

Gilsenan, Michael

From: Schiano, Frank
Sent: Friday, December 20, 2002 3:05 PM
To: Hoffer, Mark
Cc: Avaltroni, Robert; Gilsenan, Michael; Radhakrishnan, Krish; Pecunies, Russ
Subject: RE: Criteria for Cleaning Requests

I spoke to Larry and he indicated that he thought OMB would negotiate with FEMA, so there is presently nothing for us to do except ensure that DEP acts in accordance with the approach outlined in his E-mail and refrain from getting involved with certifying that a particular premises is contaminated and in need of remediation.

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

From: Hoffer, Mark
Sent: Friday, December 20, 2002 12:46 PM
To: Schiano, Frank
Subject: FW: Criteria for Cleaning Requests

Can you call Larry and see what (if anything) he wants us to do? Thanks.

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

From: Kahn, Lawrence [mailto:lkahn@law.nyc.gov]
Sent: Thursday, December 19, 2002 5:55 PM
To: 'Levine, Michele'
Cc: 'markh@dep.nyc.gov'
Subject: RE: Criteria for Cleaning Requests

The Law Department is concerned that DEP certification that a facility is contaminated at a hazardous level will be used as evidence against the City in actions alleging that the City acted improperly in permitting continued occupancy or reoccupancy of the facility. Accordingly, we would strongly urge that # 2 of the proposed protocol be omitted. The EPA should satisfy itself through means independent of the City that the facility is contaminated at a hazardous level and in need of remediation. Alternatively, and only if that course is rejected, we would suggest that the certification be made by an independent contractor retained by the City. And, as a last resort if necessary, we could certify that based on test results submitted to DEP, the facility is in need or remediation.

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

From: Levine, Michele [mailto:LevineM@omb.nyc.gov]
Sent: Thursday, December 19, 2002 5:44 PM
To: Kahn, Lawrence at LAWLAN
Subject: RE: Criteria for Cleaning Requests

Thank you.

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

From: Kahn, Lawrence at LAWLAN
Sent: Thursday, December 19, 2002 5:17 PM
To: Levine, Michele
Cc: Mark Hoffer (E-mail)
Subject: RE: Criteria for Cleaning Requests

The FEMA policy is unacceptable. We will get you alternative language shortly.

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

From: Levine, Michele [mailto:LevineM@omb.nyc.gov]

Sent: Thursday, December 19, 2002 3:30 PM
 To: Kahn, Lawrence at LAWLAN
 Cc: Larson, Bud
 Subject: FW: Criteria for Cleaning Requests

Larry:

It looks as though DEP is prepared to accept the proposed FEMA policy that they approve or reject all City agency requests for cleaning. Please let us know quickly if you believe this is inadvisable, as your opinion may soon become moot.

- Michele

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

From: Hagerty, Steve [mailto:Steve.Hagerty@fema.gov]
 Sent: Wednesday, December 18, 2002 8:27 PM
 To: Larson, Bud
 Cc: Levine, Michele
 Subject: FW: Criteria for Cleaning Requests

Bud,

Based on Bob's email are we all on board with the criteria outlined below?
 If so, I'll communicate this to the FEMA Project Officers and Michele can communicate to the OMB analysts.

Thanks,
 Steve

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

From: Avaltroni, Robert [mailto:ravaltroni@dep.nyc.gov]
 Sent: Wednesday, December 18, 2002 11:32 AM
 To: 'Hagerty, Steve'
 Cc: Ward, Chris; 'larsonb@omb.nyc.gov'
 Subject: RE: Criteria for Cleaning Requests

Steve,

I have recently been contacted by Matt Onek, Deputy Chancellor at the Board of Education, with respect to several issues. Matt indicated he had letters from EPA as well as DOH that support various cleanups. I indicated we would be prepared to issue a letter of support if these requests were appropriate. I want to ensure that OMB is clearly on board with respect to the allocations of any monies requested by the City.

As always I look forward to working with FEMA with respect to our projects.

Regards,

Bob

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

From: Hagerty, Steve [mailto:Steve.Hagerty@fema.gov]
 Sent: Wednesday, December 18, 2002 9:05 AM
 To: 'ravaltroni@dep.nyc.gov'

Cc: Gair, Brad; 'mmarroco@oem.nyc.gov'; 'levinem@omb.nyc.gov'; Melnick, Walter; 'levyd@omb.nyc.gov'; 'larsonb@omb.nyc.gov'
Subject: RE: Criteria for Cleaning Requests

Bob,

Are you in agreement with this approach? It is similar to the approach we used for determining the eligiblity of the Stuyvesant cleaning. If not, please contact Brad at 646-746-1888.

Thanks,
Steve

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

From: Hagerty, Steve
Sent: Sunday, December 08, 2002 2:00 PM
To: 'ravaltroni@dep.nyc.gov'
Cc: Gair, Brad; 'mmarroco@oem.nyc.gov'; 'levinem@omb.nyc.gov'; Melnick, Walter
Subject: FW: Criteria for Cleaning Requests

Bob,

FEMA has received several requests from applicants such as CUNY, BOE, etc. to replace upholstery, remove and replace dirt in flowerbeds, and clean ventilation systems. The FRO's position is to fund such cleaning projects that DEP deems necessary to eliminate an immediate threat to health, life, and safety. For instance, when Stuyvesant wanted to clean its ventilation system Brad requested your Department's review and approval prior to funding. Since we are receiving several other similar requests (i.e., where the cleaning has not yet begun and the work appears to be predicated on federal funding), we would like to establish the criteria described below. This will ensure that the City is aware of and supportive of the agency's proposed project and offer FEMA a greater level of assurance that the project is necessary.

I envision that once this criteria is agreed upon, OMB and the FEMA Project Officers will notify the applicable agencies that any cleaning type project must be vetted by DEP prior to the preparation of the Project Worksheet. It would be the agency's responsibility to notify DEP, specifically your office, of the proposed project. I'm aware of approximately 5 of these types of projects.

If you have any further questions, please feel free to contact either Brad or me.

Thanks,
Steve

WTC Federal Recovery Office
Federal Emergency Management Agency

212-416-0317 - work
847-571-6403 - cell
212-667-8987 - fax

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

From: Levine, Michele [mailto:LevineM@omb.nyc.gov]
Sent: Wednesday, December 04, 2002 2:13 PM
To: Hagerty, Steve
Cc: Larson, Bud
Subject: FW: Criteria for Cleaning Requests

Steve:

Per discussion with Bud, while we do not have any conceptual disagreement with the proposed policy, certainly DEP would need to be fully in agreement with their proposed role. Based on the below e-mail, that does not appear to be the case at this time.

- Michele

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

From: Avaltroni, Robert [mailto:ravaltroni@dep.nyc.gov]
Sent: Wednesday, December 04, 2002 1:57 PM
To: 'Hagerty, Steve'; Larson, Bud; Levine, Michele;
'mmarroco@omb.nyc.gov'; Avaltroni, Robert; 'mmarraco@oem.nyc.gov'
Cc: Melnick, Walter; Gray, Beth; Ward, Chris
Subject: RE: Criteria for Cleaning Requests

Steve,

This is the first I have heard of any such issues.

Bob

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

From: Hagerty, Steve [mailto:Steve.Hagerty@fema.gov]
Sent: Monday, November 25, 2002 7:35 PM
To: 'larsonb@omb.nyc.gov'; 'levinem@omb.nyc.gov';
'mmarroco@omb.nyc.gov'; 'avaltronir@dep.nyc.gov'; 'mmarraco@oem.nyc.gov'
Cc: Melnick, Walter; 'grayb@omb.nyc.gov'
Subject: Criteria for Cleaning Requests
Importance: High

Bud, Michele, Bob, MaryAnn,

Due to the continued requests for cleaning, primarily from BoE and CUNY, we would like to make effective, upon your approval, the criteria described below. This will allow you to keep apprised of requests from your city agencies and allow us a level of comfort that NYC DEP (and DoH as necessary) has approved.

Please provide me with your feedback so I can finalize and distribute. I would like to finalize before Thanksgiving.

Thanks,
Steve

Criteria [To be placed in next Public Assistance Program Guidance document and sent to applicants by either FEMA or NYC OMB/OEM]

If an eligible applicant identifies a facility that requires testing for contamination after the emergency work completion deadline of September 10, 2002, the following steps must be taken in order to be considered for FEMA reimbursement:

1. The applicant must submit its test results and any analyses to the NYC Department of Environmental Protection
2. The DEP will (1) Review the results and analyses, (2) Consult with NYC's Dept. of Health if necessary, (3) Submit in writing to FEMA, under signature of Robert Alvatroni, Deputy Commissioner, its concurrence that contamination is present at a hazardous level, along with the test results, and provide a recommendation for remediation.
3. FEMA will review the applicant's request and DEP's recommendations. If FEMA finds the request and remediation recommendations reasonable and necessary, FEMA will grant an emergency work time extension and prepare a PW for the cost of testing and remediation.

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

From: Levine, Michele [mailto:LevineM@omb.nyc.gov]
 Sent: Tuesday, December 17, 2002 8:55 AM
 To: Hagerty, Steve
 Cc: Larson, Bud; Gray, Beth; Diaz, Mariel; Levy, David
 Subject: FW: Follow Up

Steve:

It seems that there's some confusion with DEP about your proposed policy. Have you reached out to Bob Avaltroni since his e-mail (the one we interpreted differently; I thinking he was unaware of the policy proposal and you thinking he was unaware of the agency claims)?

It seems like FEMA project staff are operating on the assumption that this policy is already in place (see Walter's BOE e-mail you forwarded to me), however, I we need to clarify the situation with DEP, and I still need to hear back from the Law department as well.

- Michele
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-----Original Message-----

From: Levy, David
 Sent: Monday, December 16, 2002 4:14 PM
 To: Levine, Michele
 Subject: Follow Up

Michelle,

I am following up on the emails from last week concerning Bob Avaltroni and DEP's role in helping city agencies receive compensated cleanings.

When John Murray followed up with DEP on the matter, he confirmed that Bob claims he never accepted this role or said he was in favor of it at any time.

Dave Levy