



NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION

59-17 Junction Blvd.
Flushing, NY 11373

TICKLER:

From Commissioner Ward

Correspondence Routing Slip

Log #: 11774

Date Routed 9/28/2004

Due Date 10/12/2004

Source Code: COM

Priority Status Normal

①

Routing Information

Person Responsible: MARK HOFFER

cc: David Tweedy

Bureau Responsible: BLA

Instructions: See Below

Notes: Mark -- Would you please oversee this project with Law Dept., as requested. You may

① WORLD TRADE
Center -
Document
PRESERVATION

Letter Information

Primary Correspondent Information

Name: Jesse Levine

Organization:

Address:
100 Church Street

New York NY 10007

Secondary Correspondent Information (On Behalf Of)

Name: **Organization:**

Address:

Date of Letter: 9/21/2004

Reference Code: N/A

Location of Problem/ Account Information: N/A

Subject of Letter: Management of WTC's evidence collection project.

DEPARTMENT OF
ENVIRONMENTAL PROTECTION
GENERAL COUNSEL'S OFFICE
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Please respond to attached correspondence as requested and return once closed-out to Ava Green-Harris with Log Number indicated clearly. Please contact Ava at (718) 595-4156 or via e-mail if you have any questions.



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Notes: Mark -- Would you please oversee this process with Avaltroni's office? Please arrange for mtg with Law Dept., as requested. You may also want Tweedy to be there.

Letter Information

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Name: Jesse Levine

Organization: NYC Law Dept.

Address:

100 Church Street

New York NY 10007

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Name:

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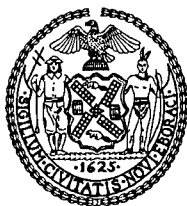
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THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

JESSE I. LEVINE
Assistant Chief, WTC Unit
Phone: 212-341-3713

September 21, 2004

VIA HAND DELIVERY

Commissioner Christopher Ward
New York City Department
of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11373

Re: Management of the World Trade Center Evidence Collection Project

Dear Commissioner Ward:

As we have previously communicated to members of your senior staff, the World Trade Center Unit of the Law Department is collecting and copying all materials related to New York City's response to the September 11, 2001 terrorist attacks, including paper documents and electronic data. This WTC Evidence Collection Project (the "Project") is necessary to ensure that the Law Department has ready access to any materials required for the City's legal defense in ongoing and potential future litigation arising out of the WTC response, and to meet our legal obligation to preserve evidence.

Previous correspondence from the Law Department, including January 2003 letters from Corporation Counsel Michael A. Cardozo and May 2002 e-mails from Chief Litigating Assistant Lawrence S. Kahn, described the mission of the WTC Unit and requested that the agencies retain all WTC-related documents and electronic data because of pending or potential claims. The WTC Unit has developed a set of protocols and procedures to ensure that the collection of all WTC materials is efficient and conducted with the least possible burden on City agencies.

~~We would like to meet with you at your earliest convenience to discuss the Project procedures.~~ DEP is an important agency for purposes of the WTC response, and we hope to

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begin the evidence collection process there by late September, parallel with the conduct of the process at the Department of Health and Mental Hygiene.

In conducting the Project, we intend to build upon our long and excellent working relationship with DEP. Our attorneys have worked closely with Deputy Commissioner Robert Avaltroni, Assistant Deputy Commissioner Michael Gilseman, Asbestos Control Unit Director Krish Radhakrishnan and other DEP officials on City Council hearings, the EPA WTC Technical Expert Panel and other matters.

The Project functions on a streamlined, systematic basis. We use specific "Task Forces" of WTC attorneys and paralegals to identify, interview and collect WTC-related documents and electronic information from City agency officials and employees who participated in the WTC response or who now have possession of such materials.

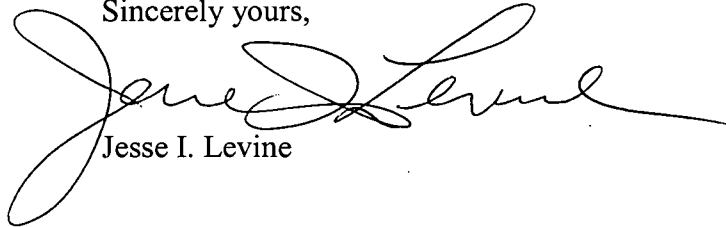
We will start by distributing evidence questionnaires for DEP personnel to fill out (either in writing or through e-mail) so that we may initially identify those whom we need to interview. Our "DEP Task Force" intends to begin this process with your Deputy Commissioners and other senior staff. Based upon the information these officials provide, we will provide questionnaires to other officials and staff and meet with those who have WTC materials. We will collect and copy all WTC materials in your staff's possession.

Assistant Corporation Counsel Brian Lieberman, who has worked on numerous matters with Deputy Commissioner Avaltroni and other DEP officials, will lead our "DEP Task Force." Brian, along with a select team of our Unit attorneys and paralegals, is committed to conducting the entire process in a sixty-day period. We are prepared to devote the resources necessary to meet this timetable.

Please feel free to have a member of your staff contact me with any comments or questions you may have. In addition, please advise me as to when in latter September you would be able to meet with us at your offices so we can explain the process and seek the support of your agency in completing this substantial project as efficiently and expeditiously as possible.

Thank you in advance for your cooperation on this important matter.

Sincerely yours,



Jesse I. Levine