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BATTALION 1

To: Gerald A. Barbara Chief of Fire Prevention
Thru: Peter J. Ganci Chief of Operations
From: William P. Blaich Battalion Chief
Subject: Dangerous Condition at 7 World Trade Center - Update
Date: March 14, 1999

The managers of 7 World Trade Center have installed a 6,000Gallon Fuel Oil Tank. This tank is installed on steel beams at a height of approximately 15 feet above the floor. That is, a suspended diesel fuel oil tank. The area surrounding the tank has a firewall rating of four hours. The bottom of the tank area is concrete over Q-Decking. The only access into this area is through a hatch in the floor. There is no dike to prevent fuel from pouring out of this hatch in the event of a leak, if it could be opened with the weight of the oil on it. The room that houses this tank enclosure also contains the access doors to two elevator pits and is adjacent to a handicap elevator. Diesel Fuel is transferred from this tank to a pump for movement to the upper floor via a pipe which breeches the elevator bank walls containing elevators 21 and 22. At this time, the location of the tank vent pipe is unknown. The tank enclosure is also adjacent to the main lobby

None of the elevator access doors are equipped with a dike to prevent diesel fuel oil from leaking into the pits. In the event of a leak, fuel oil would fill the elevator shaft with fumes that would permeate the entire building. A smoky fuel oil fire would be a disaster! An overfill would severely endanger members attempting to contain it.

Elevator Shafts Affected:

ELEVATOR BANK	FLOORS	Machinery Room
Low Rise	1 through 13	14 th FL
Handicap	1 through 22	23 rd FL (Secure Area)

Applicable Code Violations:

New York City Administrative Code, Chapter 27-4076 a.1.A: Fuel Oil Tanks may not exceed 4000gals...

New York City Building Code, Sub-chapter 14, Article 17 – Fuel Oil Equipment, Sect. 27-829, Sub Sect 4b-1 (Maximum Tank Size, above the lowest floor): The maximum allowable tank size is 275 Gals.

Sect. 27-830, Sub Sect (f): Piping From Transfer Pump To Storage Tanks Above
The Lowest Floor: In violation of sub sections 1, 2, 3, 5.

Attachment 1 to this report is a copy of the Memorandum between the Port
Authority and Fire Department. This Memo states that the Bureau of Fire
Prevention can notify the Port Authority's General Manager of Risk Management
who will remedy presented deficiencies.

Attachment 2 is F.P. Directive 6-54(R), which allows the Fire Department to issue
Violation Orders to subcontractors of the Port Authority.

Attachment 3 to this report is a copy of the first report forwarded 11/2/98.

Respectfully submitted,

William P. Blais
BC, BN-1, GR-19

Examined & Forwarded:

Deputy Chief	Division 1	Group	Date
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**MEMORANDUM OF UNDERSTANDING BETWEEN THE FIRE DEPARTMENT
OF THE CITY OF NEW YORK AND THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY
EXECUTED AS OF DECEMBER 30, 1993**

On April 13, 1993, the Port Authority, in order to maintain and enhance the safety of Port Authority facilities, adopted a policy providing for the implementation of fire safety recommendations made by local government fire departments after a fire safety inspection of a Port Authority facility and for the prior review by local fire safety agencies of fire safety systems to be introduced or added to a facility.

The purpose of this Memorandum of Understanding is to reiterate the Port Authority's commitment to this policy and to set forth certain procedures to facilitate the implementation of this policy for buildings at Port Authority facilities located in New York City.

Specifically, the Fire Department of the City of New York ("FDNY") and the Port Authority hereby agree as follows:

1. FDNY, acting through its Bureau of Fire Prevention ("BFP"), shall have the right to conduct fire safety inspections at any Port Authority facility located in the City of New York. These inspections will generally be coordinated with the Port Authority's General Manager of Risk Management operations, but the BFP, at its option, may conduct inspections without prior notice to the Port Authority.
2. BFP will issue a letterhead report of its fire safety findings and recommendations for corrective action with respect to any deficiencies forming a part of such findings addressed to the Port Authority's General Manager of Risk Management operations. The Port Authority will promptly undertake the implementation of such findings (including undertaking corrective action with respect to any deficiencies) and shall notify BFP of the actions taken to implement such findings. BFP may at any time conduct follow-up inspections with respect to any matters recommended to the Port Authority for corrective action.
3. Prior to the introduction of a new fire safety system or the introduction of modifications to an existing fire safety system at any building located at a Port Authority facility in the City of New York, the Port Authority shall provide BFP with copies of the drawings and specifications or other appropriate description of such system or modification for review and approval. The Port Authority policy is and will continue to be to assure that such new or modified fire safety systems are in compliance with local codes and regulations. When circumstances or conditions are unusual, the Port Authority shall have the right to petition the Bureau of Fire Prevention for a variance in specific cases.

4. The Port Authority and BPP will seek to expeditiously resolve any issues arising out of matters covered by this Memorandum of Understanding.
5. Nothing in this Memorandum of Understanding is intended to limit or modify in any way any arrangements which the Port Authority currently has with local fire companies in New York City regarding either facility inspections or joint training exercises or any other matters.
6. The Port Authority shall continue to be exempt from all inspection and permit fees for FDNY inspections at its facilities.
7. No Commissioner, officer, agent or employee of the Port Authority or FDNY shall be held personally liable under any provision of this Memorandum or because of its execution or attempted execution or because of any breach or alleged breach thereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed and sealed by duly authorized officers thereof.

THE PORT AUTHORITY OF NEW YORK AND
NEW JERSEY

By: Stanley Bragg

Stanley Bragg
Executive Director

FIRE DEPARTMENT - CITY OF NEW YORK

By: William M. Fieber

William M. Fieber
Fire Commissioner
City of New York

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**DIVISION OF FIRE PREVENTION
FIRE DEPARTMENT**

**F. P. Directive 6-36 (Revised)
(Replaces C. B. I. 6-34)**

May 22, 1978

The following is promulgated for the information and guidance of all personnel:

1. Motor vehicles in transit on piers shall be considered cargo, and shall not constitute any violation of Article 11, Chapter 19 of the Administrative Code.
2. Before any notifications relating to applications for bulk oil storage plants are forwarded to the Department of Ports and Terminals, or other interested agencies, a deputy chief inspector, accompanied by the supervisor of affected division, shall make an inspection of the area. This, for the purpose of determining other conditions not included in report of deputy chief that may effect approval of application.
3. Inspections of Port Authority property shall be made by the Division of Fire Prevention and Company Field Inspections, when requested by the Port Authority or whenever deemed necessary by this Department.
 - a. No orders shall be issued against the Port Authority or any of its subdivisions or designees performing functions directly related to and within the particular governmental endeavors of the Authority.
 - b. Orders can be issued to tenants, lessees and concessionaires and contractors and sub-contractors of the Authority for failure to obtain the required permits, certificates, or other violations under the jurisdiction of the Fire Department.
 - c. Port Authority property, except as herein provided, will be considered as not within our jurisdiction for enforcement purposes.

**AUGUSTUS A. BEEKMAN
Fire Commissioner**