

**Gilsenan, Michael**

---

**From:** Theodorellys, Penny  
**Sent:** Monday, April 14, 2003 9:32 AM  
**To:** Fernandez  
**Cc:** Radhakrishnan, Krish; Gilsenan, Michael  
**Subject:** RE: 114 Liberty Street

The building should receive written clearance letters from the USEPA and DEP during this week.

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

**From:** Fernandez [mailto:lerdos@optonline.net]  
**Sent:** Sunday, April 13, 2003 11:01 PM  
**To:** Theodorellys, Penny  
**Subject:** Re: 114 Liberty Street

A report reviewing your findings at 114 Liberty Street would be most appreciated.

In particular, the DEP's technicians sampling results on asbestos, lead, dioxin, PAH in settled dust and fibrous glass and crystalline silica for all floors including #8. Has each floor and other space within 114 Liberty Street met the clearance criteria?.

What is your advise as to when we can re-enter the building for inspection? We have heard officially otherwise.

Thank you for your reply.

Laura Erdos Fernandez  
 The 8th Floor

Fernandez  
 264 Henry St.  
 Brooklyn, NY 11201  
 (718) 222-0744 home

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

**From:** "Theodorellys, Penny" <pthodorellys@dep.nyc.gov>  
**To:** <cwarnick@cwarehouse.com>; <steven@12east.com>;  
 <mark@114liberty.com>; [PII]; <sabramson@cmdny.com>;  
 <mgordon@bumbleandbumble.com>; <DRSCC@topnotchinsp.com>;  
 <wsaya@dberdon.com>; <WCharron@pryorcashman.com>; [PII]  
 <davestanke@cs.com>; <mgordon@bumbleandbumble.com>;  
 <danielk@bumbleandbumble.com>; [PII]  
 [PII] <jspringston@ambientgroup.com>; <kgreenspan@rcn.com>;  
 <rwoo@deloitte.com>; "Fernandez" <jaferr@optonline.net>;  
 <agaspardo@jlcenvironmental.com>; <rmiddleton@etsets.net>

Cc: "Gilsenan, Michael" <mgilsenan@dep.nyc.gov>; "Radhakrishnan, Krish" <kradhakrishnan@dep.nyc.gov>  
 Sent: Monday, April 07, 2003 10:26 AM  
 Subject: 114 Liberty Street

> This is in response to your request to leave the polyethylene sheeting over  
 > the windows in place at the completion of the Department's unoccupied  
 > building clean up of debris from the collapse of the WTC.  
 >  
 > It is my understanding that building representatives and the Department  
 > retained contractor, ETS, were in discussions regarding this matter prior  
 > to  
 > addressing the request with the Department. I received the first call and  
 > inquiry while at home on Friday evening (April 4, 2003) while the  
 breakdown  
 > was directed to begin at 7:00 a.m. Saturday (April 5, 2003). The two  
 major  
 > issues are the late request to the Department for the change in project  
 > planning and the direct communication with the contractor rather than the  
 > Department. Also, please note the written request was received on  
 Saturday,  
 > April 5, 2003 at 9:42 A.M. The request included two original messages  
 dated  
 > Friday, April 4, 2003 at 8:35 P.M. and at 9:21 P.M. that were not  
 received.  
 > Also, the project monitor, JLC Consultants, did not receive the  
 information  
 > regarding the request.  
 >  
 > Despite the notice, the Department reviewed your request and agreed to  
 > permit the polyethylene sheeting to remain over the windows. The  
 > polyethylene sheeting installed over existing damaged in place asbestos  
 > -containing material in the residential spaces was left in place.  
 Further,  
 > the 1st floor commercial space (Pizzeria) was isolated from the remainder  
 of  
 > the building. The demolition of the dropped ceiling in the Pizzeria  
 > disclosed the presence of delaminated and damaged asbestos-containing  
 > material (ACM). This material had lost its cohesion properties and was  
 > falling off in large sections. Further, the substrate was also found to  
 be  
 > asbestos-containing material. The area was cleaned and passed a visual  
 > inspection by the Department prior to its isolation, however, clearance  
 > testing was not performed. Also, in the basement above the oil tank there  
 > is a partial layer of white block. The blocks were in good condition and  
 > therefore were not sampled nor covered.  
 >  
 > As you are aware, statement made to the Department prior to the initiation  
 > of the cleaning activities indicated that the building did not have in  
 place

- > ACM. Please note, an asbestos survey and assessment must be performed prior
- > to construction/renovation activities, notification to the Department must
- > be made prior to handling ACM, and all work must be performed in accordance
- > with the asbestos rules.
- >
- > The contractor and monitor have demobilized equipment based on the
- > preliminary review of clearance data by the USEPA and the Department.