

DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 Junction Boulevard
Corona, New York 11368-5107

Fun
cc to
MK

LOG NO. _____

RETURN BY _____

① WORLD TRADE
CENTER -
SEMO
INDemnIFICATION

TO: Russ Pecunies
FRANK SCHIANO

- ☐ For Immediate Action/U
- ☐ For Appropriate Action
- ☐ Draft response for my
- ☐ Draft response for Commissioner's
signature and return to me
- ☐ Discuss with me
- ☐ For your comments
- ☐ For your information
- ☐ File under _____

Remarks: 1 NIT (I THINK THERE ARE
OTHERWISE, ^{SEEMS} 2 FORMS)
OK TO ME
IF YOU ARE OK WITH THE TEXT OF
THE FACT SHEETS/ REQUEST
FORMS, LET'S DO THIS IN
FINAL

Mark D. Hoffer
General Counsel

DATE SENT: 8/12/02

Full
cc to
MK

DEPARTMENT OF ENVIRONMENTAL PROTECTION
59-17 Junction Boulevard
Corona, New York 11368-5107

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Mark D. Hoffer
General Counsel

DATE SENT: 8/12/02

August __, 2002

Edward F. Jacoby Jr.
Governor's Authorized Representative
Director, State Emergency Management Office
1220 Washington Avenue
Albany, NY 12226

Dear Director Jacoby:

The United States Environmental Protection Agency (EPA), in cooperation with the City of New York (the "City") and its Department of Environmental Protection (DEP), acting in the public interest, will undertake a cleanup of apartments, common areas and heating, ventilation, and air conditioning (HVAC) systems in buildings and structures near the site of the former World Trade Center. The cleaning work will consist of the removal of dust and debris from floors, walls, furnishings, and other items and surfaces within these structures, as well as air monitoring.

To facilitate this project, EPA will offer to each affected landowner and tenant a "Fact Sheet" describing the scope of work, and a "Request Form for World Trade Center Indoor Dust Cleaning Program" that grants EPA, DEP, and DEP's contractors access to each premises and permission to perform the cleaning work. The Request Form includes other provisions, including a reimbursement clause. A copy of the Request Form and Fact Sheets are attached. (S)

By this letter, the City agrees to indemnify and hold harmless the State of New York for any claims arising from the removal of dust or debris from apartments, common areas, HVAC systems, or other interior spaces of buildings or structures performed pursuant to the above-referenced Request Form as a result of the terrorist attacks at the World Trade Center that were the subject of a major disaster declaration by the President of the United States in FEMA-1391-DR, except for those claims attributable to the negligence or willful misconduct of the State of New York, its employees or agents. This agreement is necessary to authorize assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Sincerely,

Christopher O. Ward

DRAFT