

Gilsenan, Michael

From: Dave Stanke [davestanke@cs.com]
Sent: Monday, December 16, 2002 2:06 PM
To: Theodorellys, Penny; Gilsenan, Michael
Cc: Linda Rosenthal; Yvonne Morrow; Daniel Kaner; David E. Stanke; Karen Greenspan; Mark Wainger; Steven Abramson; Steven Elghanian
Subject: FW: 114 DEP Spec Comments

Importance: High



Comments re 114
 Liberty cleanl...

Mike,
 I sent this to Penny and wanted to also discuss it with you. We clearly believe that we require a greater scope of work than is covered in your proposal for 114 Liberty. Attached are the comments of our environmental specialist. Implied in these comments is the scope of work that we require. We want to create our own scope of work and make that part the document that you put out to bid for our building. We don't want to have to hire one contractor to do half of the job, then switch to a contractor you select to complete the work.

Please review our issues so we can discuss enhancements to your proposed scope of work. Please call me to confirm receipt and determine next steps. Some work on our building is proceeding ahead of schedule, so we will be able to start the cleanup in January.

Thanks,
 Dave Stanke

Thanks,
 Dave Stanke

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

From: Dave Stanke [mailto:davestanke@cs.com]
 Sent: Friday, December 13, 2002 11:40 AM
 To: Penny Theodorellys; Jack Springston
 Cc: Linda Rosenthal; Yvonne Morrow; Andrea Seyboth (E-mail); Andrew Morton (E-mail); Craig Marshall (E-mail); Daniel and Sonia Kaner (E-mail); David Stanke; Denise Sweeney (E-mail); James and Laura Fernandez (E-mail); Karen Greenspan; Makeupsonia@Earthlink. Net (E-mail); Mark Wainger (E-mail); Michael Gordon (E-mail); Rhoda Woo; Sarah C. Lee (E-mail); Sonia; Stephan and Deborah Kerr (E-mail); Steve Kerr (E-mail); Steven Abramson (E-mail); Steven@12east. Com (E-mail); William Saya
 Subject: FW: 114 DEP Spec Comments

Penny,
 Attached is a review of the DEP specs provided to us by Ambient Group and Jack Springston, our environmental consultant. We need to address quickly the scope of work so that we can bid out the project and get work underway. Please pass this information along to anyone in your department who needs to review it and let's schedule a meeting to discuss and finalize the scope.

We will have our own specifications completed shortly.

Thanks,
 Dave Stanke

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Ambient Group's comments regarding the "Cleaning Procedures for 114 Liberty Street", as prepared by the NYC DEP, and the "Specifications for the Cleaning of the HVAC Systems", as prepared by EMTEQUE Corporation for the NYC DEP.

A. GENERAL CLEANING PROCEDURES:

1. The specifications essentially only address the asbestos contamination and do not provide any direction as to how to abate any contaminants, which may require special cleaning procedures (i.e., PCBs or dioxins).
2. The specifications allow the contractor to do superficial cleaning of certain items, such as built-in furniture, kitchen stoves, refrigerators, dishwashers, etc., thereby ignoring those contaminants that settled behind, under or inside these items.
3. The specifications, for the most part, do not address how to remove the dust and contaminants, which have settled into the small gaps between the floorboards. It also does not address the dust and contaminants that have settled into the interstitial spaces between the walls.
4. The specifications are extremely vague on how the dust and contaminants above the suspended ceilings (which act as return air plenums for the HVAC units) will be cleaned, though it does state that the ceiling shall not be damaged. How, then, can the space above the ceiling be cleaned? The specifications also state that care must be taken not to disturb the fireproofing (which is located in the return air plenum). Is there any data to suggest that no dust or contaminants are present on the surface of the fireproofing? If not, how is the contractor supposed to clean the fireproofing if they are not allowed to disturb it?
5. The clearance criteria are not clearly spelled out and appear to be focused mainly on airborne concentrations of (presumably) asbestos. The specification also mentions wipe sampling for metals, but does not stipulate which metals or what are considered "acceptable" levels. They make mention of clearance criteria as established by the USEPA for this clean-up activity. However, based on our review of the documents in question, Ambient Group feels that the logic applied in determining what contaminants to test for was inherently flawed. According to the EPA, they only focused on those contaminants that had been found in air samples collected around Ground Zero, and basically ignored sampling results from settled dust samples that indicated other contaminants were also present. This is somewhat like being on a golf course and saying there isn't a Canadian geese problem because you don't see any flying in the air above you, even though there is a huge flock of geese grazing in the fairway right in front of you! In addition, by only focusing on airborne concentrations they are ignoring the possibility of either dermal (skin) absorption of certain contaminants, or hand-to-mouth transfer of contaminants, a factor which is crucially important when you are dealing with an environment where children are likely to be living in on a daily basis.

B. HVAC CLEANING SPECIFICATIONS:

1. The specifications state that the kitchen and bathroom exhaust systems are not included in this program. If not, under which program are they addressed?
2. The specifications allow the contractor to determine appropriate methods, tools and equipment required to do this project, rather than stipulating what needs to be done, how to do it, and what to use to get it done. This is, in a word, ludicrous.
3. The Inspector Qualification requirements, for the individual who will perform the HVAC cleanliness inspection (to determine if cleaning is even required), are incredibly vague. Also, are we to rely on just a visual inspection by this "qualified" person to determine if cleaning needs to be done or not? Why is there no provision for any sampling, as most of the contaminants that are present (i.e., asbestos fibers, dioxin, etc.) typically cannot be seen by the naked eye?
4. The NADCA standards that they continually refer to only apply to the general cleaning of HVAC systems and their related ducting, due to the typical build-up and deposition of normal dust that occurs over years and years of usage. This standard has absolutely no purpose being cited here since 1) the dust deposited within the various systems had nothing to do with their normal operation, and 2) the dust deposited is far from what would be considered normal. What we are dealing with in this situation is a dust that is, in general, far smaller in diameter than what we normally find in urban settings (therefore it was distributed throughout the area much more widely and efficiently) and contains numerous contaminants that would not normally be found in urban dust (including asbestos, PCBs, dioxins, etc., etc.).
5. Upon further examination, it appears that the HVAC cleaning specification that was "developed" is, in fact, a copy of the standard specifications that were developed by NADCA, with only minor revisions made to it. It is, in no way, site specific and fails to address the unique conditions that are present at 114 Liberty Street. For instance, the cleaning specification developed by the NYC DEP calls for all work to be done as an asbestos abatement project. The HVAC cleaning specifications, however, fail to even mention that asbestos is present. The HVAC cleaning specifications also fail to note that most, if not all, of the supply air ductwork is internally lined with fiberglass - an obviously porous material which cannot simply be decontaminated via HEPA vacuum techniques. Additionally, such a cleaning method for this type of material is not even allowed under the asbestos abatement regulations, and yet this specification implies that this would be acceptable. The specification also talks about cleaning return air ducts, even though there are none in any of the apartments.

6. The "clearance criteria" called for would be laughable, were one not to consider the situation it is being applied to by the authors. There is, in fact, no clearance criterion whatsoever, other than someone inspecting the ductwork and deeming it "visually" clean. As stated previously, how can it be assured that contaminants, which cannot normally be seen by the naked eye, have been removed without some kind of sampling and analysis? Simply stated, one cannot and to imply otherwise, particularly in this situation, should be considered criminal.

In conclusion, there are numerous deficiencies, omissions and assumptions made by both the NYC DEP and EMTEQUE in their specifications which simply do not address the situation and conditions that we know exist at 114 Liberty Street. Massive amounts of contaminated dust and debris entered and permeated virtually the entire building, yet these specifications only deal with cleaning that dust which is readily visible and easily accessible. In addition, in our opinion the "clearance" criteria (where it is even stated) that they will be using to deem the project complete and the building ready for re-occupancy, fails to take into account that children will be living in this building, and some of the unique and close-up modes of exposure that are often associated with children, but not with adults (i.e., crawling on the floor, constant hand-to-mouth contact, etc.) In some cases, especially with regards to the cleaning of the HVAC systems, they are apparently relying solely on whether or not the areas are visually clean. In other cases, they are apparently ignoring the fact that other potentially hazardous and toxic contaminants have been found (i.e., PCBs and dioxins) and do not even set any type of clearance criteria for these compounds, much the less mention testing for them. Therefore, based upon our review of the documents provided to us, we would strongly recommend that you do not rely upon any cleaning processes that may be performed as part of this proposed project to be complete and suggest that the building is acceptable for re-occupancy as a residential setting.

Sincerely
Signed for Ambient Group, Inc. by:

John P. Springston, CIH, CSP
Director of Field Operations