

Avaltroni, Robert

From: Hoffer, Mark
Sent: Wednesday, July 09, 2003 3:50 PM
To: Avaltroni, Robert; Gilsenan, Michael
Subject: FW: Excerpts from Draft Report

FYI

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

From: Cohen, Jay [mailto:jcohen@law.nyc.gov]
Sent: Tuesday, July 08, 2003 12:20 PM
To: 'varolid@ddc.nyc.gov'; 'kmckinne@health.nyc.gov'; 'lyee@oem.nyc.gov'; 'mhoffer@dep.nyc.gov'; 'phyllisa@'; 'LevineM@omb.nyc.gov'
Subject: Excerpts from Draft Report



EPA-NESHAP
Revisedfinal.doc

Excerpts from Draft Report

Qualification Regarding Our Observations and Conclusions

The demolition and debris removal at the World Trade Center site presented an unprecedented situation and the standard government contract procedures that would be used in a normal situation were modified to deal with the unprecedented situation. The New York City Department of Design and Construction (NYCDDC) was responsible for demolition and debris removal at the site. NYCDDC retained four construction management companies awarded four for demolition and removal of debris. Under the circumstances, written contracts were not executed between the City and the construction management companies, as well as a contract for wetting and misting operations at the site were conducted under these arrangements with companies. A scope of work was not issued for the construction management work due to the unprecedented nature of the work to be performed. It was not possible to create a scope of work in advance that would be agreed on by all parties in advance of the work to be done. Instead, work was assigned at the scene by NYCDDC in conjunction with other City, State and Federal agencies. We contacted an NYCDDC official about demolition and debris removal operations at the site and requested copies of the statements of work for these contracts in order to determine what, if any, Asbestos NESHAP work practices were required by these contracts. Although we made multiple requests, we were not provided with copies of these statements of work. Accordingly, our review and conclusions were limited since we were unable to review these key documents.

NOTIFICATION AND PLANNING CONCERNING ASBESTOS-CONTAINING MATERIALS ***NESHAP Notification Requirements Not Followed***

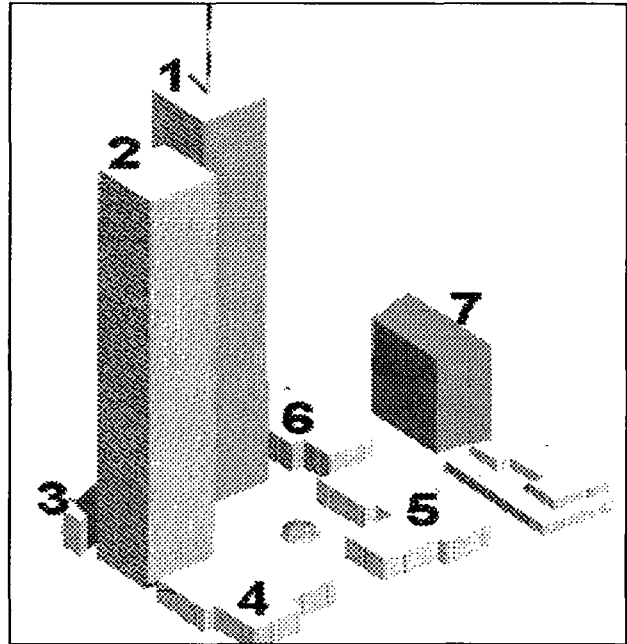
An NYCDDC official told us that they had been advised by the Port Authority that as for the two towers, one tower was built without asbestos and the second tower had been built with asbestos fire-proofing up to approximately the 40th floor. Further, the Port Authority had advised that it had initiated a program following the 1993 bombing to remove asbestos related materials, where present. In addition, City officials were advised by the Port Authority and General Services Administration that there was no asbestos containing material in the above ground portions of WTC Buildings 4, 5 and 6. However, asbestos-containing material was found in the garage structure area at the WTC site. EPA and New York State asbestos NESHAP regulations require that a notification be filed even in emergency situations. Notification of a NESHAP demolition and removal operation was not filed for the WTC demolition and removal of WTC

buildings 4, 5 and 6 because City officials were advised by the property owner and one of the larger tenants, which happened to be a Federal agency, that there was no asbestos in the above ground structures. In any event, throughout the WTC site, proper planning was taken in the removal of asbestos-containing material and proper procedures were followed in removing any asbestos-containing material, which were below grade, and to minimize exposure to asbestos-containing material. Health and safety meetings were held every day at 6:00 p.m. to deal with, among other things, removal of asbestos-containing material. A number of City, State, and Federal agencies, including OSHA, DEC, FEMA, EPA, USACE, and DEP, as well as the construction managers and Bechtel participated in these meetings. All participants contributed their expertise and collaboratively played a role in the decision making at these meetings. These meetings discussed, among other things, removal of asbestos-containing material and the adequate wetting down of the material. Procedures for removal of the material were continuously revised considering the location and nature of the material and any other issues affecting removal. Also, in this regard, a health and safety plan for the site was created to address issues such as the removal of asbestos-containing material. All agencies, including the EPA, reviewed this plan and provided input into the final version of the plan. As set forth below, proper procedures, including measures to insure adequate wetting down of asbestos-containing material, were taken. City officials told us that the City's Asbestos Control Program rules did not apply because of the emergency situation. Further, a NYCDDC official told us that the Port Authority had removed accessible asbestos-containing material from the WTC buildings prior to September 11. Consequently, in his view asbestos was not a primary concern in the demolition.

Demolition of Damaged Buildings

NYCDDC was responsible for the demolition of the damaged WTC buildings and removal of the demolition debris. In addition to the WTC towers, WTC 3 collapsed from tower debris and WTC 7 also collapsed after burning unchecked for approximately 7 hours. The remaining three buildings in the WTC Complex were all significantly severely damaged. According to an EPA On-Site Coordinator (OSC), all parts of the damaged buildings were considered in danger of collapse, although some areas were deemed accessible for after-inspections by structural engineers prior to their demolition. The following table summarizes the condition of the WTC buildings after September 11.

Seven Buildings Comprising the WTC Complex



Source: New York Times [Buildings identified in table 4-1.]

Table 4-1: Condition of WTC Buildings

Building	Condition
WTC 1 - North Tower	Complete collapse
WTC 2 - South Tower	Complete collapse
WTC 3 - Marriott Hotel	Complete collapse
WTC 4 - South Plaza	Partial collapse
WTC 5 - North Plaza	Partial collapse
WTC 6 - U.S. Customs	Partial collapse
WTC 7	Complete collapse
Source: New York City DoB/DDC/Structural Engineers Association of New York Cooperative Building Assessment, November 7, 2001.	

The demolition of all WTC complex buildings to ground level was completed by late December 2001. WTC 4 and WTC 5 were brought down using a weight suspended by a cable by wrecking balls. Section 27-1039d of the New York City Building Code. This method of bringing down a building required approval of the Department of Buildings to use this method of demolition. The Department was consulted and he concurred in the use of this method had been outlawed in New York for over two decades, but an exception was granted under the special circumstances that existed after the terrorist attack. WTC 6 was brought down using mechanical grapplers and cutting shears. A photo of a grappler is attached at Appendix ___ with "special remote cutting shears."

~~Both NYCDDC and OSHA officials told us that t~~The WTC site was under continuous dust suppression. ~~(If this is not acceptable then we suggest as an alternative "EPA officials were at the site and observed that the site was under continuous dust suppression.")~~ In addition to the general dust suppression activities on the haulways, the daily incident plan detailed areas of the WTC site where work was to take place and focused dust suppression activities would be needed. OSHA officials told us that this dust suppression was very successful, and that two minutes after demolition you could see across the space where the buildings had been. ~~They~~ Although OSHA officials further stated that it would have been too dangerous to send abatement contractors into WTC 4, WTC 5, or WTC 6 to remove asbestos-containing material before demolition, there was no need to do this as there was no asbestos-containing material above ground in these buildings.

Treatment of Asbestos-Containing Materials

Both NYCDDC and EPA officials told us that when asbestos-containing material (e.g., pipe wrapping, steel insulation) was encountered during the removal, it was tested and treated in accordance with asbestos abatement procedures. According to the NYCDDC official, the majority of the asbestos-containing material was encountered when removing the remnants of the basement levels of WTC 6, ~~below the slurry wall.~~

EPA Situation Reports confirmed the NYCDDC official's statement about asbestos abatements at the site. The reports recorded instances where asbestos was found during debris removal and asbestos abatements performed. For example, the EPA May 23, 2002, situation report noted that:

Twelve (12) bulk asbestos samples were taken in the B1, B2, B3, levels of (WTC) Building 6. The samples were taken from sprayed on insulation at the request of NYC DOI. Of the twelve samples, nine (9)

should (sic) results were in excess of 1% Chrysotile asbestos, the results ranged from 1.30% to 30.80%. The three samples that were not above 1% were detect for Chrysotile asbestos. These samples were taken from wind braces and girders that were suspected to contain asbestos. The samples were split samples with Bovis's asbestos abatement contractor. Results of the contractor samples are not yet available.

The situation reports also noted the presences of asbestos-containing material and the operation of another abatement project in April 2002. According to the April 5, 2002, Situation Report, bulk testing showed that one sample of the pipe wrap that was being removed as part of this abatement contained 66 percent amosite asbestos.

Removal of Debris From Site

In an effort to minimize potential exposure to dust from the transportation of WTC to the Fresh Kills Landfill, City, State and Federal agencies established procedures for vehicles transporting this debris. These procedures required among other measures that tarps be placed over the vehicles and that the vehicles be wet down at a wet down station. The wet down station was operated by contractors of the EPA. The volume of truck traffic during the peak period was very large, thus presenting a challenge to insure that the procedures worked properly. In addition, the weather conditions, particularly in the winter and the high temperature of some of the debris also presented challenges to overcome in insuring the process worked properly.

Particularly in the weeks immediately following the disaster, trucks hauling debris from the site did not consistently stop to be wetted down before leaving the site. This problem was recognized by the City and the City instituted measures to enhance compliance. City agencies, around October 12, 2001, began issuing summonses for failure to secure loads or to stop to be wet down. As many as 300 summonses were issued by the City. The City also enlisted the assistance of the New York State Department of Environmental Conservation Police, assisted by the National Guard, to enforce the requirement to stop at the wet down stations. As a result, assistance was obtained from the New York Police Department to ensure that trucks stopped at the wash stations before leaving the site. Even after this, trucks with extremely hot debris getting Police Department assistance to ensure that trucks stopped at the washing station. EPA Situation Reports indicated that the trucks were did not stopping long enough to get completely wetted down. EPA Situation Reports indicated that as late as October 13, 2001, this was still a problem. However, by the end of October 2001 to the beginning of November 2001, the problem was solved and almost 100% of the trucks were stopping at the wet down stations for a proper wet down. This success can be attributed to the cooperation of the City, State and Federal agencies and to the capability of the EPA contractor in dealing with various technical problems.

Similar observations were reported in an October 6, 2001, report funded by the National Institute of Environmental Health Sciences, which discussed worker safety issues at the WTC. The report noted that:

~~Vehicles leaving the site with debris, either dumps or lowboys with large sections of steel beams, are not deconned (decontaminated) and the dumps do not have covers over the loads. As a consequence, potentially hazardous dust and debris is tracked off site or is blown from the loads during transit.¹~~

(We recommend that this quotation be deleted as it is factually inaccurate and that dump trucks starting on September 12 were for the most part covered and the situation was not a hazardous material situation thus decontamination was not required. If this quote is not deleted we recommend that a footnote be added.)

However, certain requirements for transporting debris from the site were suspended by the Governor of New York on October 9, 2001. Executive Order No. 113.29 temporarily suspended regulations regarding the transportation and handling of certain solid waste resulting from the WTC disaster. The order applied to persons working at the site under the supervision of New York State or New York City government officials and suspended requirements for these persons to:

¹ City officials state that starting on September 12, 2001 there was a requirement that dumptrucks be covered and this requirement was enforced by City and State officials. Furthermore, the term decontamination in the quotation is incorrect. Wet down rather than decontamination was conducted. This was not a hazardous material situation and decontamination procedures were not required.

- Obtain permits for the collection, transportation, and delivery of regulated waste to staging areas or disposal locations owned or operated by the City of New York, and
- Comply with hazardous waste management standards at the site, during the transportation of waste from the disaster site to staging areas or disposal locations owned by the City of New York, and in connection with the temporary storage of such waste at these staging area or disposal locations.