

Avaltroni, Robert

To: Ward, Chris
Cc: Grob, Shauna; Tweedy, David
Subject: Lower Manhattan Clean-Up - 114 Liberty Street

Please find the e-mail below from David Stanke, President of the Tenants Association at 114 Liberty Street, for your review. This seems to me to be sort of a guilt e-mail acknowledging DEP's efforts.

We are not going to respond to Mr. Stanke, but I thought you might be interested in this interesting communication. This definitely falls in the category of no good deed goes unpunished. We will persevere, although I must say this fiasco is debilitating to the morale of my staff.

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

From: Gilsenan, Michael
 Sent: Wednesday, September 17, 2003 11:39 AM
 To: Avaltroni, Robert
 Subject: FW: Apologies

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

From: Dave Stanke [mailto:davestanke@cs.com]
 Sent: Wednesday, September 17, 2003 12:42 AM
 To: Penny Theodorellys; Gilsenan, Michael
 Subject: Apologies

Michael and Penny,

I'm sorry about how the recent press stories might affect you. I have been very careful not to criticize the DEP, because I believe that both of you, and the others who worked on the project from the DEP did your best to help us out, and you did help us out. There were limits on what you could do and there were time pressures that were hard on us and damaging to the quality of the project. These were the work of FEMA and the EPA. The EPA also set up the testing standards that don't detect the smaller asbestos particles.

While not an expert, I have seen enough about the EPA to be very suspicious of their actions.

But . . . I have never felt that way about you or your efforts. I've tried to tell reporters that you (the DEP, I don't mention names) worked hard in a difficult environment to help us along. But that isn't what the press is focusing on.

So I am very sorry about pain these reports have caused you. I hope you are both well, and I will call you in the near future . . . maybe once our final cleanup gets underway. Please call me at any time if there is anything I can help you with.

Sincerely,
 Dave Stanke

ASBESTOS INSPECTION REPORT (continued)26. Asbestos Handler Tri State Transfer Assoc. NYS DEC Permit # 1A-375 Tel.# (718) 617-0661Disposal Site(s) BFI Imperial Landfill, 11 Boggs Road, PO Box 47, Imperial, PA 15126

27. This asbestos abatement is part of a (Item a through e requires filing of this form with NYC Department of Buildings)

- a) ☐ Demolition b) ☐ Boiler Replacement c) ☐ Sprinkler Replacement d) ☐ Renovation/Alteration
 e) ☐ Fireproofing Replacement f) ☒ Other (Describe) ACM Removal Only

28. TYPE OF ABATEMENT (Check all appropriate boxes)

- ☒ Removal ☐ Enclosure ☐ Encapsulation ☐ Repair ☐ Clean up

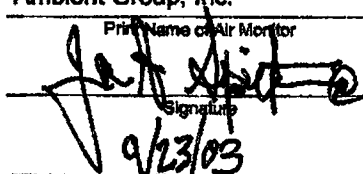
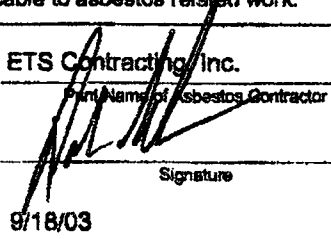
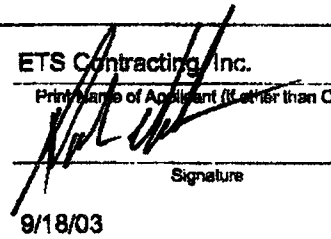
29. ABATEMENT PROCEDURE (Check all appropriate boxes)

- ☐ Full Containment ☐ Glovebag ☐ Tent ☒ DEP Variance Application

30. LOCATIONS OF ABATEMENT

Floor(s)	DESCRIBE SECTION OF FLOOR (e.g. entire, east wing, room #, boiler room, lobby, etc.)	AFFECTED SURFACES CONTAINING ACM (e.g. Pipe lagging, ceiling, plenum ducts, storage tanks, decking, etc.)	AMOUNT OF ACM		DESCRIPTION OF WORK BEING PERFORMED (e.g. running cable, installing fire sprinklers, removing and replacing boilers, etc.)
			SQUARE FEET	LINEAR FEET	
3rd	Apartment	VAT	3,000		ACM Removal With Variance
4th	Entire	VAT	5,000		ACM Removal With Variance
5th	Entire	VAT	5,000		ACM Removal With Variance
6th	Entire	VAT	5,000		ACM Removal With Variance
7th	Entire	VAT	5,000		ACM Removal With Variance
8th	Entire	VAT	5,000		ACM Removal With Variance
9th	Entire	VAT	5,000		ACM Removal With Variance
10th	Entire	VAT	5,000		ACM Removal With Variance
11th	Entire	VAT	5,000		ACM Removal With Variance

31. I hereby declare that the information provided herein is true and complete to the best of my knowledge. I am familiar with Federal, State and NYC laws and regulations applicable to asbestos related work.

Ambient Group, Inc. Print Name of Air Monitor  Signature 9/23/03 Date	ETS Contracting, Inc. Print Name of Asbestos Contractor  Signature 9/18/03 Date	ETS Contracting, Inc. Print Name of Applicant (if other than Owner)  Signature 9/18/03 Date
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32. I understand that as the owner of a building where asbestos abatement activity occurs, I am responsible for the performance of the asbestos abatement activities in accordance with the Asbestos Control Program Rules. I have contracted the third party air monitor who is completely independent of all parties involved in the asbestos project. I hereby declare that I have authorized the filing of this notification for the work specified herein.

Liberty, LLC Mr. David E. Stanke

Print Name of Owner
114 Liberty Lane

 Signature

 09/22/03
 Date

A STAMPED COPY OF THIS FORM INCLUDING AMENDMENTS MUST BE AVAILABLE AT THE WORK SITE.

Any modification of information provided on this form must be reported immediately in writing directly to the NYC DEP ACP.

The requirements of the Asbestos Control Program Rules may not be lawfully avoided or lessened through the performance of work in incremental or piecemeal fashion.

ACF7
2/2001

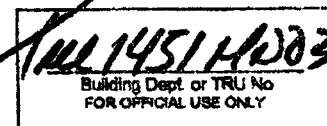
ONLY
TYPEWRITTEN
FORMS WILL BE
ACCEPTED



NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION
Asbestos Control Program
59-17 Junction Boulevard, 8th Floor, Corona, NY 11368-5107

ASBESTOS PROJECT NOTIFICATION
(ASBESTOS INSPECTION REPORT)

PAID



1. \$1200
(See fee schedule)

When submitting this form at the NYC Department of Buildings, the original form and three (3) copies with original signatures are required. Submittal at the NYCDEP requires one copy of the form with original signatures. This form must be submitted to the NYC DEP not less than one week in advance of the start of abatement activities.

I. FACILITY

2. Address 114 Liberty Street Borough Manhattan Zip 10006
AKA _____ 3. Block 52 4. Lot 7502
5. Type of Facility Condominium/Commercial 6. Name of Building 114 Liberty Street

II. BUILDING OWNER

7. Name Liberty, LLC c/o Epic, LLC 8. Contact Person Ms. Denise Sweeney
9. Tel. # (212) 633-6500 Fax # (212) 727-8969
10. Address 12 East 44th Street City New York State NY Zip 10017

III. GENERAL CONTRACTOR

11. Name N/A Tel. # _____

IV. ASBESTOS ABATEMENT CONTRACTOR

12. Name ETS Contracting, Inc. 13. Contact Person Mr. Robert Middleton
14. Federal Employer ID. # 13-3691797 15. Tel. # (718) 706-6300 Fax # (718) 706-1032
16. Address 160 Clay Street City Brooklyn State NY Zip 11222

V. THIRD PARTY AIR MONITOR

17. Name Ambient Group, Inc. 18. Contact Person Mr. Jack Springston
19. Federal Employer ID. # 13-3365713 20. Tel. # (212) 944-4615 Fax # (212) 944-4618
21. Address 55 West 39th Street City New York State NY Zip 10018
22. Sample Analysis Laboratory Ambient Group, Inc. 23. NYS DOH ELAP # 10865

VI. PROJECT INFORMATION

24. Starting date for this portion of work 10/2/03 Projected completion date 11/30/03

Asbestos work schedule ☒ Monday ☒ Tuesday ☒ Wednesday ☒ Thursday ☒ Friday ☒ Saturday ☐ Sunday

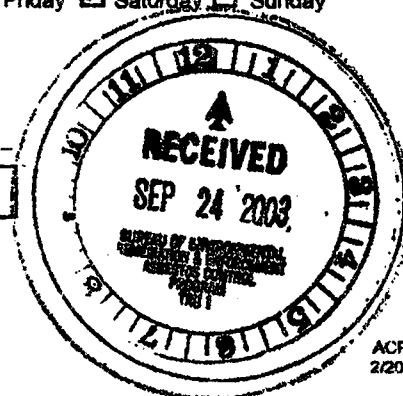
Shift from: 7:00 ☒ am ☐ pm to 6:00 ☐ am ☒ pm

If other,
specify _____

Access to inspect the premises must be provided during the work schedule indicated in this item.

25. Total amount of asbestos-containing material to be abated during this work

43,000 Square Feet, and/or 0 Linear Feet



ACP 7
2/2001

Avaltroni, Robert

From: Gilsenan, Michael
Sent: Wednesday, September 17, 2003 11:39 AM
To: Avaltroni, Robert
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Sincerely,
Dave Stanke

File



**U.S ENVIRONMENTAL PROTECTION AGENCY, REGION II
NEW YORK CITY RESPONSE AND RECOVERY OPERATIONS
290 BROADWAY
New York, NY 10007**

APR 18 2003

Mike Gilsenan
New York City Department of Environmental Protection
59-17 Junction Boulevard
11th Floor
Corona, New York 11368

Dear Mr. Gilsenan:

Please find a summary of our evaluation of the analytical data from 114 Liberty Street presented below. A review of the analytical data for asbestos, polycyclic aromatic hydrocarbons (PAHs), dioxin, and lead indicates that the primary clearance levels identified in the work plan have been met in the areas that were cleaned and tested. The secondary clearance level identified in the workplan for fibrous glass has also been met in the areas that were cleaned and tested. The secondary clearance level for crystalline silica was met in 64% of the areas tested; however the remaining areas were similar to background values observed from a USEPA background study. Since all of the primary clearance values have been met, the building can be released back to the owner.

As we discussed, I do suggest that one item needs to be identified in relation to releasing the building to the owner, which is the area that contains the pizza shop. Your staff has identified the area of the building that contains the pizza shop as having asbestos-containing material (ACM). The ACM was considered to be in poor condition, and the NYCDEP has indicated that an asbestos abatement will need to be undertaken in this area. Therefore, this space within the building is not considered to have met the primary clearance value for asbestos.

If you have any questions, please do not hesitate to contact me at 212-637-3116.

Sincerely,

Kathleen Callahan

Kathleen Callahan
Assistant Regional Administrator for the
New York Response and Recovery Operations

Enclosure

cc: Krish Radhakrishnan, NYCDEP