

MAY-10-2002 16:23

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TELECOPIER TRANSMITTAL SHEET**PRIVACY AND CONFIDENTIALITY NOTICE**

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Let's discuss answers - CYS

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DATE: May 10, 2002

TO ATTENTION OF: Mr. Charles Sturcken

COMPANY: Department of Environmental Protection

TO TELECOPIER #: 718-595-3525

FROM TELECOPIER #: 212-966-2162

SENT BY: Ellen Gesmer

REFERENCE: Tenants of 125 Cedar Street, Manhattan

NUMBER OF PAGES TRANSMITTED
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transmittal sheet): 12

MESSAGE:

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

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May 10, 2002

VIA TELECOPIER: 718-595-3525

Mr. Charles Sturcken
Chief of Staff and Special Counsel
Department of Environmental Protection
59-17 Junction Boulevard, 19th floor
Corona, New York 11368

Dear Mr. Sturcken:

Please be advised that I represent the tenants of the residential apartments at 125 Cedar Street, which is also known as 120 Liberty Street. On September 11, all of the windows on the north and west sides of the building were blown in and the building was filled with toxic debris. The nineteen individuals and families whom I represent have not been able to return to their homes since then. I am writing to you because I have been advised by Bonnie Bellow at Environmental Protection Agency that the EPA has delegated to your office the task of cleaning unoccupied residential buildings below Canal Street and then testing them. We have several concerns about this process.

Our questions and concerns are as follows:

✓ 1. We have been advised that the cleaning will be done by certified asbestos remediation contractors. Is that accurate? We have a significant concern about that because tests done in various apartments show asbestos contamination in excess of 1%. I am enclosing copies of some of the test results.

2. When will the cleaning begin?

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3. Will the cleaning follow the cleaning of the exterior which is supposed to be done by the EPA? We understand that it is essential that the cleaning of the exterior, including the air shafts, be completed before interior cleaning begins.

4. Will DEP take responsibility for cleaning the tenants' personal property which is in their apartments? ✓

5. What standard will be used to determine that the apartment is free of asbestos? We are concerned that the DEP employ a health based standard, rather than the AHERA standard.

6. What sampling methods will be used? It is critical to us that aggressive testing be done.

7. Will the DEP also test for fine particulates (PM2.5), lead and dioxin, and if so, at what standard? We have been advised that testing for these substances is critical before reoccupancy, and that the following standards should be used:

- a. PM2.5 - 40 micrograms/m3;
- b. Lead - 40 micrograms/ft2;
- c. Dioxin- 2 nanograms /m3;
- d. Mercury - as required by federal law.

8. Will the DEP remediate mold? There is a significant mold problem in several apartments in the building.

9. Will DEP clean the common areas of the building, including the air shafts, elevator shaft, heating ducts and basement? We understand that the cleaning of the heating ducts should be done by firms certified by the National Air Duct Cleaners Association. Please confirm that this will be done, as this is, of course, critical to a thorough cleaning process.

*Find out about DeBorl what are they doing about Asbestos clean up

* 114 liberty $\Rightarrow$ Can we ^{find} ~~found~~ out what's doing walkway

July 1 st	<u>MON</u>
July 2 nd	<u>Tues</u>

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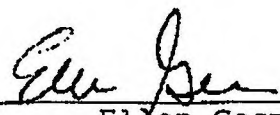
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We would like to schedule a meeting with you as soon as possible to address these concerns. I will call you early next week to discuss when we can schedule it.

Very truly yours,

GULIELMETTI & GESMER, P.C..

By: 
Ellen Gesmer

EG:ca
Enc.

cc: Tenants of 125 Cedar St.
Bonnie Bellow, EPA
Rep. Jerrold Nadler
Sen. Hillary Clinton
Sen. Charles Schumer
Council Member Alan Gerson
Mayor Michael Bloomberg
Assembly Member Sheldon Silver

125 cedar roof cleaned

→ frame 1st clean ~10:00 to leave at frame

114 library roof clean → owner sampling / owner wants to clean
DEP stop work

110 library → large on taking
roof / frame

106 library → waiting for consent from
owner
roof

① EPA - to work ~~through~~ with us on Score?

② EPA - to have work ~~through~~ with tenants / with DEP

③ Chris D'Angelo → Mike D get Chris D to go out and talk
on Mold call Jessica

④ Can we get consultant to write into score about metals
etc.

~~Asbestos~~ wipe samples

50,000 sq ft
Drop ceiling

hollow Bricks →

Capit's space

floors space underneath

people have taken furniture out → need to be brought back