

April 14, 2003

DRAFT

By Facsimile to 718-575-4748

Mr. Charles Mehlman
Gateway Plaza Management Corp.
97-77 Queens Boulevard
Regal Park, NY 11374

Dear Mr. Mehlman:

I am writing in response to your letter of March 31, 2003 which raised several issues related to cleaning of heating, ventilation and air conditioning ("HVAC") systems at Gateway Plaza under the World Trade Center Indoor Dust Cleaning Program.

In relevant part, the agreement signed by Gateway Plaza Management states that the "cleaning and/or monitoring plan for the Building is expected to require access to all residential units and common areas that are served by the impacted HVAC systems," and that "management of the Building would have to arrange for access to those residential units needing HVAC cleaning and/or monitoring." In addition management of Gateway Plaza represented "that Building Management has authority to enter all the residential units in the Building, and Building Management will use best efforts to exercise such authority for access."

The U.S. Environmental Protection Agency ("EPA") has not asked your management to violate New York State, City or federal law. Rather, EPA required, as a condition of performing the HVAC cleaning, that Gateway Plaza management secure access from its tenants. Since access was not provided to clean impacted apartment exhausts, this work was not performed.

Regarding your questions related to the monitoring and cleaning the City of New York's Department of Environmental Protection ("NYCDEP") entered into separate contracts for each of these tasks. For the quadrant in which Gateway Plaza is located, NYCDEP entered into a contract with Termon Construction, Inc. of Brooklyn, New York for the cleaning of apartments, building common areas and HVAC systems. A separate contract was issued to Athenica Environmental Services Inc. of Long Island City, New York for conducting inspections, scheduling work, monitoring cleanups and collecting samples for the cleanup program. Athenica Environmental Services has a subcontract with Duct Dusters for performance of the HVAC evaluations. Termon Construction has a subcontract with Specialty Services Contracting, also known as SSC, for duct cleaning. To the best of my knowledge there is no contractual relationship between Termon Construction and Athenica Environmental Services. These contracts were issued and are administered by NYCDEP. EPA's role in the Program is to provide technical oversight for the work. Any further questions you may have about the contracts should be addressed to Ms. Virginia Smyth NYCDEP at (718) 595-4404.

EPA has referred to NYCDEP your allegation “on information and belief” that “someone associated with one of your [NYCDEP’s] contractors allegedly suggested that they could provide a gratuity or other compensation” to one of your employees. NYCDEP has referred this matter for investigation to their Office of Inspector General.

If you have any further questions, please feel free to contact me at (212) 637-3150.

Sincerely,

Eric Wilson
Quadrant Coordinator

cc: Michael Gilsenan, NYCDEP