

Gilsenan, Michael

From: Erdfarb, Stuart
Sent: Wednesday, July 10, 2002 9:48 AM
To: Resnick, Risa
Cc: Schiano, Frank; Smyth, Virginia; Avaltroni, Robert; Gilsenan, Michael (ex); Ward, Chris; Fennes, Carol
Subject: RE: Request for an Emergency procurement

Thanks for the draft. I made some minor changes. After you incorporate the legal cite, bring directly into COW for



HazMatTrailerEmerg
 Dec.wpd

signature.

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

From: Resnick, Risa
Sent: Tuesday, July 09, 2002 2:41 PM
To: Smyth, Virginia
Cc: Erdfarb, Stuart; Schiano, Frank
Subject: RE: Request for an Emergency procurement
Importance: High

Here's a first draft

What exactly is the proper law I'm referencing?

Do we want to say that the trailers contain lead and mercury, or just that it is possible?

Please review and advise

I'm out tomorrow, but am copying both frank and stu, so it can be signed in my absence << File: TRAILERS.WPD >> .

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

From: Schiano, Frank
Sent: Tuesday, July 09, 2002 2:11 PM
To: Resnick, Risa
Subject: FW: Request for an Emergency procurement

Please prepare the declaration.

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

From: Erdfarb, Stuart
Sent: July 9, 2002 09:39
To: Schiano, Frank
Cc: Resnick, Risa
Subject: FW: Request for an Emergency procurement

Please work with Virginia to draft a Declaration.

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

From: Erdfarb, Stuart On Behalf Of Erdfarb, Stuart
Sent: Tuesday, July 09, 2002 9:15 AM
To: 'Rennard, Michael (COMPT)'; 'CUSHMAN, STEVE (LAW)'
Cc: Schiano, Frank
Subject: Request for an Emergency procurement

Per my phone call last night.

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

From: Siebenberg, Stanley
Sent: Monday, July 08, 2002 5:12 PM
To: Erdfarb, Stuart
Cc: Gilsenan, Michael (ex); Smyth, Virginia; Atkins, Denise; Fawzy, Moustafa (ex); Catanzaro, Enzo
Subject: Request for an Emergency Declaration

ON SUNDAY JULY 7, 2002, NYPD REPORTED TO NYCDEP/DERTA THE PRESENCE OF TWO 40-FOOT

TRAILERS CONTAINING UNKNOWN MATERIALS ABANDONED ON THE STREET. DERTA RESPONDED AND UPON INVESTIGATION DISCOVERED THE TRAILERS CONTAINED PAINT AND PAINT RELATED MATERIALS, INCLUDING FLAMABLES, COMBUSTIBLES AND VARIOUS TOXIC HEAVY METALS INCLUDING MERCURY AND LEAD.

THE LOCATION OF THE TRAILERS ARE ON THE STREET, ON CROSS BAY BLVD, BETWEEN 149 STREET AND NORTH CONDUIT AVENUE ON THE NORTH SIDE OF THE STREET.

ATTEMPTS TO IDENTIFY A RESPONSIBLE PARTY HAVE BEEN FRUITLESS TO DATE.

THE TRAILERS ARE 35 YEARS OLD AND THE FIRE DEPARTMENT HAD TO BRACE ONE OF THEM TO INSURE STABILITY.

THE CONDITION OF TRAILERS AND COMBINED WITH THE PRESENCE OF THE HAZARDOUS WASTE AND THE HIGH AMBIENT TEMPERATURES ARE EXPOSING THE PUBLIC TO A FIRE/ EXPLOSION HAZARD.

IT IS URGENT THAT THE CONDITION BE ABATED IMMEDIATELY . IT IS ESTIMATED THAT COST OF ABATEMENT WOULD BE APPROXIMATELY 55, 000 DOLLARS. AS REQUIRED BY THE NYC HAZARDOUS MATERIALS EMERGENCY RESPONSE LAW AND REGULATIONS WE ARE REQUESTING A DECLARATION OF EMERGENCY TO REMOVE THE THREAT TO THE PUBLIC AND ENVIRONMENT.

THIS EMAIL IS BEING SENT PER INSTRUCTION OF VIRGINIA SMYTH. ANY QUESTIONS CONTACT DENISE ATKINS AT 4440 OR STANLEY SIEBENBERG AT 4648.



DECLARATION OF EMERGENCY

WHEREAS, on Sunday, July 7, 2002, the presence of two abandoned 40-foot trailers containing unknown materials on the north side of Cross Bay Boulevard, between 149th Street and North Conduit Avenue, in Queens County, was reported to the Division of Emergency Response and Technical Assistance ("DERTA") of the New York City Department of Environmental Protection ("NYCDEP"); and

WHEREAS, DERTA responded to the scene, and upon investigation, discovered that the trailers contained paint and paint-related materials, including flammables, combustibles, and various potentially toxic heavy metals, including mercury and lead;

WHEREAS, to date, attempts to locate a responsible party have been fruitless; and

WHEREAS, the trailers appear to be approximately 35 years old, and in order to ensure stability, one trailer had to be braced by the Fire Department of the City of New York ("FDNY"); and

WHEREAS, the dilapidated condition of the trailers, combined with the presence of hazardous waste and high ambient temperatures are creating a potential fire/explosion hazard; and

WHEREAS, pursuant to the New York City Hazardous Materials Emergency Response Law and Regulations, and in order to avoid any such fire or explosion, the condition must be abated forthwith; and

WHEREAS, the immediate action required cannot be met through normal procurement methods; and

WHEREAS, the aforementioned circumstances affect the health and safety of the inhabitants of the City of New York.

NOW, THEREFORE, for the aforementioned reasons, pursuant to the authority conferred by Section 315 of the New York City Charter and Section 3-06 of the Procurement Policy Board Rules, I hereby determine that an emergency exists, and

I FURTHER DETERMINE that emergency contract(s) must be let in the most expeditious manner possible to ensure the necessary abatement of this potential threat to the public and the environment.

Dated: July 9, 2002

CHRISTOPHER O. WARD

Commissioner