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NYC D.E.P. PUBLIC AFFAIRS

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MEDIA.

FAX TRANSMISSION

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Date: 6/27/02To: Mike GilsonFax #: 4544From: **GEOFFREY RYAN**
Acting DirectorSubject: SELF magazine# of Page 3COMMENTS: Mike - would you review & let's
talkThanks,Geoff

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NYC D.E.P. PUBLIC AFFAIRS

F.02/03

TO: Natalie Millner, NYC Department of Environmental Protection

FROM: Mubarak Dahir, Self Magazine
718-267-7775

Dear Ms. Millner:

Thank you for your help on the phone today.

After going through the online press releases from the EPA and the DOH, I've determined that these are the questions I would like to direct to the DEP. Please let me know if there are any problems with these questions. I can either receive answers to them via a phone interview, or if you or someone from your office would prefer to prepare responses, for attribution, that would also be fine. I would appreciate a response as soon as possible. Ideally, I'd like to have a response by the end of the day on Friday, June 28. I understand, however, that as you mentioned on the phone, that may not be possible. But if a response is possible by early next week, before the July 4 holiday, as you also mentioned on the phone, that would be fine.

I can be reached at 718-267-7775, fax at 718-267-8558 or by email at MubarakDahir@aol.com.

Thank you for your help. I look forward to hearing from you soon.

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QUESTIONS FOR THE DEP:

1. According to February 11, 2002 testimony given to a Senate Subcommittee hearing by DEP Commissioner Joel Miele, the city took on the lead for testing indoor air, while the EPA took on the responsibility for testing outdoor air conditions. He also testified that the DEP then placed responsibility for testing and remediating indoor common spaces on landlords and property owners, and indoor private spaces on tenants. First, I simply want to confirm this.

*Charlie
Joel made
decision
in consultation
with Admin.*

2. How was the decision made that the DEP would handle this responsibility, rather than the EPA? I think this question goes to the "charge" of the EPA vs. the "charge" of the NYC DEP, and so I would like a comment from the DPA on how this responsibility does (or does not) fit the DEP's mission. The reason I ask this question is that some lawyers and activists are now saying that this really should have been the job of the EPA, and that the EPA shirked its responsibility by unfairly asking the DEP to do this. But it also seems that the DEP would not have taken on the responsibility if, somehow, it did not seem to fit into the DEP's charge.

*Joel
was not mfgs
that decision
policy*

3. Did the DEP do any testing of indoor air at all in any buildings, or was this entirely the responsibility of the building landlords and property owners, as suggested by the Commissioner's testimony?

*Joel
has prior
comments.*

4. What guidelines/instructions did the DEP offer to property owners for doing indoor air testing of their common spaces? (I have talked to some property managers who claim they got no direction on this issue.) And was any monitoring system put in place to follow whether or not property owners did do testing? (i.e. were they required to file their test results or get permits certifying that they did tests before tenants moved back in?) Congressman Nadler's office charges that no oversight was in place.

*Instructions
were given
follow-up
in January.
Street presence
monitoring
with Gold's
direction.*

5. Was any city money available to help landlords pay for testing, or was this their responsibility (presumably through insurance)?

*no city money
available*

6. As you probably are aware, some citizen groups and environmental groups claim that the type of testing the DEP asked building owners to do would not properly detect hazardous materials in dust from the WTC. Can the DEP respond to that claim?

*Building owners
were instructed
to make
assessment
with respect
to asbestos
as per Gold.*

7. Please add any additional or further comments that you feel may be important that I did not specifically ask.

*Commissioner Miele made it clear that the position
of the Administration was that landlords would be
responsible for making an asbestos assessment of
their properties. Appropriate statement was to be
taken by the landlord.*

99%

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