

February 1, 2003

Mr. David Hart  
Federal Emergency Management Agency  
80 Center St.  
3<sup>rd</sup> Floor  
Human Services  
Disaster 1391  
New York, NY 10013

Dear Mr. Hart:

I am writing this letter on behalf of 114 Liberty Street, a residential condominium located approximately 100 feet from the former site of the South Tower of the World Trade Center. As a result of our work with Susan Jhun of New York 1 News and other media and through various congressional offices we are in close contact with, we have discovered that FEMA does not really have the facts correct in our particular and highly unique situation.

On September 11, 2001, our building experienced an enormous collision with debris from the WTC towers. A huge gash was created in the 5<sup>th</sup> and 6<sup>th</sup> floors, literally bending the steel girders in the floor. The building was engulfed in the gigantic dust cloud created by the towers collapse. Mountains of toxic chemicals poured into the building as every window (over 90) was blown out on the Liberty Street side. The toxic dust was piled at least 8-10 feet high in the Liberty Street side of our homes; it got into the stairwells, the elevators, the water tower, the roofs and sidewalls. Even worse, because our building has an HVAC central air-conditioning units, all of which were running that day, mountains of toxic dust spread through all the units, into every room of every home, into appliances, covering toxic dust on thousands of personal items, including children's toys, clothing, bathroom items, kitchen items, food, etc, etc.

Immediately following 9/11, our building was immersed with city, state, and federal agencies. The New York City Fire Department utilized our building as a lookout on the pile watching for collapse and fire breakouts. Furthermore, our homes were used as locations for city emergency workers—you should know that our homes were looted, and, despite no running water, our bathroom toilets were used. (I had to clean my toilets using bottled water carried into the building.)

We were denied access for months all the while our building was used by law enforcement and construction personnel. We were glad to help in the effort, but our homes were taken over. We had no say in the matter.

In order to rehabilitate the building, we needed access for insurance and engineering personnel, which in the early days post-9/11 was extraordinarily difficult. Because of these difficulties, we had an inordinate delay in obtaining contractor estimates and dealing with our insurance policy.

By December 2001, we had all our estimates ready for reconstruction to Admiral Insurance Company, which insured the building. We required the full policy limit of \$7.5 million to properly rehabilitate the building. In May 2002, we received a paltry \$1.4 million from Admiral. What were we supposed to do? What work were we supposed to begin when we did not know how much money the insurance company would provide us? What would you do?

We decided to forge ahead and do as much work as we could, but things got worse. Once it began to be better known that the environment was grossly polluted on 9/11, we commissioned an environmental report from Ambient Company, who have been actively involved in 90 Church St. and other locations throughout the site. In July 2002, the report noted horrendous amounts of contamination. This required new estimates because now we are considered a toxic site with special rules in place for remediation. Our new estimates went way beyond our policy limits of \$7.5 million. With 9 families in the building, and 15-20 young children, we cannot take any chances in leaving any toxic materials in the building.

Admiral Insurance finally came up with new estimates in early January 2003. In the interim, we kept working on the building by repairing the front and back facades, and initiating window replacements. We now have about 60% of the policy money.

Normally, any company would allocate money for a rebuilding project and work from a defined budget. Because of Admiral's lack of cooperation with us, we have been unable to do that and we have been working in a piecemeal fashion.

The DEP will work with us and we have had several meetings with them. However, they will not begin work until the facades were completed and all windows were replaced.

Therefore, we had to move forward on the window replacement project., which will be completed by the end of February. Only then, in the beginning of March will the DEP begin their cleaning of the building. They have estimated that it will take until about mid-May to complete the demolition and cleaning. We will then be left with a gutted building that will take, according to our architect's estimates, at least to the end of 2003 to be in livable condition.

This is how we currently stand. There is a great deal of misinformation on the part of FEMA. Susan Jhun of NY1 News has spoken with FEMA who says that the DEP told them that the cleanup will be done in March and then we can move back in. That is completely and totally inaccurate. Furthermore, FEMA told her that anything to be done after the DEP cleanup is unrelated to 9/11. That is also completely inaccurate.

With the rental assistance program ending on March 10, there is a group of families in 114 Liberty St. who will be in dire financial straits having to pay rent and mortgage every month. We are imploring FEMA to extend the rental assistance program for this small group of families until we are truly and safely able to return to our homes. We have been

compared with 110 Liberty and 125 Cedar some of whom are back home. There are 3 very big differences: 1) they had window AC units, we had central AC units which spread toxic dust throughout the building; 2) we took an enormous frontal hit creating a significant gash in the building, neither of those buildings experienced that; 3) as a owner-occupied condominium, we have a responsibility to property owners to repair and rehabilitate the building properly.

We have one request, that we have a meeting with FEMA, DEP, and us to review the situation, the timeline, and what needs to be done. At least then, FEMA will have the facts and can make its decision. We are grateful for the assistance FEMA has provided to us, but we now are asking for FEMA to live up to its promise and commitment to Lower Manhattan and extend our rental assistance until we can safely return home.

We have experienced significant trauma from this event, leaving our homes and living elsewhere for so long. Some of us have moved multiple times. Only those who lost loved ones have suffered more than us—we are still not home and the future really looks bleak.

All we ask is to have a meeting so that FEMA will listen to us. Is that too much to ask of our government?

I look forward to hearing from you. I can be reached at 212/771-7317 during the workday and at [PII] evenings and weekends.

Best regards,

[PII]

Cc: Susan Jhun, NY1 News  
Yvonne Morrow, Sheldon Silver's office  
Linda Rosenthal, Congressman Jerrold Nadler's office  
Yajaira Yepes, Senator Hilary Clinton's office

Bob,

I am continuing to consider options for 114 Liberty, and the obvious first step is to meet with the owners and hear their story. Would you be willing to join me. I do not want them to continue trying to play us off each other.

① I want to be sympathetic, but I also want them to start taking responsibility for their own recovery.

If we do meet, where would you recommend. Probably also will need a follow-up building tour with their architects. No media or elected officials.

What do you say.

Brad Gair  
FEMA WTC  
Federal Recovery Office  
646.746.1888 (office)  
917.842.7947 (mobile)

## Avaltroni, Robert

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**From:** Gair, Brad [Brad.Gair@fema.gov]  
**Sent:** Wednesday, February 05, 2003 2:42 PM  
**To:** 'ravaltroni@dep.nyc.gov'  
**Subject:** Re: 114 Liberty

Bob,

Ok. How is your schedule for Friday late afternoon, if I can get something set up. If not, give me some dates and times that work.

③

Also, what is the status of the 114 Liberty property owners signing the release to allow DEP access/permission to clean. I would like to tell the owners that a meeting is predicated on a signed release to show their good faith efforts to expeditiously reoccupy. If they have already signed, then this is not an issue.

Please advise.

Brad Gair  
 FEMA WTC  
 Federal Recovery Office  
 646.746.1888 (office)  
 917.842.7947 (mobile)

-----Original Message-----

From: Avaltroni, Robert <ravaltroni@dep.nyc.gov>  
 To: 'Gair, Brad' <Brad.Gair@fema.gov>  
 Sent: Wed Feb 05 13:29:21 2003  
 Subject: RE: 114 Liberty

Brad,

②

I am perfectly willing to meet with the owners to articulate our "one-voice" commitment. I agree that we need to be sympathetic, but also realize the owner's responsibility to take appropriate measures to address their future. I would suggest we meet at your office and agree that a timely follow-up building tour take place with their architects. We need to strongly convey to these people that our meeting be restricted to FEMA, DEP and it's owners. As discussed, we are moving the cleanup process with an anticipated start date of March 1, and an ultimate conclusion date no later than March 31 barring no unforeseen circumstances, i.e., EPA clearance level attainment. We should talk confidentially with respect to your options from a funding perspective. Once again, as you know, I am adverse to spending any dollars needlessly or unnecessarily. This is an unique situation but one we will successfully resolve. Partner, let's set a date that is mutually acceptable and conduct the meeting. If you need to talk to me, I am in my office.

Regards,

Bob

-----Original Message-----

From: Gair, Brad [mailto:Brad.Gair@fema.gov]  
 Sent: Wednesday, February 05, 2003 12:57 PM  
 To: 'ravaltroni@dep.nyc.gov'  
 Subject: 114 Liberty