



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

February 20, 2008

BY ELECTRONIC MAIL AND REGULAR MAIL

Mr. Benn Lewis
Vice President
Airtek Environmental Corp.
39 West 38 Street, 12th Floor
New York, N.Y. 10018

Re: Comments on January 2008 Draft "Remediation Phase"
for Fiterman Hall at 30 West Broadway, New York, NY

Dear Mr. Lewis:

The United States Environmental Protection Agency (EPA) has reviewed the January 2008 draft "Remediation Phase" documents submitted on January 9, 2008, January 21, 2008, and February 11, 2008, by Airtek Environmental Corp. (Airtek) on behalf of the Dormitory Authority of the State of New York (DASNY) and the City University of New York (CUNY). EPA consulted with the New York State Department of Labor (NYSDOL) and the New York City Department of Environmental Protection (NYCDEP) about the proposed modifications to the "Remediation Phase" of the work for Fiterman Hall.

EPA, NYSDOL, and NYCDEP appreciated the opportunity to discuss some of our comments with you and your consultants and contractors during a February 14, 2008 meeting, which also included the Fire Department of New York City (FDNY) and the New York City Department of Buildings (NYCDOB). The comments from EPA, NYSDOL and NYCDEP are provided as attachments to this letter. EPA's review of the draft "Remediation Phase" documents focused on containment measures to control potential releases of contaminants, proper procedures for air monitoring and waste disposal. NYSDOL and NYCDEP based their reviews on the regulations related to performance of an asbestos project.

EPA's review of the draft "Remediation Phase" documents is not intended as a review of any structural engineering and safety matters or of the means and methods for any structural engineering matters and structural deconstruction of Fiterman Hall. As

previously noted to DASNY and CUNY, our comments do not address the shoring of the building, including, e.g., shoring to support the scaffolding on the 5th & 14th floor setback roofs or the shoring for the installation of the industrial shredder. In addition, EPA is not commenting on the extent to which the current draft version of the “Remediation Phase” documents complies with New York City’s Building Code, such as, but may not be limited to, Subchapter 19. The regulators are relying on the expertise of NYCDOB in these areas and on its oversight of all of the structural engineering matters and structural deconstruction related matters for this project.

In addition, EPA’s review of the draft “Remediation Phase” documents is not intended as a review of the recommendations and requirements of the FDNY that are intended to ensure protective fire-safety measures in Fiterman Hall or the requirements for the protection of worker safety and health. EPA’s comments on the draft “Remediation Phase” documents are being sent to the NYCDOB, FDNY, and the U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA).

The regulators reserve the right to modify the attached comments and/or make additional comments about the proposed work if new information becomes available or information, currently known and considered, is changed in whole or in part during the review process for the “Remediation Phase” documents and during the “remediation and deconstruction” phases of the project. In the event that the plans for the “remediation and deconstruction” have to be supplemented as the project proceeds, the regulators will review and may provide additional comments after we review the supplementary information and documents submitted on behalf of DASNY/CUNY. Any modifications made to the draft “Remediation Phase” documents as a result of future modifications agreed to by NYCDOB, FDNY, and DASNY/CUNY and/or its representatives should be formally submitted to EPA and the other regulators referenced in this letter for their review and comment.

The following draft “Remediation Phase” documents were reviewed by EPA in order to understand and evaluate the procedures for the “Remediation Phase”:

- Regulatory Submittal Part I(R) – Remediation Work Plan, dated January 8, 2008
- Regulatory Submittal Part IV(R) – Remediation Phase Waste Sampling and Management Plan, dated January 9, 2008
- Regulatory Submittal Part III(R) – Remediation Health and Safety Plan (HASP), dated January 9, 2008
- Work Plan (R) Attachments which consist of Attachments I through XV to the Remediation Work Plan,
- Response to the Regulators’ Comments, submitted with the January 9, 2008 cover letter with the draft “Remediation Phase” documents,
- Revised Section 9.0 (Fire Protection) of the Remediation Work Plan submitted with a cover letter from Airtek dated February 11, 2008, and
- List of Proposed Changes to be made to the Final Regulatory Submittal Part I(R) Remediation Work Plan, submitted on January 21, 2008

The Draft "Remediation Phase" documents reference work that is intended to be performed during the "Deconstruction Phase." EPA's comments should not be construed of as a review of any "Deconstruction Phase" procedures. EPA reserves the right to request further information about deconstruction procedures and to provide additional comments when all the proposed plans for the "Deconstruction Phase" have been developed and submitted to the regulators for review.

To explain the proposed revisions to the draft "Remediation Phase" documents in support for the "remediation and deconstruction" of Fiterman Hall, EPA requests that DASNY/CUNY provide the regulators with a separate response to each of the attached comments that states: (1) whether the comment has been incorporated into the revised draft "Remediation Phase" documents; (2) if a comment has not been incorporated, the reason it was not incorporated; and, (3) any additional information that explains DASNY/CUNY's response to the attached comments. Your response to the attached comments will facilitate the regulators' review process. In your response, kindly inform the regulators of DASNY/CUNY's schedule for submitting the revised draft "Remediation Phase" documents in support of the "remediation and deconstruction" of Fiterman Hall, and the other deliverables referenced in this letter.

After DASNY/CUNY and its consultants have an opportunity to review the regulators' comments and this letter, please let me know if you would like to discuss them during a teleconference or at a meeting. We look forward to your response to our comments prior to the commencement of any "Remediation Phase" work. If you have any questions please contact Mr. Emmet Keveney of my staff at (212) 637-3459.

Sincerely,



Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Attachment

cc: Richard Mendelson, OSHA w/encl.
Suzanne Mattei, NYSDEC w/encl.
Chris Alonge, NYSDOL w/encl.
Krish Radhakrishnan, NYCDEP w/encl.
Robert Iulo, NYCDOB w/encl.
Mike Weinlein, FDNY, w/encl.
Richard Dalessio, DASNY w/encl.
Max Pizer, CUNY w/encl.

Regulatory Submittal Part I(R)
Remediation Work Plan
Dated January 8, 2008

Section 6.1: Establishment of Clean Zone

1. Response to EPA comment No. 7: Page 13 of the redlined version of the Remediation Work Plan was revised to discuss the critical barriers for the electric closets adjacent to stairwell C. However, this section still has not been revised to clarify what the critical barriers to be installed on all stairwells, with the exception of stairwell C, will consist of to seal them off from the Clean Zone. Please provide details in this section on what the “critical barriers” for the stairwells, with the exception of stairwell C, will consist of based on any input you may have received from the FDNY.

Section 6.1.8: First Floor Clean Zone Clearance Criteria

2. Response to EPA comment No. 11: Airtek’s response to comments states that the Attachment V, Diagram SS-2, Remediation Phase Logistics Plan, has been revised to indicate the location of the exterior waste storage facility. EPA requested that Section 6.1.8 of the Remediation Work Plan be revised to reference the drawing that shows the location of the waste storage area to be used on the outside of the west side of the building. EPA recommends that the second to last paragraph of this section be revised to include the reference to Attachment V, Diagram SS-2, Remediation Phase Logistics Plan, in addition to Attachment XV, for the location of the waste storage area at the site.

Section 6.2: Upper Level & Basement Level Access

3. Response to EPA comment No. 12: Airtek’s response to comments states that the “Configuration of the Clean Zone” diagram in Attachment V has been revised to indicate the location of the secondary personal decontamination. EPA recommends that the end of Section 6.2 of the Remediation Work Plan be revised to include the reference to the “Configuration of the Clean Zone” diagram in Attachment V for the location of the secondary personal decontamination.

Section 6.4: Establishment of Interior Containment (Basement Level & Second Floor through Fifteenth Floor)

4. Response to EPA Comment No. 13: Attachment V, Remediation Operations Logistics Plans has drawings for the set back roofs. One of these drawings (i.e., page 5 of 8 of the pdf file) is titled, “6th Floor Set Back Roof”, and states to refer to Section 6.13.2 of the Remediation Work Plan. Section 6.13.2 discusses the set back roof that is located on the 5th floor. Please revise the figure to designate the proper floor location for the set back roof (i.e., the 5th floor).

Section 6.5: Shredder Installation

5. Response to EPA comment No. 14: Airtex's response to comments states that the shoring engineering for the shredded installation will be provided to the New York City Department of Buildings (NYCDOB) once the remediation phase documents have been accepted. Please provide all of the regulators with a copy of the final shoring engineering documents for the shredder once they are accepted by the NYCDOB.

Section 6.6: Simultaneous Work Procedures

6. Response to EPA comment No. 15: Airtex's proposed language for Section 6.1.8 does not fully indicate at what stage the waste decon facility at the existing loading dock will be dismantled. Section 6.6 states that waste decontamination facility at the existing loading dock will be dismantled once the primary waste decon is fully operational. Please add additional language to Section 6.1.8 to clarify the dismantling of the aforementioned decon.

Section 6.12.1: Extension of Interior Containment; Section 6.12.2: Tent Procedures; and Section 6.12.3: Gash Focused Cleaning Procedure:

7. Response to EPA comment Nos. 19 and 22: Please clarify which set of procedures are planned to be used for the first, seventh, and eighth floors of the gash area since Sections 6.12.1 (Extension of Interior Containment), 6.12.2 (Tent Procedures), and 6.12.3 (Gash Focused Cleaning Procedures) implies that more than one procedure will be used on these three floors. Section 6.12.1 states that the extension of the interior containment to incorporate the gash area will be performed on the first, seventh, and eighth floors of the gash area. If this is the case, please clarify the proposal to also use the procedure specified in Section 6.12.3 (for the 1st, 7th, and 8th floors) if the gash areas of those three floors are being incorporated into the interior work area for abatement activities by the extension of the interior containment as proposed in Section 6.12.1? Does the proposal to use the procedures specified in Section 6.12.3 for the 1st, 7th, and 8th floors pertain to solely cleaning of the exterior of the walls that are proposed to be extended pursuant to the procedures specified in Section 6.12.1 and/or prep work prior to the extension of these walls towards the exterior scaffolding? If so, would the procedures specified in Section 6.12.3 also apply to the 4th floor walls which will be shifted towards the exterior scaffolding of the building? Please clarify the above questions within the appropriate section(s) of the Remediation Work Plan.

8. Response to EPA comment No. 19: The diagrams for the 7th and 8th floors (i.e., Attachment XIV, GAD-07 and GAD-08, respectively) only show the proposal to extend the interior containment as discussed in Section 6.12.1. This appears to contradict with Section 6.12.3 which states that the gash area focused cleaning procedures will also be used on these floors in addition to the extension of interior containment procedures specified in Section 6.12.1. Please clarify and revise the appropriate sections, drawings, etc., as necessary.

9. Response to EPA comment No. 22: The diagram for the 15th floor (i.e., Attachment XIV, GAD-15) only shows the proposal to use a tent enclosure as discussed in Section 6.12.2. This appears to contradict with Section 6.12.3 which states that the gash area focused cleaning procedures will also be used on this floor in addition to the tent enclosure specified in Section 6.12.2. Please clarify and revise the appropriate sections, drawings, etc., as necessary.

10. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-02, is the 2nd floor gash area diagram. This diagram states that the south/southeast corner of the 2nd floor is open to the area below (i.e., the 1st floor). Please clarify if this area will be enclosed as part of the abatement activities that will be conducted on the 1st floor during the Remediation Phase. If so, please clarify in the drawing, and/or in an appropriate section(s) of the Remediation Work Plan, how this area will be enclosed since two separate procedures are proposed to be used for the area directly below this opening on the 1st floor (i.e., one portion using the extension of the modified full containment of interior work and one portion is proposing to use a tent enclosure).

11. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-01 and GAD-02, are the 1st floor and 2nd floor gash area diagrams, respectively. These two diagrams show that there is a stairwell between the 1st and 2nd floors. Please clarify in an appropriate section(s) of the Remediation Work Plan the approach to be taken for this stairwell and the sequencing of this work (e.g., will it be handled with the work that will be conducted for the 1st floor using the extension of interior containment, will it be sealed or not from the 2nd floor, etc.).

12. Response to EPA comment No. 19: In general, since Airtek is proposing to use a set of three procedures to address the gash area, and the procedure proposed for a given area (e.g., piping going from one floor to another floor below) may vary from floor to floor (e.g., tent procedure on one floor and extension of interior containment on the floor below for piping entering through each floor via a column), Airtek should ensure that all openings and building penetrations will be sealed properly pursuant to the specified proposed procedures for that specific area on that given floor to avoid any potential breach onto the other floors.

13. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-03, is the 3rd floor gash area diagram. This diagram states that there at least three locations designated as “column with insulated pipes” and at least one location designated as “column with open electrical conduit” where Airtek is proposing to use the gash area focused cleaning procedures specified in Section 6.12.3. Sheet No. GAD-03 proposes the usage of tent enclosures as specified in Section 6.12.2 for similar openings such as “column with holes & porous cement inside”; and, Sheet No. GAD-04 proposes the usage of the extension of modified full containment of interior work procedures specified in Section 6.12.1 for the three locations designated as “column with insulated pipes” on the floor directly above the 3rd floor. Please clarify the rationale for proposing the gash area focused cleaning procedures specified in Section 6.12.3 over one of the other two procedures specified in Sections 6.12.1 and 6.12.2 for the aforementioned areas noted on the 3rd floor.

14. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-09, is the 9th floor gash area diagram. This diagram states that there is at least one of three locations designated as “columns with fiberglass pipes” at the southern end of the gash area that appears to be outside of the area that Airtek proposes the usage of the tent enclosure specified in Section 6.12.2. Please clarify the rationale for not proposing one of the two procedures specified in Sections 6.12.1 and 6.12.2 for this area.

15. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-12, is the 12th floor gash area diagram. This diagram states that there is at least one of six locations designated as “columns with fiberglass pipes inside” at the southern end of the gash area that appears to be outside of the area that Airtek proposes the usage of the tent enclosure specified in Section 6.12.2. Please clarify the rationale for not proposing one of the two procedures specified in Sections 6.12.1 and 6.12.2 for this area.

16. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-13, is the 13th floor gash area diagram. This diagram states that there is at least one location designated as “column with hole inside” and one of three locations designated as “columns with insulated pipes” at the southern end of the gash area that appear to be outside of the areas that Airtek proposes the usage of the tent enclosures specified in Section 6.12.2. Please clarify the rationale for not proposing one of the two procedures specified in Sections 6.12.1 and 6.12.2 for these areas.

17. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-14, is the 14th floor gash area diagram. This diagram states that there is at least one of three locations designated as “columns with fiberglass pipes” at the western end of the gash area and one of three locations designated as “columns with fiberglass pipes” at the southern end of the gash area that appear to be outside of the areas that Airtek proposes the usage of the tent enclosures specified in Section 6.12.2. Please clarify the rationale for not proposing one of the two procedures specified in Sections 6.12.1 and 6.12.2 for these areas.

18. Response to EPA comment Nos. 19 and 22: Attachment XIV, GAD-15, is the 15th floor gash area diagram. This diagram states that there is at least one of two locations designated as “columns with fiberglass pipes” at the southern end of the gash area that appears to be outside of the area that Airtek proposes the usage of the tent enclosure specified in Section 6.12.2. Please clarify the rationale for not proposing one of the two procedures specified in Sections 6.12.1 and 6.12.2 for this area.

Section 7.0: Anticipated Waste Generation

19. Response to EPA comment No. 29: Airtek states in its response to EPA comment No. 29 that it proposes to store asbestos waste in the holding areas of the waste decontamination facilities. During the February 14, 2008 meeting between EPA, NYSDOL, NYCDEP, NYCDOB, FDNY, PAL, Airtek, DASNY, CUNY, and Tishman/LIRO, the NYSDOL indicated that storage of this waste stream in the waste decontamination facilities would potentially impact proper egress through this area. It is recommended that Airtek should add additional language to the third paragraph of

Section 7.0 of the Remediation Work Plan to provide further clarity on the storage of the asbestos waste if an asbestos waste trailer is either full or not present and please ensure that the FDNY is comfortable with the location(s).

Section 9.0: Fire Protection

20. Airtek's response to comment No. 2 from the FDNY with regard to the reconfiguration of the barriers on floors 3, 13, and 14 to allow fire department access states that the diagrams of the reconfigured barriers will be provided to FDNY once the reconfiguration is completed. Airtek should provide copies of the diagrams to all of the regulators once the reconfiguration is completed since personnel from various city, state, and federal agencies/departments will be accessing the building and it would be necessary for them to understand the reconfiguration of the barriers on these floors to avoid unnecessary exposure to the exterior damaged gash area. Once the diagrams are completed, the Remediation Work Plan should be amended to incorporate this information and these diagrams should be referenced in the sixteenth bullet item of Section 9.0 as part of the amendment.

Regulatory Submittal Part IV(R)
Remediation Phase
Waste Sampling and Management Plan
Dated January 9, 2008

Section 6.2 Lead Based Paint Waste

1. Response to EPA Comment No. 1: The sequencing of the lead abatement work has been changed since EPA reviewed the last version of this section. Section 6.2 originally stated that the lead abatement would be performed immediately following the completion of asbestos abatement activities. Now this section states that the lead abatement will be performed concurrently with the asbestos abatement in each of the three respective remediation work areas. Consequently, this decision will impact the final disposal options for the lead based paint waste streams. For porous materials and non-porous materials not being appropriately cleaned, the lead based paint waste streams would be managed, characterized, handled, stored, transported, and disposed as asbestos waste, at a minimum, in addition to being handled, managed, stored, and disposed as lead waste, and depending on any final waste characterization results that may have been or may be conducted for that waste stream. Please revise this section to address this item.

2. Response to EPA Comment No. 2: The new sequencing of the lead abatement work discussed in Section 6.2 of the Remediation Phase Waste Sampling and Management Plan (Remediation WSMP), and discussed in our comment above, appears to conflict with the sequencing of the work specified in Sections 6.1.6 and 6.11.1 of the Remediation Work Plan. Sections 6.1.6 and 6.11.1 of the Remediation Work Plan still state that lead removal will be performed immediately following the completion of asbestos abatement activities while Section 6.2 of the Remediation WSMP states that the lead abatement will be performed concurrently with the asbestos abatement in each of the three respective remediation work areas. This conflict in the sequencing of the work should be resolved and be consistent since the sequencing of the work will determine the final decisions for the management, characterization, handling, storage, transportation and disposal of the lead based paint waste streams. Please revise all relevant sections of the Remediation WSMP and the Remediation Work Plan, as necessary, to address these issues.

3. Response to EPA Comment No. 2: New language has been added to Section 6.11.1 of the Remediation Work Plan to discuss the procedures for the removal and handling of the lead based painted ceramic sink. Section 6.11.1 of the Remediation Work Plan states that the sink will be broken down into smaller pieces by manual means and that the pieces of the sink will be placed into drums. Please clarify in this section that wet methods will be used as a means of dust control during the breaking of the sink into smaller pieces within the work area regardless if this activity is conducted immediately following the completion of asbestos abatement activities or concurrently with the asbestos abatement. If the removal of the sink will be performed concurrently with the asbestos abatement in its respective remediation work area, Airtek should be cognizant to comply with the proper packaging and handling of the sink as asbestos waste at a

minimum, in addition to lead waste, and depending on any final waste characterization results that may have been or may be conducted for that waste stream. This comment pertains to the layers of poly referenced in the 6th sentence of Section 6.11.1 of the Remediation Work Plan. Please clarify in Section 6.11.1 of the Remediation Work Plan and Section 6.2 of the Remediation WSMP if the breaking of the sink into smaller pieces will be conducted within the work area during abatement activities. Section 6.2 of the Remediation WSMP states that “the sink will be taken to the primary waste decon, where it will be sized for packaging”. This seems to imply that the sink will be broken into smaller pieces within the waste decontamination facility. Based on discussions with the NYSDOL, it is recommended that if the sink is intended to be broken into smaller pieces as opposed to being disposed as one whole piece, the breaking of the sink should be done in the active abatement work area instead of the waste decontamination facility.

Section 6.9 Roofing Materials

4. Response to EPA comment No. 4: EPA had indicated that Section 6.13.3 of the Remediation Work Plan had additional language which clarified the approach to be taken for the cooling tower structure if it was not possible to effectively clean the cooling tower unit while it was intact. EPA requested that this information, and any revisions made to Section 6.13.3 of the Remediation Work Plan, should be incorporated into Section 6.9 of the Remediation WSMP so that there would be no conflict and discrepancy in the approach to be taken for the cooling tower and its fill between the two documents since it would be discussed in both documents. This information was not incorporated into Section 6.9 of the Remediation WSMP. Please find below the information that EPA was referencing from Section 6.13.3 of the Remediation Work Plan:

“If it is not possible to effectively clean the cooling tower unit while it is intact, NYS DOL and NYC DEP certified asbestos handlers will dismantle the tower and clean all the components which will be left where the tower was located for removal during the deconstruction phase. All detached cooling tower components will be secured to the roof to prevent from being blown off prior to disposal during the deconstruction phase. Any components that cannot be cleaned will be removed from the tower, wrapped in two layers of poly, processed through the waste decontamination facility and disposed of as asbestos waste or in accordance with any waste characterization results during the Remediation Phase.”

It is recommended that this language be incorporated into the fourth paragraph of Section 6.9 of the Remediation WSMP.

Section 6.6 Refrigerant-containing Equipment

5. Response to EPA Comment No. 6: Airtek states in its response to comments that the Scaffold Erection Operation (SEO) Phase will continue for some time and that the SEO Phase and the Remediation Phase will overlap in some aspects. Please clarify what aspects of the SEO Phase will continue into the Remediation Phase since it was the regulators impression that the SEO Phase would be completed prior to the commencement of the Remediation Phase. Airtek still states that the removal of

refrigerant containing equipment will occur during the Scaffold Erection Operation (SEO) Phase; and, an amendment to the Final SEO Work Plan will be submitted “shortly”. Again, the timing of this work activity was first discussed between the regulators, DASNY, CUNY, and Airtek in the summer of 2007. Please provide a specific date for the submission of this amendment in order for the regulators to appropriately coordinate the review of this amendment in conjunction with the review of the Remediation Phase documents and documents pertaining to other projects.

**List of Proposed Changes to be made to Final
Regulatory Submittal Part I(R)
Remediation Work Plan
Submitted January 21, 2008**

1. Proposed change No. 2 states that the gash area section of the Final Remediation Work Plan will be changed to state that the seven (7) extra gash penetrations and their inspections are already completed. Information pertaining to the location of the seven additional façade openings made in the gash area, the procedures followed to make the openings, the conclusions of the visual inspections of these seven openings, clarity on which, if necessary, one of the three procedures outlined in Sections 6.12.1 through 6.12.3 will be used for any of these seven areas, and their potential impact on the scope, procedure, and sequencing of work in the gash area should be included in the revised Remediation Work Plan.
2. The proposal to add additional language as noted in proposed change No. 6 is not necessary. The regulators have the opportunity to inspect any of the areas undergoing the abatement procedures specified in the Remediation Work Plan.



New York State Department of Labor

Eliot Spitzer, Governor

M. Patricia Smith, Commissioner

February 15, 2008

Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations
US EPA – Region II
290 Broadway
New York, NY 10007-1866

**Re: Comments on Asbestos/WTC Dust Portion of
Regulatory Submittal Part I(R) Remediation Work Plan, January 8, 2008 revision
and revised site-specific variance petition dated January 18, 2008
Fiterman Hall Building
30 West Broadway
New York, NY**

Dear Pat,

The Department has received and reviewed the revised Regulatory Submittal Part I(R) Remediation Work Plan document and the revised site-specific variance petition dated January 8, 2008 and January 18, 2008 respectively, as they relate to asbestos material (ACM) and WTC dust/residue removal/cleanup procedures.

The Department has discussed aspects of the documents with the New York City Department of Environmental Protection (DEP), and DEP concurs with the Department's comments on the submitted documents. Several significant items within the work plan must still be revised to address Departmental concerns.

Specific Comments

REGULATORY SUBMITTAL PART I – WORK PLAN

• **6.1.1 CLEANING AND CLEARANCE OF STAIRWELL C**

This section indicates, "After an opening is created between stairwell C and the adjacent electrical closets and the openings and components are cleaned in a given location, electricians, holding NYS DOL allied trades handler certification..." This section must be clarified to indicate that prior to access by certified electricians, certified handlers will access and clean all surfaces and components within the stairwell and electrical closets which are likely to be contacted by the electricians during their work. This approach must be revised throughout the work plan and variance petition documents.

Regarding electrician access to electrical closets for necessary repairs, this section indicates, "Please note that at this time both the affected electrical closet and the floor will be in a contaminated condition." However, once clearance is obtained for the first floor clean zone work area, the interior of the first floor adjacent to the electrical closet will not be in a contaminated condition. This approach for access to the electrical closets must be modified consistently throughout the work plan and variance petition documents to indicate that once an interior work area adjacent to the electrical closets is



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M. Patricia Smith, Commissioner

cleared, any potential access to the electrical closet will be via an attached airlock and the closet will have negative air ventilation established as per ICR 56 requirements, prior to access by the certified electricians.

- **6.1.5 ASBESTOS-CONTAINING MATERIALS**

This section indicates, "at the completion of the asbestos abatement work in the First Floor Clean Zone there will be no asbestos containing materials in this area". However, according to the Table of ACMs within Attachment VIII of the work plan, ACM exists at the interior of the perimeter wall from floors 1 through 15. Will this material be removed during the first floor clean zone abatement, or will it remain at the conclusion of the abatement for the first floor clean zone? Information regarding this identified ACM must be revised consistently throughout the work plan and variance petition documents.

- **6.1.8 FIRST FLOOR CLEAN ZONE CLEARANCE CRITERIA**

This section includes text regarding clearance of stairwell C as well as clearance of "blocks of a maximum of three floors". All references to clearance air sampling requirements for work areas other than the first floor clean zone must be removed from this section.

- **6.4 ESTABLISHMENT OF INTERIOR CONTAINMENT (SECOND FLOOR THROUGH FIFTEENTH FLOOR)**

This section indicates that the basement negative air machine exhaust tubes will be routed through two shafts to the first floor where the exhaust tubes will be run to the building exterior, and "the basement and first floor area, including these shafts, are part of the one modified containment of the entire building interior." However, this does not appear to be correct based upon the plan drawings within Attachment V and IX, as the shafts appear to be located within the first floor clean zone. This information must be revised consistently throughout the work plan and variance petition documents to accurately reflect the site conditions that will exist. Also, where the exhaust hose passes through uncontaminated portions of the building prior to discharging to the building exterior, an additional daily abatement barrier air sample must be collected as per the requirements of ICR 56. This requirement must be added throughout the work plan and variance petition documents as appropriate.

This section also references damper assemblies to be utilized for additional make-up air sources. However, as per the plan drawing in Attachment X, no damper assembly is apparent. In addition, the HEPA filter air flow direction on the drawing appears to be opposite the normal configuration in a negative air machine. The manufacturer must be contacted to confirm that the unit will operate properly if configured as indicated, and that air flow through the machine will not be impeded by the reversed HEPA filter.

- **6.5 SHREDDER INSTALLATION**

This section references "Attachment IX – Work Area Engineering Controls Diagrams, Diagram ECD-02. However, it appears that the correct reference is Diagram ECD-03. This inaccurate reference must be appropriately revised.

- **6.7.1 SHREDDABLE MATERIALS**

This section indicates that shreddable materials will be manually loaded into wheeled carts for transfer to the shredder area. However, all references within the work plan and variance petition documents to



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the use of carts for transfer of waste materials must be consistently revised to "covered wheeled carts consistent with the requirements of ICR 56-8.9(f)."

- **6.12 GASH AREA ABATEMENT PROCEDURE**

This section indicates a three option approach to cleaning and abatement within the gash area. However, nothing is mentioned within the work plan and variance petition document regarding the necessary assessment completed by a certified project designer and inspector to determine the extent of contamination and resulting intended abatement approach. A summary of the assessment process and the results of the assessment must be added to the work plan and variance petition documents in the appropriate sections.

- **6.12.2 TENT PROCEDURES**

This section indicates that access openings will be installed at each floor of the gash area based upon field conditions. If these intended access locations are already identified, they must be added to the appropriate gash area plan drawings. If the actual locations are unknown, provisions must be included for updating plan drawings once the information is obtained.

This section indicates that remote personal decontamination facilities will be utilized for the tent enclosure work and nothing is included regarding use of a washroom connected to the tent enclosure as per the requirements of ICR 56-7.5(f) Tent procedures must be revised throughout the work plan and variance petition documents to be consistent with intended procedures. If relief from the washroom requirements is necessary and use of remote personal decontamination facilities is necessary for the intended tent enclosure operations, the work plan and variance petition documents must be consistently revised to accurately reflect the intended tent enclosure procedures.

In addition, this section indicates "personnel and waste shall not pass through the air locks at the same time", but the remainder of the text in this section relating to waste and personnel transfer does not agree with this statement. The text within the work plan and variance petition documents must be consistently revised to indicate personnel and waste container transfer procedures for the tent enclosures compliant with ICR 56 requirements for the intended tent enclosure operations.

- **6.12.3 GASH FOCUSED CLEANING PROCEDURE**

This section indicates that the focused cleaning will include manual wet cleaning, but nothing is apparent regarding the use of HEPA vacuums with the cleaning procedures. The work plan and variance petition documents must be consistently revised to indicate that the required cleaning will be accomplished utilizing both manual wet methods and HEPA vacuuming.

This section indicates that aggressive clearance air sampling will be performed by the certified air sampling technician, and the clearance criteria identified within section 6.19 of the work plan will be followed, but nothing is included regarding number of clearance air samples to be collected for these non-contained open-air regulated abatement work areas. Also, the variance petition indicate that no clearance air samples will be collected, instead the most recent daily air samples will be used for comparison to clearance criteria along with a satisfactory project monitor visual inspection. This information must be consistently revised within the work plan and variance petition documents to accurately reflect the intended clearance procedures for these regulated abatement work areas.



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- 6.12.4 MAIN ROOF

This section indicates no air sampling requirements for backgrounds, work area preparation, abatement, cleaning or clearance. The work plan and variance petition documents must be consistently revised to indicate a minimum requirement of large project daily abatement air sampling, using the last set of daily abatement air sample results for comparison to the clearance criteria in combination with a satisfactory project monitor visual inspection.

- 6.14 ELEVATOR SHAFTS

This section indicates that kick-out panels will be installed to provide access to an exterior readiness hoist. However, no drawing detail of these kick-out panels was apparent. A detailed drawing must be provided within the work plan documents.

- 6.20 CLEANING AND CLEARANCE OF THE ELECTRICAL CLOSETS

This section indicates that the number of clearance air samples collected will be based upon the quantity of abatement performed within the closets. However, if no asbestos-containing materials are removed from the closets and only cleaning activities occur within these closets, how many air samples will be collected? A minimum of minor size work area clearance air sampling must be completed for each closet. Thus information must be consistently revised within the work plan and variance petition documents

- 7.0 ANTICIPATED WASTE GENERATION

This section indicates that if no asbestos waste trailer is available for waste loading, no additional asbestos waste containers will be decontaminated from the work areas. However, nothing is apparent regarding temporary storage of waste containers within the waste decontamination facility. Temporary waste container storage within the waste decontamination facility and/or work area is not allowed to impede egress. The work plan and variance petition documents must be revised accordingly.

- 9.0 FIRE PROTECTION

This section indicates that fire-retardant sheetrock will be installed on the outer side of the decontamination facility enclosure. However, will any of the installed sheetrock be located on surfaces within the regulated abatement work area? If so, appropriate precautions must be included to protect the installed sheetrock from water damage within the work area. The work plan and variance petition documents must be appropriately revised.

- ATTACHMENT XII - DECONTAMINATION FACILITY DIAGRAMS

Plan drawings DE03 and DE04 are provided in 8½"x11" format and a portion of the print is illegible. All plan drawings must be provided in a legible format.

- NYS DOL ICR 56 VARIANCE PETITION

The chart provided for the answer to question 25 of the variance petition appears to be inaccurate. The listing of ICR 56 sections where relief is requested must be revised accordingly to reflect intended abatement procedures. Additional sections must be added (e.g. remote personal decons) and some sections deleted as necessary (e.g. 9.1(b, c, f)). A thorough analysis of necessary relief must be completed by the project designer and the variance petition revised appropriately.



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Please note that if an unanticipated situation is encountered during the ACM removal and WTC dust/residue cleanup during implementation of the remediation work plan, which requires additional relief from 12 NYCRR 56, the owner's asbestos project designer firm must submit a reopening request to the site-specific variance decision as necessary, or submit an additional site-specific variance petition to address the situation. If you have any questions please contact our office at (518) 457-1536.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christopher G. Alonge", is positioned above the printed name.

Christopher G. Alonge, P.E.
Associate Safety and Health Engineer

ec Krish Radhakrishnan, P.E. - NYC DEP
Richard Mendelson – USDOL/OSHA
Robert Iulo – NYC DOB
Richard Fram – NYS DEC
Norma Aird – NYS DOL
Chief Michael Weinlein - FDNY
Benn Lewis - Airtek