



THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL PROTECTION
JOEL A. MIELE, SR., P.E., Commissioner

ROBERT C. AVALTRONI
Deputy Commissioner

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Bureau of
Air, Noise, & Hazardous
Materials

To: Commissioner Joel A. Miele Sr., P.E.

From: Robert C. Avaltroni *ND for RCA*

Date: February 1, 1999

Subject: Abatement of normally non-friable asbestos containing materials

As discussed in the recent meeting regarding the above referenced subject, the Asbestos and Lead Control Program (ALCP) has completed the review of the ACP5 notifications and has found that none of the ACP5 filed pursuant to regulatory interpretation 1-87 were filed for single or two family homes.

Although Title 15, Chapter 1 of the RCNY applies to all facilities, the ALCP enforcement policy focuses on remedial action at single and two family homes rather than the issuance of violations against the property owner.

The major concern with the current policy is the confusion expressed by the regulated community regarding the proper handling of asbestos containing roofing material, floor tiles, shingles, and transite siding. Regulatory Interpretation Memorandum 1-87, issued on May 14, 1987, permitted the filing of an ACP5- "Not an Asbestos Project", notification for the removal of these materials provided they are removed in such a manner that the material is not rendered friable during the course of abatement. However, Title 15, Chapter 1 of the RCNY does not require the filing of an ACP5 with the Department. Portions of the regulated community (majority are public facilities) are filing ACP7, "Asbestos Project" notification for these materials. At present the use of the New York State DOL applicable variances and filing an ACP5 is also considered acceptable for these materials.

The policy proposed in the recent meeting would protect the public, provide for better tracking of these projects by the ALCP, and clarify the handling requirements for these materials. After your approval, the ALCP plans to request comments from individuals on the ALCP mailing list prior to implementation.

59-17 Junction Boulevard, 11th Floor, Corona, New York 11368-5107



Gilsenan, Michael (ex)

From: Pecunies, Russ
Sent: Wednesday, July 24, 2002 3:20 PM
To: Gilsenan, Michael (ex); Radhakrishnan, Krish; Kelpin, Gerry; Lutchmedial, Carlstien; Girard, Elizabeth
Cc: Rogak, Elizabeth; solomon, melissa
Subject: Service of NOVs

Effective as soon as possible, please implement the following new procedure for service of asbestos code NOVs on CORPORATIONS (this should cover all contractors and air monitors and most building owners):

1. Ensure that respondent is cited in its proper corporate name. Corporate names end in "Corp.", "Inc." or "Ltd.". "National Abatement Corp." is a proper corporate name. "Natl Abatement Corp." is not. "NAC" is not.
2. Make TWO additional copies of the NOV.
3. Give the copies to designated DEP employee to take to Secretary of State's office in Albany (Carl has done this - he can brief the designated people on the procedure.)
4. Whoever goes to Albany will complete a brief affidavit of service.
5. After service in Albany is complete, Liz Girard will go to page 1 of the "BAR Violation Entry/Update" screen and enter Yes under "Personally Served (Y/N):" ECB then knows that the violation can be docketed.

NOTE: The following procedure should also be followed for Limited Liability Companies, whose names end with the initials "LLC", but since service is made pursuant to a different law the affidavit of service will be slightly different.

After we get the kinks (if any) out of this procedure we should expand it to include air, noise, and other types of violations.

Please let me know if you have any questions.

Gilsenan, Michael

From: Kelpin, Gerry
Sent: Wednesday, November 14, 2001 5:39 PM
To: Gilsenan, Michael; Smyth, Virginia
Subject: RE: FEMA

Harold and I have been involved from day 2 or 3 with the monitoring data review group that was established. In addition to reporting on the air monitoring results that DEP has been doing, we have been involved in the selection of additional air monitoring sites that EPA and DEC are running. We have also been involved in reporting on the development of an indoor sampling plan, in participating in meetings and briefing sessions that concern monitoring at and around the WTC site.

Harry Mayer and his two assistants were helping out with supporting some of the monitoring efforts for awhile. That effort was then transferred to a consultant.

Enforcement has been responding to complaints about dust emissions and idling vehicles around the site. They have been informing various entities about proper containment related to cleaning the outside of the buildings, about limiting vehicle idling and they have been observing compliance with the dust suppression procedures that have been developed. Information is being funneled to OEM and now DCAS via our DEP liasons. DEC is taking the lead on enforcement of these provisions at this time.

Engineering assisted in the permitting of the emergency generators that were used at the site.

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

From: Gilsenan, Michael
Sent: Wednesday, November 14, 2001 3:40 PM
To: Fawzy, Moustafa; Kelpin, Gerry; Radhakrishnan, Krish; Raffo, Barbara
Subject: FW: FEMA

pls. provide V.S. with a explanation of your Div. work. Thanks

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

From: Smyth, Virginia
Sent: Wednesday, November 14, 2001 3:38 PM
To: Gilsenan, Michael
Subject: FW: FEMA

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

From: Smyth, Virginia
Sent: Wednesday, November 14, 2001 3:31 PM
To: gilsenan, michael (ex)
Subject: FW: FEMA

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

From: Terraciano, Joe
Sent: Tuesday, November 13, 2001 12:03 PM
To: Medina, Oscar; Schneider, Michael; Smyth, Virginia; McCarthy, Anne (ex); Kyriakides, Stella; Dunne, John
Cc: Tazzi, Louis (ex); Singleton, Joseph (ex); Schneider, Susan (ex)
Subject: FEMA

This is a follow up to my e-mail of November 5, 2001. Please submit a detailed explanation of your bureau's work performed during the World Trade Center crises. FEMA is expecting it by November 16, 2001

Avaltroni, Robert

To: Ward, Chris
Cc: Grob, Shauna
Subject: Air Monitoring

Chris,

I was quite surprised about Alessandra's comments related to DOH's (Kelly McKinney) concerns involving EPA's decision to stop air monitoring at ground zero. In your 6/12 e-mail to Alessandra, you asked her to prepare a memorandum to all Task Force members requesting a summary list of all open issues and initiatives going forward. You also made it clear that if there were open issues, now was the time to raise them. I have not been made aware of any issues and only hope that we are not in for a host of surprises. This has been one hell of an experience. I guess I need a vacation.

Bob



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Commissioner**



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Avaltroni, Robert

From: Sumowicz, Alessandra [asumowicz@cityhall.nyc.gov]
Sent: Monday, July 01, 2002 10:05 AM
To: 'Christopher Ward'
Cc: 'avaltronir@dep.nyc.gov'
Subject: FW: Lower Manhattan A/M

As you will see from the e-mail below, Kelly McKinney from DOH would like EPA to continue its air monitoring program in Lower Manhattan. Did this subject matter come up in your negotiations with EPA? How does DEP feel about this?

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

From: Kelly McKinney [mailto:kmckinne@health.nyc.gov]
Sent: Monday, July 01, 2002 8:34 AM
To: asumowicz@cityhall.nyc.gov; Jessica Leighton; SBenson@OEM.NYC.GOV
Subject: Lower Manhattan A/M

As a response to the WTC disaster, EPA has conducted the following ambient air monitoring program in Lower Manhattan:

Asbestos in air: 19 sites sampled 2X per day, 10 sites sampled every day
 Dioxin, heavy metals, PCBs and silicates: 10 sites sampled 2X per week
 PM2.5: 11 sites, continuous monitoring
 PM10: 7 sites, continuous monitoring
 Dust/ particulate matter: Stuyvesant HS sampled daily
 Volatile organic compounds: Daily readings at 5 sites at Ground Zero
 Miscellaneous gases: 19 sites, daily field screening

In a situation report last week, EPA announced that "collection of airborne...samples has been discontinued as of 12:00 noon on Thursday, June 20th. No further sampling of any kind is planned at the World Trade Center Site."

This is a mission task that continues to be funded by FEMA. We have requested in meetings with EPA and via email that this program continue until the involved agencies agree about what sampling can cease and what should continue. The discussion would also give the city time to retain consultant support to continue the program, if necessary. How do we compel EPA to get back to work?



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