

Gilsenan, Michael

From: Hoffer, Mark [NYCDEP/QUEENS/MARKHO]
Sent: Monday, April 01, 2002 5:10 PM
To: Kelpin, Gerry; Prero, Judah; Collins, Betsy; 'Sturcken Charles (E-mail)'; 'Kelpin Gerry (E-mail)'
Cc: Gilsenan, Michael; Radhakrishnan, Krish
Subject: RE: Power Washing

I agree with Judah that there is nothing in the stage I drought regs. that prohibits this. I will simply say that I am leery of allowing certain building owners (those near the WTC) to do this (with containment procedures) while prohibiting others. There is a rationale for cleaning buildings near the WTC, but what happens if non-WTC area owners agree to employ the same modes of containment?

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

From: Kelpin, Gerry
Sent: Monday, April 01, 2002 1:51 PM
To: Prero, Judah; Collins, Betsy; Hoffer, Mark; Sturcken Charles (E-mail); Kelpin Gerry (E-mail)
Cc: Gilsenan, Michael; Radhakrishnan, Krish
Subject: RE: Power Washing

There are two things here. First, we have the buildings around WTC site that may still need to be cleaned up, which may require power washing the facades. While we have them address the potential problems from the spraying by various degrees of containment, if you are going to restrict the activity during the drought, please talk to Mike and Krish.

As Judah mentions, we can enforce for the emission that comes off of power washing activities. We do get complaints at times and have issued NOV's. A lot of the time, the companies do contain the spray or restrict access to the area they are working in. We also get complaints about the smell of additions but that should have no bearing on this discussion.

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

From: Prero, Judah
Sent: Monday, April 01, 2002 12:37 PM
To: Collins, Betsy; Hoffer, Mark; Sturcken Charles (E-mail); Kelpin Gerry (E-mail)
Subject: RE: Power Washing

I do not find it to be covered by any provision in the drought rules. If we got creative, I guess we could say that the mere action of spraying a building will result in the wetting of the street, which is prohibited, but I honestly do not care for that all that much.

However, under the Air Code, we can issue an NOV for emission of water vapor that may cause detriment to health, safety, welfare or comfort of any person, or injury to plant and animal life, of which may cause damage to property or business. To my knowledge, this has only been read to mean that the water vapor itself causes the detriment (such as - I get wet walking nearby and it bugs me) and not that the use of the water itself is a detriment. Being that spraying, I would guess, will often result in getting people wet, this may be a roundabout tool - but this provision is enforced by Gerry Kelpin's inspectors.

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

From: Collins, Betsy
Sent: Monday, April 01, 2002 12:30 PM
To: Prero, Judah
Cc: Hoffer, Mark; McCarthy, Anne
Subject: Power Washing

Judah - Charlie was going to speak to Mark about power washing the sides of buildings. Is it illegal? We (BCS) don't see it in the rules but think we issued violations for it in the last drought. Charlie thinks we should issue violations now as well. Let me know what you think....

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