



ROBERT C. AVALTRONI, DEPUTY COMMISSIONER
BUREAU OF AIR, NOISE, & HAZARDOUS MATERIALS

59-17 Junction Blvd., 11th floor
Corona, New York 11368-5107
(718) 595-4418
FAX (718) 595-4544

Mike/Krish

Here we go.

Pls. review and discuss with
me.

Thanks,

Bob
5/15

Bob Avallone

lets discuss
answers - CYS

MAY-10-2002 16:23

P.01/13

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

TELECOPIER TRANSMITTAL SHEET**PRIVACY AND CONFIDENTIALITY NOTICE**Robert M. Petrucci
Of Counsel

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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
(Not including this
transmittal sheet): 12

MESSAGE:

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

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P.02/13

Gulielmetti & Gesmer, P.C.

401 BROADWAY NEW YORK NY 10013

212 219 2114 FAX 212 966 2162

email: info@gulges.com

Paul M. Gulielmetti

Ellen Gesmer

Jennifer A. Covell

Todd A. Krichmar

Kristin Bebelaar

Robert M. Petrucci,

Of Counsel

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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Gulielmetti & Gesmer, PC

Mr. Charles Sturcken
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Page 2.

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.

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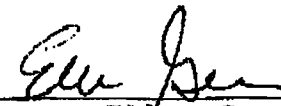
Gulielmetti & Gesmer, PC

Mr. Charles Sturcken
May 10, 2002
Page 3.

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

P.05/13



Laboratory
Testing
Services, Inc.

Analytical Report

67 Woodside Avenue
Briarcliff Manor, NY 10510
Phone 914-762-6333
Fax 914-762-6578

Microscopy Report (PLM) - Asbestos Identification

Client
Site: **P11**
Area: 125 Cedar Street
Analyst: B. Friedl
Analyzed: 10/29/2001
Scope #: Olympus BH-2 -- PLM001

FIELD DATA				LAB DATA					ANALYTICAL RESULTS					
Sample #	Date Collected	Sample Description	Sample Location	Lab Sample #	Gross Appearance	Treatment	Analysis Method	Dispersion Staining (pos. or neg.)	Asbestos Type	%	Other Fibrous	%	Misc. Non Fibrous	%
1	Unknown, Client Collected	World Trade Center Debris	Bedroom Bookcase	1806	Gray	NOB	PLM+DS	Positive	Chrysotile	1.9	n/a	n/a	n/a	n/a
2	Unknown, Client Collected	World Trade Center Debris	Living Room, Copy Camera Stand	1807	Tan	NOB	PLM+DS	Negative	NAD	0.0	n/a	n/a	n/a	n/a
3	Unknown, Client Collected	World Trade Center Debris	Kitchen Counter	1808	Gray	NOB	PLM+DS	Positive	Chrysotile	1.3	n/a	n/a	n/a	n/a
1	Unknown, Client Collected	World Trade Center Debris	Bedroom Bookcase	1806	Gray	None	PLM+DS	Positive	n/a	n/a	Fiberglass Cellulose	35.0 40.0	Matrix	25.00
2	Unknown, Client Collected	World Trade Center Debris	Living Room, Copy Camera Stand	1807	Tan	None	PLM+DS	Negative	n/a	n/a	Fiberglass Cellulose	40.0 30.0	Matrix	30.00
3	Unknown, Client Collected	World Trade Center Debris	Kitchen Counter	1808	Gray	None	PLM+DS	Positive	n/a	n/a	Fiberglass Cellulose	35.0 45.0	Matrix	20.00

Laboratory Director

Marco J. Pedone, PhD, MPH, CSP, CET
Environmental Management Solutions, Inc.

NYSOEH SLAP Approved Lab ID # 11618

NAD - No Asbestos Detected
NA - Not Applicable

NYSOEH SLAP Analysis of Collocations for "Asbestos Containing Material" (ACM) 1% to 1% or greater
Lab based on valid test results field data
PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable
organically bound materials. Complementary transmission electron microscopy is currently the only
method that can be used to determine if this material can be considered or treated as an asbestos containing

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01.656.Priest



Eastern Analytical Services, Inc.

Page 1 of 1

Bulk Sample Results

RE: CPN 01.165 - Accurate - 125 Cedar Street - New York, NY

Date Collected : Not Given
 Collected By : Not Given
 Date Received : 10/11/2001
 Date Analyzed : 10/12/2001
 Analyzed By : Damien Warner
 Signature :
 Analytical Method : EPA-600/M4-82-020/NYS-DOH 198.1 (FLM)
 NVLAP Lab No. 101646-0
 NYS Lab No. 10851

Client: ACS Environmental Services, Inc.
 2081 Homecrest Avenue - Suite 2B
 Brooklyn, NY 11229

Sample ID Number 1
 Layer Number
 Lab ID Number 936436
 Sample Location 125 Cedar Street -
 New York, NY

Sample Description Debris

Method of Quantification Stratified PC
 Appearance Layered Yes
 Homogenous No
 Fibrous Yes
 Color Gray/Black

Sample Treatment Homogenized

Asbestos % Amosite 0.0
 Content % Chrysotile 1.8
 % Other 0.0
 % Total Asbestos 1.8

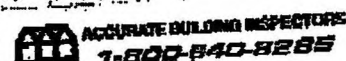
Other Fibrous % Fibrous Glass 0.0
 Materials % Cellulose 0.0
 Present % Other 0.0
 % Unidentified 42.3

Non-Fibrous % Silicates 0.0
 Materials % Carbonates 0.0
 Present % Other 0.0
 % Unidentified 55.9

Results Applicable To Three Days Turned. Request Content for Reproduction, Except Entirety, Without Written Approval of the Laboratory.
 Liability Limited To Cost Of Analysis.

When Results Are Not To Be Used To Claim That NYS Does Not Meet Any Non-Asbestos Controlling

ADHA Accreditation No. 418 State of NY DOH No. AAL-07273 Massachusetts DOL No. AA-004972 Connecticut DSH No. P14-022 Maine DEP No. LA-004 Vermont DOH No. AAS-0015



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BULK ASBESTOS ANALYSIS RESULTS**PLM Analysis Methodology**

The samples were analyzed by industry accepted methods in accordance with EPA and ELAP methods using Polarized Light Microscopy (PLM) with dispersion staining in conjunction with stereoscopical analysis. Point counts are performed on samples regulated by these agencies. The Environmental Laboratory Approval Program (ELAP) has determined that analysis of non-friable organically bound materials (i.e. floor tile, roofing, etc.) is not reliable when performed by Polarized Light Microscopy (PLM) method. Therefore, if this analysis included that of non-friable materials under PLM and the results were negative, ATC must add this disclaimer to maintain our ELAP accreditation:

"Polarized light microscopy is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. Quantitative Transmission Electron Microscopy is currently the only method that can be used to determine if this material can be considered or treated as non-asbestos containing".

Samples that are layered and analyzed by the gravimetric method as composites (NESHAP, AHERA) should be considered positive if results are between trace and 1%, unless every layer is analyzed separately.

EPA does not regulate mixed mineral assemblage like the anthophyllite-talc intergrowth that is found in paint and caulking unless these materials contain asbestos in an amount greater than 1%. Anthophyllite detected in paint and caulking samples might be a talc intergrowth.

ATC has the capability of performing TEM confirmation if so desired.

All bulk sample reports are checked and reviewed two times. Unused portions of samples are archived for three months unless client requests special handling. This report must not be used by the client to claim product endorsement by NIST or any agency of the U.S. government.

ATC Associates Inc. is not responsible for sample collection and analytical procedures not performed by our laboratory. This report may not be reproduced in part without the laboratory permission.

ATC Associates will not be liable for analytical results from samples that are not prepared according to the standard methods (EPA, ELAP, etc.) used by the laboratory (e.g. composite samples from different locations, samples with insufficient volumes, straight TEM samples without gravimetric procedures, and dust samples).

Laboratory Equipment

Laboratory analysis was accomplished utilizing Olympus BH-2 Microscopes.

Quality Control

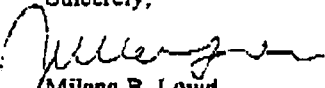
ATC Associates Inc. is accredited by NVLAP (Lab Code 1187-00) and NY State DOH ELAP (Lab ID 10879) for bulk and air fiber analyses. ATC participates in the Bulk Asbestos Sample Quality Assurance Programs for NVLAP and ELAP and maintains an in-house QC/QA program for bulk samples whereby 10% of all submitted samples are reanalyzed and documented in a Quality Control Manual. ATC also participates in a quarterly round robin QC/QA program for bulk samples with several accredited laboratories throughout the United States. Current and past QC/QA program results are available in the laboratory for inspection.

Accuracy and Precision

The phase abundances provided by point count may be considered within the limits of variability inherent in the method employed. The sample results are accurate to within +/-5-10 percent measured by the calibrated visual estimate method. For point counts the detection limit of 0.25% is based on one asbestos point counted over 100 non-empty points. If <1 point counted and asbestos is detected, a trace result will be reported. Trace is < 1% ACM.

The analyses were supervised by Milena Lowd, Director of Laboratory Services, who has extensive experience in asbestos analysis by PLM and other methods. Please contact me regarding any questions relating to these materials at 212-353-8280 Ext. 247.

Sincerely,



Milena B. Lowd

Director of Laboratory Services

MAY-10-2002 16:25

P.09/13

AIC Associates Inc.

104 E. 28th St., 10th Floor, New York, NY 10010-2817

Tel (212) 353-8380 Fax (212) 353-8306

BULK ASBESTOS ANALYSIS RESULTSClient : PII
125 Cedar St. PIIBatch # : 3309A
Date Collected : 11/19/01

Page : 1

SAMPLE INFORMATION

Field # : 01 Date Analyzed: 11/19/01
 Color : Grey
 Location : 125 Cedar St. 7S
 Type of Mat: Dust
 Homogeneity : Y By : YP
 Method : ELAP-EPA PLM

Asbestos Result

3% CHRYSOTILE

Fibrous Material48% Cellulose
18% Fiberglass**Non-Fibrous Material**

31% Mineral Filler

NOB Result

Comment:

Field # : 02 Date Analyzed: 11/19/01
 Color : Grey
 Location : 125 Cedar St. 7S
 Type of Mat: Dust
 Homogeneity : Y By : YP
 Method : ELAP-EPA PLM

2% CHRYSOTILE

47% Cellulose
20% Fiberglass

31% Mineral Filler

Comment:

Field # : 03 Date Analyzed: 11/19/01
 Color : Grey
 Location : 125 Cedar St. 7S
 Type of Mat: Dust
 Homogeneity : Y By : YP
 Method : ELAP-EPA PLM

2% CHRYSOTILE

47% Cellulose
20% Fiberglass

31% Mineral Filler

Comment:

Legend: TRACE = LESS THAN LIMIT OF QUANTITATION (<0.25%)

Note 1: For point counts the limit of quantitation of 0.25% is based on one asbestos point counted over 400 non-empty points.

Note 2: > 1% asbestos by weight is considered an ACM (Asbestos Containing Material).

Analyst:

Reviewed and Signed for the Company by:

*W. J. P.*_____
Director of Laboratory Services

Page 1 of 1

SEARCHED 3309

Acc. to NYA Art Dep
34 Guyverant Street
NYC 10003

Tr!	PI
-----	----

FAX: 945 4320

BULK SAMPLE DATA AND CHAIN OF CUSTODY FORM

1. Client: P11	2. Project Name:		3. Project #:	1. Project Manager:
	2a. Project Address: 125 Cedar St. / P11		4a. Investigator:	
5. Date: 11/19/01	6. Building Name:	8. Turnaround Time: ☐ STAT ☐ 24 HRS ☐ 72 HRS ☒ OTHER ☐ 5 HRS ☐ 48 HRS ☐ NORMAL		9. Comments (Field):
7. Sampling Areas: (3) Samples				

[illegible]

17. Relinquished By	18. Date	19. Time	20. Received By	21. Date	22. Time	23. Method of Submission
I. <i>Chen</i>	11/18/01	1:30 pm	<i>M. L. L.</i>	11/19/01	1:30 pm	FIELD
II.						WALK-IN
						US MAIL
						FED-EX
III.						OTHER

24. Name and Signature	25. Date	26. Time	27. Comments (Lab)
24a. Analyzed By: Yelena Peygachov	11/19/01	PM	Asparto, Fiber, Glans.
24b. Analyzed By:			Silver 3 PLM < 6
24c. CC By:			

ATC ASSOCIATES INC - NEW YORK BULK ASBESTOS ANALYSIS SHEET

104 East 25th Street, 10th Floor, New York, NY 10010 Phone (212) 353-8280, FAX (212) 353-3599 or 8308

NVLAP 100397

SLAP 10076

Microscope OLYMP BH 12

Client / Project

PII

Analysis Date

11/19/01

Analyst C. Reyes

Project No.

Batch No.

3309

Field No.	Stereoscopic Exam	PLM Optical Properties	Asbestos Results PLM %	Other Fibrous %	Non Fibrous %	Gravimetric (NDB) Results %
01	Color <u>Grey</u> Texture <u>FW</u> Homogeneity <u>Y</u> # of Layers <u>1</u> Asbestos ☒ ☐ Color of Layer <u> </u> Detected Yes No Comments:	Morphology <u>W</u> Extinction <u>1</u> RI <u>1.529</u> RI <u>1.556</u> DS Color <u>FW</u> Color/Plan <u>CC</u> Biref <u>1</u> Sign <u>1</u>	3 Chrysotile Amosite Other	48 Cellulose 18 Fiberglass Other	31 Mineral Fiber Organic Binders Vermiculite Other	Organic Residue Carbonate Other Asbestos
Method: ☒ SLAP + EPA ☐ SLAP ☐ EPA ☐ OTHER ☒ SCANNING OPTION: SLAP (P.C.) 15 EPA Full 1 page Asbestos = 0			0.2 ☐			

Field No.	Stereoscopic Exam	PLM Optical Properties	Asbestos Results PLM %	Other Fibrous %	Non Fibrous %	Gravimetric (NDB) Results %
02	Color <u>Grey</u> Texture <u>FW</u> Homogeneity <u>Y</u> # of Layers <u>1</u> Asbestos ☒ ☐ Color of Layer <u> </u> Detected Yes No Comments:	Morphology <u>W</u> Extinction <u>1</u> RI <u>1.529</u> RI <u>1.556</u> DS Color <u>FW</u> Color/Plan <u>CC</u> Biref <u>1</u> Sign <u>1</u>	2 Chrysotile Amosite Other	47 Cellulose 20 Fiberglass Other	31 Mineral Fiber Organic Binders Vermiculite Other	Organic Residue Carbonate Other Asbestos
Method: ☒ SLAP + EPA ☐ SLAP ☐ EPA ☐ OTHER ☒ SCANNING OPTION: SLAP (P.C.) 15 EPA Full 1 page Asbestos = 0			0.2 ☐			

Field No.	Stereoscopic Exam	PLM Optical Properties	Asbestos Results PLM %	Other Fibrous %	Non Fibrous %	Gravimetric (NDB) Results %
03	Color <u>Grey</u> Texture <u>FW</u> Homogeneity <u>Y</u> # of Layers <u>1</u> Asbestos ☒ ☐ Color of Layer <u> </u> Detected Yes No Comments:	Morphology <u>W</u> Extinction <u>1</u> RI <u>1.529</u> RI <u>1.556</u> DS Color <u>FW</u> Color/Plan <u>CC</u> Biref <u>1</u> Sign <u>1</u>	2 Chrysotile Amosite Other	47 Cellulose 20 Fiberglass Other	31 Mineral Fiber Organic Binders Vermiculite Other	Organic Residue Carbonate Other Asbestos
Method: ☒ SLAP + EPA ☐ SLAP ☐ EPA ☐ OTHER ☒ SCANNING OPTION: SLAP (P.C.) 15 EPA Full 1 page Asbestos = 0			0.2 ☐			

Field No.	Stereoscopic Exam	PLM Optical Properties	Asbestos Results PLM %	Other Fibrous %	Non Fibrous %	Gravimetric (NDB) Results %
4	Color <u> </u> Texture <u> </u> Homogeneity <u> </u> # of Layers <u> </u> Asbestos ☐ ☐ Color of Layer <u> </u> Detected Yes No Comments:	Morphology <u> </u> Extinction <u> </u> RI <u> </u> RI <u> </u> DS Color <u> </u> Color/Plan <u> </u> Biref <u> </u> Sign <u> </u>	Chrysotile Amosite Other	Cellulose Fiberglass Other	Mineral Fiber Organic Binders Vermiculite Other	Organic Residue Carbonate Other Asbestos
Method: ☐ SLAP + EPA ☐ SLAP ☐ EPA ☐ OTHER ☐ SCANNING OPTION: SLAP (P.C.) 15 EPA Full 1 page Asbestos = 0			0.2 ☐			

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P.11/13

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BATCH NO. _____

1161 To: NYA Alt
34 Stuyvesant St
NYC 10003

PROJECT INFORMATION

1. Ctl	PII		2. Project Name:	3. Project #:	4. Project Manager:
			2a. Project Address: 125 Cedar St.	PII	4a. Investigator:
5. Date:	6. Building Name:	8. Turnaround Time			9. Comments (Field)
11/19/01	7. Sampling Areas: (3) Samples	☐ STAT ☐ 24 HRS ☐ 72 HRS ☒ OTHER ☐ 6 HRS ☐ 48 HRS ☐ NORMAL			

[illegible]

17. Relinquished By	18. Date	19. Time	20. Received By	21. Date	22. Time	23. Method of Submission
I <u>C. Lant</u>	<u>11/18/01</u>	<u>1:30 pm</u>	<u>M. Lant</u>	<u>11/19/01</u>	<u>1:30 pm</u>	FIELD
II						WALK-IN
						US MAIL
						FED-X
III						OTHER

24. Name and Signature	25. Date	26. Time	27. Comments (Lab)
24a. Analyzed By:			ASRANT, Fiber Glass + Silicon
24b. Analyzed By:			
24c. QC By:			

PAID \$75⁰⁰/xy 11/19/01 Textures SD. #

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BATCH NO

196170: NY 417
34 Stuyvesant St
NYC 10003

ENVIRONMENTAL, GEOTECHNICAL AND MATERIALS PROFESSIONALS

PROJECT INFORMATION

1. Client: PII	2. Project Name:	3. Project #:	4. Project Manager:
5a. Project Address: 125 Cedar St.	PII	4a. Investigator:	
5. Date: 11/19/01	6. Building Name:	8. Turnaround Time: ☐ STAT ☐ 24 HRS ☐ 72 HRS ☐ 6 HRS ☐ 48 HRS ☐ NORMAL	9. Comments (Field): ☒ OTHER
7. Sampling Areas: (3) samples			

[illegible]

17. Relinquished By	18. Date	19. Time	20. Received By	21. Date	22. Time	23. Method of Submission
I <i>Client</i>	<i>11/18/01</i>	<i>1:30 pm</i>	<i>M. L. Smith</i>	<i>11/19/01</i>	<i>1:30 pm</i>	FIELD
II						WALK-IN
III						US MAIL
						FED-EX
						OTHER

24. Name and Signature	25. Date	26. Time	27. Comments (Lab)
24a. Analyzed By:			As seen, Fiber Glass + Silicon
24b. Analyzed By:			
24c. QC By:			

PAID 475⁰⁰/ what 71

TOTAL P 13