

Avaltroni, Robert

To: Ward, Chris
Subject: FW: Cancellation Policy and Edelman draft



125 Cedar.doc

Chris,

In the nicest way possible, I'm telling Kathy she has no handle on the project and is incapable of managing her people. (There is still absolutely no communication or direction at EPA.)

That being said, we have worked around them and are imposing our expertise and managment skills to bring this project home responsibly.

I will continue to insert positive pressure.

Bob

Kathy, I am confused about the issues you sight in this e-mail. The issues related to HVACS and quad D have been addressed by our staffs and are resolved. I am sure you have been pre-occupied with other issues. This is clearly what I articulated to you during our phone conversation prior to the disposition of this message. With respect to the cancellation policy, in viewing your issues the impediments you raised are unrealistic. If residents have cancelled (hardships aside) the cancellation policy should role back to inception. In reality I am not sharing FEMA'S concern but relenting to residents choice. We are pubic servants managing a project sensitive to all residents in Lower Manhattan, with this responsibility goes decision making. We have made responsible decisions and are poised to complete this proect by the targeted date of March 1 2002.

Sent from Bob's BlackBerry Wireless Handheld

-----Original Message-----

From: Callahan.Kathy@epamail.epa.gov
 [mailto:Callahan.Kathy@epamail.epa.gov]
 Sent: Monday, December 09, 2002 4:13 PM
 To: Avaltroni, Robert
 Subject: Re: Cancellation Policy and Edelman draft

Bob,

First, the press release on 125 cedar is quite good. Real progress indeed, with a fine quote from Assemblyman Silver. There are a few minor edits I'd like to suggest and will have Bonnie Bellow or Mary Mears get in touch with Edelman to note them (for example, while EPA was integrally involved in overseeing the work with DEP, defining the scope for the analytical sampling put in the contract, reviewing the sample results, working with the laboratories to correct and advise DEP sampling results versus benchmarks which enabled the building reoccupancy to begin, EPA did not "test"(- minor wording--easily corrected.)

Second, on the retroactivity of the cancellation policy, I will discuss with my staff what it will take to track these situations down. While I am surprised that you did not acknowledge the concerns I raised regarding retroactive implementation, you share FEMA's concern clearly. I will let you know our options on dealing with the issue as soon as possible.

Finally, though, I do not understand your comments that retroactively

applying the cancellation policy will help us "as discussed...bring the program to conclusion." The cancellation policy does not impede our progress. The cancellation policy now in place reduces the timeframes of delay to minor.

Since August 22 EPA has overseen the cleaning and testing of 800 apartments and the testing of 250. We have focused our efforts on residents who have requested cleaning and/or testing in buildings where there was no request made to have the building's Heating Ventilation Air Conditions systems evaluated and cleaned as necessary or common spaces.

But since the project monitors subcontractors began the inspection and evaluations of HVACs, EPA and DEP have spent weeks discussing how to move ahead on clearing HVAC systems so that work in residential units may progress. We've had an additional HVAC expert from DEP go out in the field, we've discussed a number of possible refinements to the checklist, we are now pushing to get building owners to submit documentation of what they have done. Yet we still do not have a firm plan on how we will move ahead. We are reaching a standstill on work in Quadrant D, where Battery Park City is located along with other buildings, and we are impeded in other quadrants.

In fact there is confusion among agencies. FEMA has expressed its opinion that "Our (EPA and FEMA) existing intragency agreement does not authorize the EPA to perform any work in conjunction with HVAC systems. We are looking to NYC DEP to take the lead in evaluating needs relating to HVAC systems in residential buildings through our Public Assistance Program. Please continue to coordinate through DEP and plan your work accordingly." This runs counter to the expectations that EPA has regarding our cooperative implementation of the cleanup program. To date the clear expectation has been that EPA's staff would oversee the HVAC evaluation and cleanup activities, as conducted by NYC contractors.

Clearing up the uncertainties with the HVAC issue is the major impediment to moving this program to conclusion. At this point I believe we should schedule a meeting with Jane Kenny and Chris Ward to identify the issues surrounding the next steps related to HVACs and our options for addressing them. We all want to successfully conclude this monumental effort for the benefit of the citizens of lower Manhattan, concurrent with the extraordinary efforts to restore and revitalize the area. It has been a proud service our agencies have done to date, but we need high level focus to move through the last critical decision point and enable swift completion. I will ask Jane's executive assistant to contact Chris' office to set up a time next week.

In the meantime we will continue to work with you to secure all reports from the project monitoring contractors where HVAC evaluations have been completed, send copies to DEP of all reports which identify system cleanup needs, review any reports you send us from the building owners, have our staffs consult where reports are received and compared from our contractors & building owners to determine if we can move ahead, update the inventory of whole building requests with the most accurate information we can, so DEP can use this in cost projections and contractor performance negotiations, and revise the HVAC checklist and develop instruction package for the contractors.

Kathy

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"Avaltroni,
Robert"

To: Kathy Callahan/R2/USEPA/US@EPA

<ravaltroni@dep.
nyc.gov>

cc:
Subject: Cancellation Policy and Edelman draft

12/06/2002 03:00
PM

Kathy,

I read Brad's e-mail concerning our Cancellation Policy. It is imperative that we enforce the written Cancellation Policy from the inception of the program. We have been responsive to the public and as discussed need to bring the program to conclusion.

Also, please find the draft of Edelman's publication on 125 Cedar Street which is very favorable to our efforts. We have turned a major corner by getting a favorable comment from Speaker Silver. This puts us in a very good position to move the program to closure swiftly.

Bob

<<125 Cedar.doc>>
(See attached file: 125 Cedar.doc)