Avaltroni, Robert

From: Avaltroni, Robert
Sent: Tuesday, December 10, 2002 10:12 AM
To: Ward, Chris
Subject: FW: Cancellation Policy and Edelman draft

125 Cedar.doc

Chris,

In the nicest way possible, I'm telling Kathy she has no handle on the project and is incapable of managing her people. (There is still absolutely no communication or direction at EPA.)

That being said, we have worked around them and are imposing our expertise and managment skills to bring this project home responsibly.

I will continue to insert positive pressure.

Bob

Kathy,. I am confused about the issues you sight in this e-mail. The issues related to HVACS and quad D have been addressed by our staffs and are resolved. I am sure you have been pre-occupied with other issues. This is clearly what I articulated to you during our phone conversation prior to the disposition of this message. With respect to the cancellation policy, in viewing your issues the impediments you raised are unrealistic. If residents have cancelled (hardships aside) the cancellation policy should role back to inception. In reality I am not sharing FEMA'S concern but relenting to residents choice. We are pubic servants managing a project sensitive to all residents in Lower Manhattan, with this responsibility goes decision making. We have made responsible decisions and are poised to complete this proect by the targeted date of March 1 2002.

Sent from Bob's BlackBerry Wireless Handheld

-----Original Message-----
From: Callahan.Kathy@epamail.epa.gov
[mailto:Callahan.Kathy@epamail.epa.gov]
Sent: Monday, December 09, 2002 4:13 PM
To: Avaltroni, Robert
Subject: Re: Cancellation Policy and Edelman draft

Bob,

First, the press release on 125 cedar is quite good. Real progress indeed, with a fine quote from Assemblyman Silver. There are a few minor edits I'd like to suggest and will have Bonnie Bellow or Mary Mears get in touch with Edelman to note them (for example, while EPA was integrally involved in overseeing the work with DEP, defining the scope for the analytical sampling put in the contract, reviewing the sample

results, working with the laboratories to correct and advise DEP sampling results versus benchmarks which enabled the building reoccupancy to begin, EPA did not "test"(- minor wording--easily corrected.)

Second, on the retroactivity of the cancellation policy, I will discuss with my staff what it will take to track these situations down. While I am surprised that you did not acknowledge the concerns I raised regarding retroactive implementation, you share FEMA's concern clearly. I will let you know our options on dealing with the issue as soon as possible.

Finally, though, I do not understand your comments that retroactively applying the cancellation policy will help us "as discussed...bring the program to conclusion." The cancellation policy does not impede our progress. The cancellation policy now in place reduces the timeframes of delay to minor.

Since August 22 EPA has overseen the cleaning and testing of 800 apartments and the testing of 250 . We have focused our efforts on residents who have requested cleaning and/or testing in buildings where there was no request made to have the building's Heating Ventilation Air Conditions systems evaluated and cleaned as necessary or common spaces.

But since the project monitors subcontractors began the inspection and evaluations of HVACs, EPA and DEP have spent weeks discussing how to move ahead on clearing HVAC systems so that work in residential units may progress. We've had an additional HVAC expert from DEP go out in the field, we've discussed a number of possible refinements to the checklist, we are now are pushing to get building owners to submit documentation of what they have done. Yet we still do not have a firm plan on how we will move ahead. We are reaching a standstill on work in Quadrant D, where Battery Park City is located along with other buildings, and we are impeded in other quadrants.

In fact there is confusion among agencies. FEMA has expressed its opinion that "Our (EPA and FEMA) existing intragency agreement does not authorize the EPA to perform any work in conjunction with HVAC systems. We are looking to NYC DEP to take the lead in evaluating needs relating to HVAC systems in residential buildings through our Public Assistance Program. Please continue to coordinate through DEP and plan your work accordingly." This runs counter to the expectations that EPA has regarding our cooperative implementation of the cleanup program. To date the clear expectation has been that EPA's staff would oversee the HVAC evaluation and cleanup activities, as conducted by NYC contractors.

Clearing up the uncertainties with the HVAC issue is the major impediment to moving this program to conclusion.
At this point I believe we should schedule a meeting with Jane Kenny and Chris Ward to identify the issues surrounding the next steps related to HVACs and our options for addressing them. We all want to successfully conclude this monumental effort for the benefit of the citizens of lower Manhattan, concurrent with the extraordinary efforts to restore and revitalize the area. It has been a proud service our agencies have done to date, but we need high level focus to move through the last critical decision point and enable swift completion.
I will ask Jane's executive assistant to contact Chris' office to set up a time next week.

In the meantime we will continue to work with you
to secure all reports from the project monitoring contractors where HVAC evaluations have been completed,
send copies to DEP of all reports which identify system cleanup needs,

review any reports you send us from the building owners,
have our staffs consult where reports are received and compared from
our contractors & building owners to determine if we can move ahead,
update the inventory of whole building requests with the most
accurate information we can, so DEP can use this in cost projections
and contractor performance negotiations, and
revise the HVAC checklist and develop instruction package for the
contractors.

Kathy

Kathleen C. Callahan
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"Avaltroni, Robert" <ravaltroni@dep.nyc.gov>

To: Kathy Callahan/R2/USEPA/US@EPA
cc:
Subject: Cancellation Policy and Edelman draft

12/06/2002 03:00 PM

Kathy,

I read Brad's e-mail concerning our Cancellation Policy. It is imperative
that we enforce the written Cancellation Policy from the inception of the
program. We have been responsive to the public and as discussed need to
bring the program to conclusion.

Also, please find the draft of Edelman's publication on 125 Cedar Street
which is very favorable to our efforts. We have turned a major corner by
getting a favorable comment from Speaker Silver. This puts us in a very
good position to move the program to closure swiftly.

Bob

<<125 Cedar.doc>>
(See attached file: 125 Cedar.doc)

NYC 9/11 Public Portal Document

NYC DEP COMPLETES CLEANUP OF RESIDENCE CLOSEST TO GROUND ZERO

Less than 300 feet from where the south tower of the World Trade Center once stood is an apartment building, at 125 Cedar Street, that is home to an eclectic, tightly knit group of Downtown pioneers. On September 11, 2001, their homes and their community were shattered when the building suffered extensive structural and interior damage. Since then, the residents have been displaced to other parts of New York. But thanks to the collaborative efforts of the New York City Department of Environmental Protection (NYC DEP), the building's tenants and owner, and Assembly Speaker Sheldon Silver's office, EPA125 Cedar – the residential building closest to ground zero – has been completely and thoroughly cleaned, paving the way for the residents' return.

Pat Moore, who lives with her husband in a third-floor apartment in the building, can attest to the terrible impact of that horrific day. Her apartment was filled with one-and-a-half tons of debris – blown-in windows, large boulders, receipts from Windows on the World, even a computer that had flown in from a tower office. Thick, white dust coated every visible surface, from door hinges to cable TV wires to the tops of light switches.

"We were the worst hit building in the entire city – every single square inch of our apartment was covered in World Trade Center dust," said Moore, a fashion and jewelry designer who has lived in the 24-unit building since 1977 and is a liaison between residents of 125 Cedar and cleanup officials. "The NYC DEP did a fantastic job of cleaning up this building."

Wearing protective gear, NYC DEP inspectors walked each tenant through his or her apartment. They identified problem-areas that needed to be cleaned, and determined which belongings needed to be discarded.

"We worked diligently with the Tenant's Association, Speaker Sheldon's Silver'soffice, and the building owner to ensure our cleanup efforts alleviated any safety concerns and made people feel comfortable about moving back to their homes," said Robert Avaltroni, Deputy Commissioner of the NYC DEP.

During the three-week cleaning process, DEP employed the same techniques they had initially recommended to all Downtown residents: wet-wiping surfaces and using a HEPA-filter vacuum to remove airborne particles. The Environmental Protection Agency (EPA) tested for an array of toxic contaminants, including asbestos, polycyclic aromatic hydrocarbons (PAHs), dioxin, lead, mercury, fibrous glass, and silica, while the Department of Health examined the apartments for mold.

The result of their work is a clean bill of health for the building. The EPA report stated, "for asbestos, the data we received indicates that asbestos is not a hazard at 125 Cedar Street." The same conclusion was drawn for all of the other analyzed chemicals.

NYC 9/11 Public Portal Document

Not only are the residents pleased with the results, but all partners in the effort were impressed by the cooperative spirit of the project.

"I believe that DEP and EPA deserve a great deal of credit for cleaning and testing the building in a thorough and timely manner," said Assembly Speaker Sheldon Silver, who represents much of Lower Manhattan, including 125 Cedar Street.

Since 9/11, the tenants of 125 Cedar have temporarily relocated to Brooklyn, Connecticut, the Upper West Side, the West Village, and Battery Park City, and for the past eight months, the Federal Emergency Management Agency (FEMA) has been covering their rent. Although their building now is clean, repair of its structure still is under way, and the tenants have not yet been able to return to their homes.

For Speaker Silver, the goal always has been to get the residents back home as quickly as possible.

"I have worked to ensure that the residents of 125 Cedar Street would be able to return to their apartments as quickly as possible and that their homes would be preserved throughout the redevelopment of Ground Zero," said Silver. "I am hopeful that the landlord will take the final steps that will clear the way for the residents to return before the end of the year."

Despite the delay, there is much relief that the cleaning techniques originally recommended by DEP following the disaster have proven to work well.

"The outcome at 125 Cedar not only validates the cleaning procedures we initially recommended to the public immediately after 9/11," noted Avaltroni. "These results are a good indication to all residents of Lower Manhattan that it is safe to return to normal activities."