

Gilsenan, Michael

From: Pecunies, Russ [NYCDEP/QUEENS/RUSSP]
Sent: Thursday, April 04, 2002 4:26 PM
To: Hoffer, Mark; Levine, Robin; Rogak, Elizabeth; Gilsenan, Michael; Radhakrishnan, Krish
Subject: Lower Manh. Air Quality Task Force

The Legal Subcommittee of the Lower Manhattan Air Quality Joint Task Force met at 100 Gold St. on 4/3/02. The meeting began with Lai-Sun Yee of OEM asking me to summarize the status of our Building Cleaning Program. After I did so Jim Miller of NYCDOH expressed concern about a phrase used in the bidder info document, i.e. that the material is "assumed" to be ACM. After consulting with Mike Gilsenan by phone we agreed to issue an addendum changing this to "may" be ACM.

Most of the rest of the meeting consisted of questions directed to me by Ms. Yee, Mr. Miller, and Steve Levi and Elizabeth Palladino of Law related to the Cleaning Program. These were (with answers where available):

Has USEPA approved the Scope of Work? (Yes)

Will FEMA Contracting procedures be followed? (No)

Why was a 10-block radius from the WTC chosen? (To keep the number of buildings manageable - we plan to expand the radius later)

How many buildings are residential, how many commercial? (No data)

Can buildings be occupied during cleaning? (Yes)

What is the population of the affected area? (No data)

Are inspectors sent to survey building exteriors also directed to look for interior problems? (If they happen to see something, otherwise no)

What is NYS involvement? (DEC not involved, DOL is kept apprised by ACP)

What is the timetable for letters to building owners? (Waiting for comments from Task Force members, also ACP to meet w/REBNY and Downtown Alliance, so no target date yet)

What will our response be if contractors are not following the Scope of Work? (DEP inspectors will constantly monitor the work and correct any problems observed - they can stop work if necessary)

What requirements are building owners subject to if they decide to clean their own buildings? (If there are positive samples, then they have to file ACP-7 and get scope of work approved)

What is geographical distribution of complaints received from apt dwellers? (No data)

Do we have any evidence that asbestos fibers were not carried very far from the WTC? (No)

Have we had any reports regarding debris on buildings in Brooklyn? (No but we will respond to any complaints)

The last part of the meeting involved a discussion of release of data to the public. Ms. Yee stated that there should be a consistent policy among all agencies. Paul Simon of USEPA stated that they are erring on the side of releasing data, but will not release specific apartment numbers or residents' names where testing was conducted. Elena Ferrera of FDNY said that they had received a FOIL from the NY Times for all 9/11-related documents in their possession and that they are releasing everything except names on injury reports and documents that US Atty has identified as related to prosecution of terrorists. The City's authority to compel building owners to provide test results was then raised. After reviewing §24-106 of the Air Code all agreed that it gives DEP Comm. broad powers to compel production of documents.

Steve Levi has e-mailed w/comments on the owner letter and license agreement which Mark and Liz also received; we can discuss Mon. There is a followup to last Mon's car-related meeting on Mon 4/8 at 2 pm which I will be attending along w/Mike Gilsenan. Next mtg of Legal Subcomm. is 4/17.