

AUG-22-2002 16:07

P.01/03

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*Of Counsel***PRIVACY AND CONFIDENTIALITY NOTICE**

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DATE: August 22, 2002

TO ATTENTION OF: Michael Gilsonan, Assistant
Deputy Commissioner

COMPANY: Department of Environmental Protection

TO TELECOPIER #: 718-595-4544

FROM TELECOPIER #: 212-966-2162

SENT BY: Ellen Gesmer

REFERENCE: 125 Cedar Street

NUMBER OF PAGES TRANSMITTED
(Not including this
transmittal sheet): 2

MESSAGE:

cc: Yvonne Morrow, Office of	
Speaker Sheldon Silver	Via Fax: 212-312-1425
Cathy Callahan,	
EPA, Region 2	Via Fax: 212-637-3998
Bonnie Bellow, EPA	Via Fax: 212-637-3561
Robert Fitzpatrick,	
EPA Region 2	Via Fax: 212-637-3998
Walter Mugdan, General	
Counsel, EPA Region 2	Via Fax: 212-637-3772
Linda Rosenthal, Office of	
Congressman Nadler	Via Fax: 212-367-7356
Luis Reyes, Office of City	
Council Member Gerson	Via Fax: 212-788-7727
Meg Reid, Office of State	
Senator Connor	Via Fax: 212-298-5574

G&G, P.C. Client Reference: 638.01

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August 22, 2002

VIA FAX: 718-595-4544

Michael Gilsenan

Assistant Deputy Commissioner

Department of Environmental Protection

59-17 Junction Boulevard

Corona, New York 11368

**Re: Monitoring Contractor Scope of Work
for 125 Cedar Street**

Dear Mr. Gilsenan:

We have thoroughly reviewed the Scope of Work for the Monitoring Contractor for 125 Cedar Street. We have the following comments:

The Building is described in the Purpose clause as having 5,000 - 6,000 square feet in total. As you and I discussed, I believe that that reflects the square footage of each floor. ✓

In the section on Project Monitoring, paragraph 4 should specify a deadline for the submission of the contractor's report. 7 days

We note that, during our conference call with the EPA on August 14, 2002 concerning the clearance standards, Cathy Callahan stated that, as part of the asbestos testing, the contractor would also record the level of short fibers; i.e. fibers of less than 5 microns in length. That is not included in the Scope. Please add that provision. EPA long term

We also want the Scope to provide that the contractor must use the most current and sensitive equipment and testing methods available. → don't have in current used methods & approved by EPA

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Gulielmetti & Gesmer, PC

Michael Gilsenan

August 22, 2002

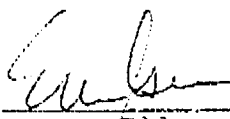
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Please also note that during the August 14, 2002 conference call, it was stated that the clearance standards proposed by the EPA were based on 1:10,000 excess cancer risk over a 30-year period. We are disappointed that the EPA is not willing to set a clearance standard based on 1:1,000,000 excess cancer risk over a 70-year period, or alternatively, that the EPA is not willing to commit to clean the building so that the toxins are reduced to no more than background level. Notwithstanding that, we would like to have the bidding process begin as soon as possible, so that the cleaning and monitoring can occur. However, as testing results come in, we expect to remain in discussion with you and the EPA as to whether the test results, new information or other factors, suggest the need for additional cleaning and/or future repeat testing.

Thank you for your continuing cooperation. We look forward to working together so that the tenants of 125 Cedar St. will be able to return home soon to a safe environment.

Very truly yours,

GULIELMETTI & GESMER, P.C.

By: 

Ellen Gesmer

EG:ca

cc: 125 Cedar Street Tenants
Yvonne Morrow, Office of Speaker Sheldon Silver
Cathy Callahan, EPA
Bonnie Bellow, EPA
Bob Fitzpatrick, EPA
Walter Mugdan, General Counsel, EPA Region 2
Linda Rosenthal, Office of Congressman Nadler
Luis Reyes, Office of City Council Member Gerson
Meg Reid, Office of State Senator Connor

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