Labs	No Bid
4.	Environmental Testing Labs	No Bid
5.	National Testing Labs Inc.	No Bid