

Gilsenan, Michael (ex)

From: Gilsenan, Michael (ex)
Sent: Monday, July 08, 2002 2:34 PM
To: Schiano, Frank
Cc: Avaltroni, Robert; Hoffer, Mark; Pecunies, Russ; Radhakrishnan, Krish
Subject: Unoccupied/uncleaned buildings

As part of the downtown clean-up effort, one of DEP's responsibilities is developing an asbestos scope of work, contracting it out and direct oversight of buildings that are still unoccupied and uncleaned. (EPA will comment on the asbestos scope of work and will develop a scope for other contaminants of concern for inclusion.) Bob Avaltroni has spoken to Brad Gair and FEMA will fund, however, FEMA needs one of the following two options to be undertaken by us to continue on the path to completion.

- Option 1. Declare that the building is a potential health risk requiring a clean-up under the program.
- Option 2. Obtain a right of entry agreement from the building owner and its occupants to clean.

Currently, there are three (3) buildings which fall into this category: 125 Cedar Street, 114 Liberty Street and 30 West Broadway. 125 Cedar Street and 114 Liberty Street are privately owned and have either a tenant/building owner or co-op/building owner relationship. Both owners and occupants are anxious to start the clean-up process. I'm sure you are familiar with the history of 125 Cedar Street. In the case of 30 West Broadway, the State Dormitory Authority owns the building and they too are anxious to get underway.

Our concern with Option 1 is the potential obstacles that the wording might pose thus taking much longer to get underway. Drafting a right of entry agreement seems the more timely option to take.

Please discuss with Mark and get back to us as soon as you can.

FYI: (1) EPA/DEP have regular meetings with the tenants and their local elected officials and (2) DEP will have a consultant walking through 125 Cedar Street this Thursday/Friday and 114 Liberty on Monday/Tuesday (next week) to develop asbestos and HVAC scopes of work.

Thanks,
 Mike

Avaltroni, Robert

From: Levine, Michele [LevineM@omb.nyc.gov]
Sent: Monday, December 09, 2002 11:16 AM
To: Kahn, Lawrence at LAWLAN
Cc: Larson, Bud; Levy, David; ravaltroni@dep.nyc.gov
Subject: DEP certification of need for cleaning.

Larry:

Bud Larson suggested that we consult you regarding any potential liability to the City which may arise from a new policy that has been proposed by FEMA. Under this policy (detailed below), any City agencies desiring FEMA reimbursement for new cleaning/decontamination undertakings would need to get DEP's concurrence that the cleaning is necessary.

The OMB taskforce called our attention to the possibility that this would expose the City to additional liability resulting either from the decision to decontaminate or not, or from the timing of any measures taken.

Would you please review this policy, and let me know if you have any specific concerns about it? Thank you.

Criteria [To be placed in next Public Assistance Program Guidance document and sent to applicants by either FEMA or NYC OMB/OEM]

If an eligible applicant identifies a facility that requires testing for contamination after the emergency work completion deadline of September 10, 2002, the following steps must be taken in order to be considered for FEMA

reimbursement:

1. The applicant must submit its test results and any analyses to the NYC Department of Environmental Protection
2. The DEP will (1) Review the results and analyses, (2) Consult with NYC's Dept. of Health if necessary, (3) Submit in writing to FEMA, under signature of Robert Alvatrone, Deputy Commissioner, its concurrence that contamination is present at a hazardous level, along with the test results, and provide a recommendation for remediation.
3. FEMA will review the applicant's request and DEP's recommendations. If FEMA finds the request and remediation recommendations reasonable and necessary, FEMA will grant an emergency work time extension and prepare a PW for the cost of testing and remediation.

Michele Mark Levine

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12/9/02