

Gulielmetti & Gesmer, P.C.
 401 Broadway
 New York, New York 10013
 (212) 219-2114/FAX (212) 966-2162
 Ellen Gesmer
 Paul M. Gulielmetti
 Jennifer A. Covell
 Todd A. Krichmar
 Kristin Bebelaar

*Copies La Poste
 Basso
 Fitzpatrick*

TELECOPIER TRANSMITTAL SHEET

Robert M. Petrucci
Of Counsel

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DATE: June 20, 2002
 TO ATTENTION OF: Kathy Callahan
 COMPANY: EPA, Region 2
 TO TELECOPIER #: 212-637-3998
 FROM TELECOPIER #: 212-966-2162
 SENT BY: Ellen Gesmer
 REFERENCE: 125 Cedar Street

NUMBER OF PAGES TRANSMITTED
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 transmittal sheet): 4

MESSAGE:

cc: Yvonne Morrow, Office of	
Speaker Sheldon Silver	Via Fax: 212-312-1425
Bonnie Bellow, EPA	Via Fax: 212-637-3561
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

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Gulielmetti & Gesmer, P.C.

401 BROADWAY NEW YORK NY 10013

212 219 2114 FAX 212 966 2162

email: info@gulger.com

Paul M. Gulielmetti

Ellen Gesmer

Jennifer A. Covell

Todd A. Krichmar

Kristin Behlaan

Robert M. Perrecci

Of Counsel

June 20, 2002

VIA FAX: 212-637-3998

Kathy Callahan

Environmental Protection Agency, Region 2

290 Broadway

New York, New York 10007-1866

Re: 125 Cedar Street

Dear Ms. Callahan:

I am writing to thank you for meeting with us last Tuesday. I also want to confirm the matters we discussed then and in our phone conversation on Wednesday and to clarify the open issues.

When we met on Tuesday, you advised us that the EPA will retain a contractor to do an asbestos cleaning of 125 Cedar St., as well as a project monitor to monitor the cleaner's performance, under the supervision of an individual designated by EPA. When we spoke on Wednesday, you advised me that the plan has now changed, so that the contractor and the project monitor will be hired by DEP rather than by the EPA. When I expressed my concern about this, because of our generally negative experience with the DEP, you assured me that Bob Fitzpatrick, whom you had designated to monitor the project on behalf of the EPA, would continue to do so. You also assured me that the EPA would be involved in developing the scope of work; that you would insure that the tenants are involved in that process; and that the EPA would require that the DEP require that the contractor meet the health based standards for asbestos. You also advised me that in the event of problems, you would assist us in solving them.

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You advised us that the DEP had determined that they will do a specific scope of work for 125 Cedar, and will bid it out separately from the contracts for the Scope A and Scope B cleaning. Although the scope of work has not yet been drafted, it is still your expectation that the actual cleaning will start in late July and be completed in late August. In order to draft a site specific scope of work, you stated that there would be a walk through of the building, attended by representatives of both DEP and EPA. You agreed to contact Pat Moore about the scheduling of that, with the expectation that at least she and Kyle Brooks would attend on behalf of the tenants. You also confirmed that we would be shown the draft scope of work and be given an opportunity to comment on it before it goes out for bid.

We then raised questions about the nature of the cleanup. You confirmed that the cleanup will be an asbestos remediation, with clearance testing to the health based standard. You further agreed that there would be wipe tests before the cleaning begins for ten metals including mercury. You stated that the results of those tests, and the nature of the mercury found, if any, would determine whether the cleanup would include special protocols addressed to removing mercury.

In response to our questions about dioxin, you agreed to talk with your consultants about whether it was appropriate to pre-test for dioxin. You indicated that if you pretested for dioxin and the results were positive, then you would consider whether particular cleaning techniques were called for. You also advised us that you could not commit to the standards to be employed in the final testing until your study is complete.

You further agreed to consider including in the scope of work an option that the contractor perform special cleaning for dioxin and mercury so that, if it is indicated, it would not be necessary to re-bid that portion of the job.

We also discussed the mold problem in the building. We explained that there is visible mold in apartments 3N and 4N, and we are concerned that there may be mold elsewhere as well. You agreed to have the mold experts from the Department of

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Health do an inspection, with the hope that if they view the problem as serious, FEMA may fund the cleanup of the mold. We discussed the possibility that it may be necessary to take down walls in order to remove the mold thoroughly.

It is our understanding that the cleaner will dispose of rubbish, and that the tenants will be given notice of when that will occur and will be permitted to be present in their apartments while that is being done.

It is also our understanding that the cleaner will clean the tenants' personal property in the apartment including hard furniture and books, as well as other items which can be cleaned successfully by being HEPA vacuumed twice. It is my understanding that, during the initial walk through, the cleaner and EPA representative will attempt to identify for the tenants which items other than hard furniture and books can be cleaned successfully. You have advised me that items will be cleaned with a HEPA vacuum a maximum of two times and, if they are still not clean, the cleaner and/or the EPA representative will advise the tenant of the potential risk, and it will be the tenant's decision as to whether to discard the item. You further clarified that the cleaner would not be expected to clean artworks, and that you would not clean anything off-site.

You also agreed to have someone at the EPA who could answer tenant questions about cleaning personal possessions. Pat Moore will gather questions and she will address them to Bob Fitzpatrick.

I advised you that at least some of the tenants would like to be present during the cleaning of their apartments. You said that you would look into arranging this. You advised me that the cleaner would be bonded, and would make an inventory of the items to be cleaned. I also advised you that the tenants may wish to hire an independent cleaning consultant to monitor the cleaning process from time to time. You said that if the consultant has appropriate health and safety training, this could be arranged.

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You confirmed that the cleaning of the building would include the common areas and the "innards" of the building, including the elevator shaft, the HVAC system, the basement and the flues. We mentioned that in some apartments, there will be special cleaning issues, such as the areas above drop ceilings, under carpeting, under floorboards where necessary, behind walls where the walls have been punctured, behind cabinets, under radiator covers, inside hollow firebricks, on chimneys and bare brick walls, on track lighting, inside cupboards and anywhere else where dust may have accumulated. You agreed that this would be addressed on the walk through. You also stated that you would make it a goal to include the commercial space in the cleaning, as well as the ventilation ducts and cooking vents in the commercial space, because of the risks of recontamination if this is not included in the scope of work.

As we mentioned, the tenants have a significant fear of recontamination of the building, particularly if Deutsche Bank is demolished. You agreed to consider our request for follow up testing in six months or a year to assess the safety in the building at that time.

Again, I thank you for your willingness to work with us on these issues and look forward to speaking with you upon my return from vacation on July 9. Until then, please contact my associate Jennifer Covell concerning any issues that arise.

Very truly yours,

GULIELMETTI & GESMER, P.C.

By: 
Ellen Gesmer

EG:ca

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

TOTAL P.05