

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2 290 BROADWAY NEW YORK, NEW YORK 10007-1866

December 13, 2006

BY ELECTRONIC MAIL AND REGULAR MAIL

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

Dear Mr. Lewis:

The United States Environmental Protection Agency (EPA) has reviewed the draft documents submitted by letter of October 5, 2006 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) for the scaffold erection operation (SEO) in support of the "remediation and deconstruction" of Fiterman Hall at 30 West Broadway in Manhattan. The draft documents were also reviewed by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Labor (NYSDOL), the New York City Department of Environmental Protection (NYCDEP). NYSDOL and NYCDEP provided comments on the draft documents. The regulators' comments are incorporated in the attached comments.

The following draft SEO documents were reviewed by the regulators:

- Preliminary Façade Characterization Report, dated September 15, 2006
- Preliminary Environmental Characterization Report, dated September 15, 2006
- Regulatory Submittal Part I(S) Scaffold Work Plan, dated October 2, 2006
- Regulatory Submittal Part II Environmental Community Air Monitoring Program, dated September 15, 2006
- Environmental Community Air Monitoring Program Quality Assurance Project Plan (QAPP), dated September 15, 2006
- Regulatory Submittal Part III(S) Health & Safety Plan, dated October 3, 2006

- Regulatory Submittal Part IV(S) Scaffold Waste Sampling and Management Plan, dated September 15, 2006
- Scaffold Waste Plan and Waste Sampling and Management Plan QAPP, dated October 2, 2006, and the
- · Response to Regulator Comments, dated September 8, 2006.

The draft SEO submittal package states that the proposal for the full project would follow after the SEO submittal. 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 "remediation and deconstruction" project. The attached comments do not pertain to any matters not addressed in the documents reviewed. 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 by DASNY/CUNY.

To explain the revisions to the draft SEO submittal package in support of 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 SEO submittal package; (2) if a comment has not been incorporated, the reason it was not incorporated; and, (3) any additional information to address DASNY/CUNY's response to the attached comments. The supplement will facilitate the regulators' review process. Kindly let us know DASNY/CUNY's schedule for submitting the revised draft SEO submittal package in support for 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 and our acceptance of your plans prior to your commencement of work.

If you have any questions please contact Mr. Emmet Keveney of my staff at (212) 637-3459.

Sincerely. hanght

Pat Evangelista WTC Coordinator New York City Response and Recovery Operations

Enclosure

cc: Sal Carlomagno, NYSDEC w/encl. Chris Alonge, NYSDOL w/encl. Krish Radhakrishnan, NYCDEP w/encl. Richard Mendelson, OSHA w/encl. Robert Iulo, NYCDOB w/encl. Richard Dalessio, DASNY w/encl. Max Pizer, CUNY w/encl.

Preliminary Environmental Characterization Report Remediation and Deconstruction of Fiterman Hall, 30 West Broadway New York, New York Dated September 15, 2006

Section 1.0 Executive Summary – Exterior Façade, Page 4:

1. Section 1.0 was not revised as stated in the response to comments. Section 1.0 only discusses the cleaning to be conducted on the first two floors and does not discuss the cleaning of the gash area. Please revise.

2. Please clarify if the entire gash area will be cleaned in conjunction with the exterior cleaning of the first two floors in all sections of all of the documents that discuss the exterior cleaning of the building. Section 5.3 only discusses the cleaning of the gash area of the southwest façade.

Section 1.0 Executive Summary - Waste Characterization, Page 5:

3. This section states the following: "Further testing of conventional building materials will not be conducted."

- (a) This statement seems to contradict with Airtek's response to EPA comment #2 on the Preliminary Environmental Characterization Report. Airtek states that XRF testing confirmed the positive presence of lead based paint on certain building components. Will waste characterization sampling be conducted on those specific building components to determine the appropriate waste management, handling, and disposal option prior to final disposal? This section should be revised to provide clarity on if further testing of conventional building materials will be conducted.
- (b) This statement also seems to contradict the following statement within this section: "Waste characterization for purposes of informing decisions on waste handling, packaging, transport and disposal is to be addressed in a companion document, *Regulatory Submittal Part IV Waste Sampling and Management Plan* (WSMP)." What will the WSMP contain if Airtek already deemed the dust not to be RCRA and no further testing of building components is scheduled?

Section 1.0 Executive Summary - Lead-Based Paint, Page 5:

4. Airtek's response to EPA comment #2 on the Preliminary Environmental Characterization Report should be included in Section 1.0, Lead-Based Paint Survey.

Section 5.4 Asbestos Containing Materials Survey, Page 17:

5. It would be more beneficial to have the discussion at the end of this section on the sampling of window caulking for PCBs in Section 5.7 (Waste Characterization) since it does not pertain to asbestos sampling but PCBs sampling.

Section 5.5 Lead-Based Paint Survey, Page 17:

6. This section should be revised to add the last sentence of Airtek's response to EPA comment #2 on this section (i.e., "Details on the removal and disposal of these items will be presented in *Regulatory Submittal Part I - Work Plan*").

Section 5.8 Visual Inspection of Mold, Page 18:

7. Section 5.8 should be revised to add Airtek's response to EPA comment #3 with regard to microbiological contamination.

8. Does the City or the State have any guidelines that need to be met at the building with regard to handling mold? If so, they should be referenced in this section and in the *Regulatory Submittal Part I - Work Plan*.

Attachment VIII of the Environmental Characterization Report and Attachment D of Part IV(S) Scaffold Waste Plan – Dust Sampling, Dust Vacuum-2, and PPE sampling-1:

9. The TCLP analytical results for the aforementioned dust samples and PPE samples state for the ignitability characteristic, "ignites". Please clarify what "ignites" means. Please clarify if the sample results met the definition of "ignitable" located in Section 261.21 of 40 Code of Federal Regulations (CFR).

<u>Attachment VIII of the Environmental Characterization Report and Attachment D of Part</u> <u>IV(S) Scaffold Waste Plan – Exterior Netting:</u>

10. Please clarify if the two netting samples analyzed were based on a composite. If so, state where on the netting were the samples taken.

Preliminary Façade Characterization Report Remediation and Deconstruction of Fiterman Hall, 30 West Broadway, New York, New York Dated September 15, 2006

Response to EPA comment #1:

1. (a) Why is there no discussion in any of the documents on the condition of the membrane(s)/material(s) (e.g., sands, etc.) below the roof ballasts and if those layers have been previously cleaned? These are areas that will need to be addressed during any abatement activities conducted on the roof.

(b) Please clarify the current conditions of the various setbacks, the status of previous cleanings, and how many layers of membrane(s)/material(s) (e.g., stone ballasts, sands, etc.) encompass these setbacks.

Section 3.6 WTC COPC Impact Inspection – Surface Impact, Page 11:

2. This section still reads that the highest level of lead detected above ground level was 8.18 ug/ft^2 even though the section goes on to discuss an even higher level of lead that was found on an upper floor (136 ug/ft² - 14th floor). The section should be revised to correct the discrepancy and provide some clarity as was done in the response to comments.

Attachment A of Preliminary Façade Characterization Report and Attachment III of Environmental Characterization Report - Fiterman Hall Exterior Wipe Sampling -Mercury, Lead, Polychlorinated Biphenyls (PCBs) and Polynuclear Aromatic Hydrocarbons (PAH)

3. Table states that PAH results are pending. The table should be updated once the results have been received.

Regulatory Submittal Part I(S) Scaffold Erection Operation Work Plan Remediation and Deconstruction of Fiterman Hall – 30 West Broadway New York, New York Dated October 2, 2006

General Comment:

1. Provisions should be included to identify, assess and address any potentially contaminated hidden interstitial spaces and voids that become apparent during the scaffold erection phase of the project, which may not have been apparent during the pilot study.

Specific Comments:

<u>Section 5.3 Fascia Brick Pilot Program Monitoring; Section 6.4 Pilot Program – Brick</u> <u>Removal & Mastic Abatement; and Attachment II – Scaffold DOL Variance Petition</u> <u>Letter:</u>

2. A discussion on the proposed pilot program was conducted between DASNY, Airtek, EPA, NYSDOL, and NYCDEP on November 30, 2006 to obtain a further understanding on the procedures to be conducted and the conclusions to be drawn from the pilot study. Based on that discussion, the proposed pilot program should be finalized for the subsequent submission.

Section 6.2 Erection of Sidewalk Shed, Page 7:

3. This section discusses the installation of a sidewalk "shed" around the entire perimeter of the exterior façade at the 1^{st} Floor level. Please clarify if a sidewalk "bridge" or "shed" is to be installed around the entire perimeter of the building and revise the document if it is needed.

Section 6.3 Removal of Existing Netting, Page 9:

4. This section states the following: "a forty (40) yard asbestos waste container will be located on the northwest corner of the Building site (corner of Park Place and Greenwich Street) inside the construction barrier". What "construction barrier" is being referred to? This statement seems to contradict figures WS-1 and LOG-1 which show a 40 cubic yard asbestos waste container being placed outside of the fence-line of the property on the roadway of Greenwich Street with no "barriers". How will this container be secured against vandalism, illegal entry, or vehicular traffic that may potentially cause a release into the environment during the pilot program and the duration of the project? The plan should be revised to address the situation.

5. This section states the following: "When a section of netting has been removed the exposed cables will be wet wiped. Cables will remain in place until the netting has been completely removed."

- (a) It is not clear when the cables will be removed. This section, and all other documents that discuss the cables' removal, should be clarified.
- (b) Are any of the cables being used to support the breached portions of the building? If so, what is NYCDOB's opinion of the structural integrity of that side of the building if the cables are removed during the scaffold installation?

Section 6.4 Pilot Program – Brick Removal & Mastic Abatement, Page 9:

6. This section discusses removing sections of brick to expose the spandrel for the installation of scaffold tie-ins. Such language in this section contradicts earlier sections of this document which state that the building envelope will not be penetrated (e.g., Sections 6.1, 6.2, and 1.0). Revise these previous sections to clarify the fact that the envelope will be penetrated to make the tie-ins to the spandrel beams.

Section 6.6 Brick Removal, Page 13:

7. This section states that the "cleaned bricks" will be disposed of as conventional waste. How will the bricks be cleaned? The procedure(s) for how the bricks will be cleaned should be stated in this section.

Section 6.7 Spandrel Tie-In Spot Abatement, Page 13:

8. This section states that test spots have already been performed on the spandrel mastic under existing DOL site specific variance No. 05-0919 and have indicated that the material removes easily under manual pressure without the need for intensive scraping or mechanical means. Is it correct that pilot testing of the mastic removal has not been conducted? If so, this section should be re-written to state what is expected to be achieved and demonstrated by the pilot study as opposed to making an assumption about the conclusions of this pilot study.

Section 6.8 Scaffolding Installation (Floors: 2 through 15), Page 14:

9. This section states that on the south side gash area the spandrel is already exposed due to the damage sustained by the building. This is not an accurate statement since sections of brick remain intact on numerous areas of the south side of the building. This section should be revised.

10. It is not clear from the plan and the drawings how the scaffold installation will proceed upward for the various setbacks to the building. Please provide an explanation in the plan.

11. Please clarify if there is a potential for a disturbance of dust during the installation of scaffolding on any of the setbacks to the building. If so, what procedures will be followed to avoid a potential release to the environment?

12. Please clarify if the scaffolds need to be tied into the membrane(s) on any of the setbacks of the building. If so, please provide details on the procedures to be followed to tie the scaffolds into the setbacks.

Figures WS-1 and LOG-1: Logistics Plan for Pipe Scaffold Layout:

13. These figures show a 40 cubic yard asbestos waste container being placed outside of the fence-line of the property on the roadway of Greenwich Street. Will Greenwich Street be closed off to pedestrian and vehicular traffic? If not, how will this container be secured against vandalism, illegal entry, or vehicular traffic to prevent a release into the environment?

<u>Attachment III – EPA Notification:</u>

14. The EPA Notification form needs to be updated once the plan is finalized and it should be submitted to the appropriate EPA regional program personnel.

Attachment V - Scaffold Tie-In Diagram:

15. Did NYCDOB review the tie-in calculations? If so, have they completed their review and do they have any comments on the tie-in calculations?

Regulatory Submittal Part II Environmental Community Air Monitoring Program Remediation and Deconstruction of Fiterman Hall – 30 West Broadway Dated September 15, 2006

Section 1.1 Operations to Be Monitored, Page 3:

1. Recommend striking out "regulated under NYS DOL" from the following sentence since more than one regulatory agency is involved with this project: "The Remediation Phase regulated under NYS DOL will be monitored under both a Community Air Monitoring Program, and a Work Area Monitoring Program for asbestos."

Section 1.3 Environmental Sampling and Analytical Methodologies, Page 4:

2. The following *bold italic language* should be added to the following sentence: "Generally, sampling will be conducted once every 24-hour work period, except asbestos (TEM/PCMe analyses), which will be taken for the duration of every work shift and once a day during non-work days during the Remediation phase *and Deconstruction phase*."

Section 3.3 Abatement Work Area Monitoring, Page 5:

3. The third paragraph of this section states that monitoring is detailed in *Table 3 - Abatement Work Area Monitoring* in Attachment B (Work Area Monitoring) to this specification. Table 3 is actually titled *Remediation Phase Work Area Monitoring*. Please revise this section accordingly.

Section 4.2 Community Air Monitoring, Page 6:

4. The following *bold italic language* should be added to the following sentence: "If the environmental air monitoring locations need to be changed during the *Remediation phase or the* Deconstruction phase due to site conditions, NYS DOL and USEPA Region 2 office will be notified promptly."

Section 5.2 EPA Site Specific Trigger Levels, Page 7 and Section 6.3.3.2 of the Air <u>OAPP</u>:

5. Re-word the following sentence to read: "Work will be reinitiated once the USEPA Region 2 office has agreed (and NYS DOL in the case of asbestos exceedances) to the corrective action(s) proposed to prevent the potential for exceedances in future work and such corrective actions have been implemented."

Section 5.2 EPA Site Specific Trigger Levels, Page 7 and Section 6.3.3.1 of the Air <u>OAPP</u>:

6. The first sentence in Section 5.2 of the Environmental Community Air Monitoring Program (ECAMP) states: "Any 24-hour value (work shift value on work days or four hour value on non-work days in the case of asbestos) in excess of the EPA Site Specific Trigger Level will be considered an "exceedance."" However, Section 6.3.3.1 of the Air Quality Assurance Project Plan (QAPP) states that an eight hour value as opposed to a four hour value will be used on non-work days. Please clarify which is being proposed for non-work days and ensure that all sections of both documents are consistent.

Section 5.3 Notification, Page 7:

7. Inadvertently removed the following **bold italic language** from the end of the first sentence with this latest submission: "The US EPA Region 2 office, the NYSDOL, and the NYCDEP will be notified promptly via phone and electronic mail of any exceedance of either a Target Air Quality Level or an EPA Site Specific Trigger Level and will be notified promptly of any corrective actions taken in connection with a Target Air Quality Level exceedance or an USEPA Site Specific Trigger Level exceedance." Revise the sentence to include this language.

Section 5.4 Monitoring Data, Page 7:

8. NYSDEC should be added to the list of regulators receiving the sampling results.

Attachment A Table 1 – Community Air Monitoring, Page 9:

9. It should be clear from the chart that the TEOM and hi-volume organic sampling will not be performed on the scaffolding but at one of the other community monitoring locations.

10. It is recommended that the column in the table for the PM parameters state "TEOM PM2.5" and "TEOM 10" as opposed to "R&P TEOM". It is recommended that the following footnote be added at the bottom of the table for further clarity as well: "PM10 TEOM sampler at 1 location per day and PM2.5 TEOM sampler at 1 location per day on 24-hour basis with their locations changed monthly".

11. Reference is made to a PCBs analysis method in Table 1. Airtek states in Table 1 of the ECAMP that it is using the low-volume EPA TO-7A sampling/analysis method for PCBs. This conflicts with the two different methods referenced by Airtek in its Air QAPP. Section 11.1.2.2, Table 11-1, of the Air QAPP, states that method TO-10A (low-volume method) will be used for PCBs while the description for PCBs sampling method in Section 10.2.6 of the Air QAPP and Table 12-1 is for high volume sampling. Please clarify what method will be used and ensure that all of the documents are consistent.

12. The row that discusses silica's flow rate and duration in Table 1 of the ECAMP contradicts the duration stated in the Air QAPP and other portions of the ECAMP for silica. Table 1 of the ECAMP states that samples will be collected at a rate of 2 liters per minute (l/pm) for 8 hours. Section 10.2.4 (Respirable Crystalline Silica) of the Air QAPP states that the samples will be collected at a rate of approximately two liters per minute (2 lpm) for a minimum of twenty-four (24) hours for a resulting total air volume of approximately 3.0 m³; and, footnote 2 of Attachment A – Table 2 of the ECAMP states that the parameters are based on 24-hour values. The discrepancy in Table 1 should be clarified so there is consistency in all sections of all documents that pertain to the silica flow rate and duration.

Attachment A Table 1 – Community Air Monitoring – Footnote 3, Page 10:

13. This footnote discusses the location of community air monitoring stations for the project. As previously stated by Airtek, locations will be determined in cooperation with the EPA. A discussion on the proposed location of air monitoring stations was conducted between DASNY, Airtek, EPA, NYSDOL, and NYCDEP on November 30, 2006. Based on that discussion, the proposed location of the community air monitoring stations should be finalized for the subsequent submission.

<u>Notes on Community Air Monitoring Table - Respirable Crystalline Silica – Metals, Page</u> <u>11:</u>

14. Mercury (particulate) needs to be included in the list of metals to be analyzed.

Organic Compounds (Dioxin/PCBs/PAHs), Bullet Item #1, Page 12:

15. The sentence that reads: "The samples from the location with the highest particulate readings will be analyzed" should be re-written to clarify that PM10 is the particulate reading that will be looked at when determining the sampling location for organics.

Attachment C Community Monitoring Locations, Page 16:

16. Attachment C should show the locations of stations 5 through 8.

Quality Assurance Project Plan for the Environmental Community Air Monitoring Program During the Remediation and Deconstruction of Fiterman Hall Dated September 15, 2006

General Comment:

1. The Quality Assurance Project Plan for the Environmental Community Air Monitoring Program (Air QAPP) has no page numbers. Revise to include page numbering.

2. Since the Air QAPP was not numbered, the page references noted within the Air QAPP comments below pertain to the page numbering noted on the bottom left of the Word file document.

Specific Comments:

Remediation Phase, Page 23:

3. This paragraph discusses the general categories of activities that will be conducted under the Remediation Phase. It is our understanding that only portions of the exterior of the building will be undergoing a complete cleaning; consequently this fact should be clarified whenever the cleaning activities for the exterior of the building are described for the remediation phase. This comment also applies to the description for the remediation phase discussed on page 19 (Section 6 – Remediation and Deconstruction Work) of the Scaffold Waste Plan and Waste Sampling and Management Plan QAPP.

4. Since this paragraph discusses the general categories of activities that will be conducted under the Remediation Phase, item '(a)' should state undertaking environmental monitoring during the "remediation phase" as opposed to "the deconstruction".

5. Strike-out "and" near the beginning of the general categories list sentence.

Regulatory Oversight, Page 24:

6. Should add "including, but not limited to" prior to the list of documents.

7. The reference to the scaffold HASP, *Regulatory Submittal Part III*(S) – *HASP*, is not noted. Please note.

Section 6.3 Project Action Levels, Page 25, 1st Sentence:

8. The following *bold italic* language should be added to the following sentence: "A two-tiered system will be in place during the entire term of the *remediation and* deconstruction project."

Section 6.3.3.2 USEPA Site Specific Trigger Levels Actions Based on Exceedances of Air QAPP, Page 27:

9. Strike-out "associated with the exceedance" in the first sentence of Section 6.3.3.2 so that it reads: "Exceedance of USEPA Site Specific Trigger Levels will result in a stoppage of work until an evaluation of emission controls is performed and corrective action is in place."

10. Re-word the following sentence to read: "Work will be reinitiated once the USEPA Region 2 office has agreed (and NYS DOL in the case of asbestos exceedances) to the corrective action(s) proposed to prevent the potential for exceedances in future work and such corrective actions have been implemented."

Table 6-1. Target Air Quality Levels and USEPA Site-Specific Trigger Levels, Pages 27& 28:

11. Should add the chromium and chromium VI values in the table, and the chromium note (i.e., note 3), exactly as specified in the Environmental Community Air Monitoring Program (ECAMP) Plan. Revise accordingly.

Figure 6-2 Monitoring Data Review Decision Trees, Page 30:

12. Strike-out "and the USEPA" in the following decision tree step: "Airtek and the US EPA Assess Cause of Exceedance." Replace with "Airtek, the US EPA, NYCDEP and NYSDOL (for asbestos) Assess Cause of Exceedance."

Section 7.1 Project Overview, Page 32:

13. Reference is made to "Abatement Phase" with respect to level "1" and level "2" air monitoring. Airtek has only defined two phases for this project: "remediation" and "deconstruction". Airtek should be consistent on using the same nomenclature throughout all of the documents pertaining to this project. Revise to provide clarity.

Section 7.1.1 Sampling Tasks Background Phase, Page 34 and Figure 7-1:

14. This section discusses the initial location of the community air monitoring stations for the project and references the ECAMP Plan for the locations for the air stations for the rest of the project. As previously stated by Airtek, locations will be determined in cooperation with the EPA. A discussion on the proposed location of air monitoring

stations was conducted between DASNY, Airtek, EPA, NYSDOL, and NYCDEP on November 30, 2006. Based on that discussion, the proposed location of the community air monitoring stations should be finalized for the subsequent submission.

15. This section which states that silica will be collected on a work shift basis contradicts Section 10.2.4 (Respirable Crystalline Silica) of the Air QAPP which states that the samples will be collected at a rate of approximately 2 liters per minute for a minimum of twenty-four (24) hours for a resulting total air volume of approximately 3.0 m³; and, footnote 2 of Table 6-1 of the Air QAPP which states that the parameters are based on 24-hour values. The discrepancy in this section should be clarified so there is consistency in all sections of all documents that pertain to the silica flow rate and duration.

16. This section states the following at the end of the last paragraph: "Due to the 14-day analytical turnaround, semivolatile organics sample results for the Background Phase will not be required prior to commencement of the Remediation Phase." This sentence should be re-written to clarify that even though the organics data may not be in-place at the commencement of the scaffold installation, the project monitors will use that data to have a better understanding of the background for semivolatile organics for the overall project.

17. The approach specified for organics sampling in the QAPP (once per week for the two week period) contradicts the ECAMP Plan approach (once on the first day of background sampling). What is the approach? Revise the plans to ensure they are consistent.

18. Missing *'hour*" after "24" in the following sentence: "The station with the highest 24-*hour* average PM10 concentration (μ g/m³) recorded..."

Section 7.1.1 Sampling Tasks Remediation Phase, Page 34:

19. This section which states that silica will be collected on a work shift basis contradicts Section 10.2.4 (Respirable Crystalline Silica) of the Air QAPP which states that the samples will be collected at a rate of approximately two liters per minute (2 lpm) for a minimum of twenty-four (24) hours for a resulting total air volume of approximately 3.0 m³; and, footnote 2 of Table 6-1 of the Air QAPP which states that the parameters are based on 24-hour values. The discrepancy in this section should be clarified so there is consistency in all sections of all documents that pertain to the silica flow rate and duration.

20. Missing *'hour*" after "24" in the following sentence: "The station with the highest 24-*hour* average PM10 concentration (μ g/m³) recorded..."

21. Need to add a footnote to Tables 7-1a, 7-1b, and 7-1c that indicates that PM2.5 and PM10 sampling is conducted over a 24-hour period using EBAMs and TEOMs and note that they do not involve sample collection and fixed laboratory analyses so that the tables

make it clear that they are parameters being evaluated during the entire length of this project.

22. Recommend adding a sampling and analysis summary table for the background phase as was done for the remediation phase (Table 7-2) and the deconstruction phase (Table 7-3).

Deconstruction Phase – Structural Deconstruction, Page 41:

23. This section which states that silica will be collected on a work shift basis contradicts Section 10.2.4 (Respirable Crystalline Silica) of the Air QAPP which states that the samples will be collected at a rate of approximately two liters per minute (2 lpm) for a minimum of twenty-four (24) hours for a resulting total air volume of approximately 3.0 m³; and, footnote 2 of Table 6-1 of the Air QAPP which states that the parameters are based on 24-hour values. The discrepancy in this section should be clarified so there is consistency in all sections of all documents that pertain to the silica flow rate and duration.

24. The paragraph that discusses the organics sampling is not fully consistent with the description described during the remediation phase or the ECAMP Plan. Recommend revising this paragraph to be consistent with the approach as stated under the remediation phase subsection.

Table 8-1 (Comparison of Laboratory Quantitation Limits with Project Action Levels),Page 44:

25. Table 8-1 is filled with discrepant values:

a. The entries of 1.440 m^3 for "Estimated Volume to be Collected" for the ten metals (except mercury) do not correspond to the sample collection rate of 4 liters/minute for 24 hours as specified in Section 10.2.1 Metals (MCE Filters). The calculated Laboratory Quantitation Limits, in ug/m³, appear to be based on an air volume that is 1000 times higher, at 1440 m³. Airtek needs to reconcile the numerical values and whether it intends to conduct low-volume or high-volume sampling.

b. The Metals entry for "Estimated Sample Volume," 1440 m³ (1000 liter/min for 24 hours), in Table 12-1 (Summary of Media, Preservation, Holding Time Requirements), would indicate Airtek intends to perform high-volume sampling. This is inconsistent with the values and text cited in Table 8-1 and Section 10.2.1.

c. One of the subheadings in Section 13.1.1 is Metals (Low-Volume Area Sampler); however, the text directly below it reads: "Table 13-1a summarizes the inspection, testing, and maintenance activities associated with the high volume samplers used to collect metals (TSP) samples." Airtek must reconcile this.

d. The entries of 325 m^3 for "Estimated Volume to be Collected" for dioxins/furans analysis are not used in the calculations for Laboratory Quantitation Limits. The calculations appear to be based on a volume of 288 m^3 . Airtek must reconcile this.

e. The entries of 300 m³ for "Estimated Volume to be Collected" for PCB Aroclors analysis would indicate high-volume sampling. However, the calculated Laboratory Quantitation Limits of 0.10 ug/m³ would indicate low-volume sampling with an expected volume of 7.5 m³. The description for PCBs sampling method, in Section 10.2.6, is for high volume sampling but the PCBs entry in Table 11-1 is for low-volume sampling (Compendium Method TO-10A). The PCBs entry in Table 12-1 is for high volume sampling. Airtek must reconcile this.

f. The entries of 300 m^3 for "Estimated Volume to be Collected" for PAH analysis are not used in the calculations for Laboratory Quantitation Limits. The calculations appear to be based on a volume of 288 m^3 . Airtek must reconcile this.

Section 10.2.1 Metals (MCE Filters), Page 65:

26. This section describes low-volume sampling of 24 hours at 4 liters/minute. This should result in a total volume sampled of 5760 liters or 5.760 m^3 ; however, the QAPP states that "The air sampler draws up to 400 liters through the filter during each sampling event." This is inconsistent with Table 8-1, Table 12-1, and Section 13.1.1 (please see comments 25a, 25b, and 25c, above, respectively). Airtek must reconcile this.

Section 10.2.3 Asbestos, Page 66:

27. This section calls for the use of a "non-conductive cowl" which is contrary to the requirement in NIOSH Method 7402 for the use of a "conductive cowl."

Section 10.2.4 Respirable Crystalline Silica, Page 67:

28. This section cites 24-hour sampling at 2 liters per minute for a total air volume sampled of approximately 3 cubic meters. However, the silica entry for Table 8-1 cites a total volume of 1 cubic meter which would indicate 8-hour sampling at 2 liters per minute. Airtek must reconcile this.

Section 10.2.6 Polychlorinated Biphenyls (PCBs), Page 70:

29. This section describes high-volume sampling. The QAPP section should cite the actual method number. This would help in resolving the discrepancies with Table 8-1, Table 11-1, and Table 12-1 (please see comment 25e, above).

<u> Table 11-1, Page 76:</u>

30. The description for PCBs sampling method, in Section 10.2.6, is for high volume sampling but the PCBs entry in Table 11-1 is for low-volume sampling (Compendium

Method TO-10A). The PCBs entry in Table 12-1 is for high volume sampling. Airtek must reconcile this.

Section 11.1.2.3 Asbestos Analysis by TEM (AHERA), Page 77:

31. The PCMe fiber length definition should read: "fiber length of 5 microns or longer."

Figure 12-1 (Sample Label), Page 85 and Figure 12-3 (Chain-of-Custody Seal), Page 87:

32. Figure 12-1 and Figure 12-3 do not show all the relevant information typical for such labels/seals. Airtek revised the sample labels and the chain-of custody seals used for a similar project in lower Manhattan. It is recommended that those sample labels and chain-of-custody seals be used for this project as well and that the Air QAPP be revised to note what these labels will look like. This comment also applies to Figure 12-1 and Figure 12-3 of the Scaffold Waste Plan and Waste Sampling and Management Plan QAPP (Scaffold Waste Plan QAPP).

Table 12-1. Summary of Media, Preservation, and Holding Time Requirements, Page88:

33. The entry in this table for asbestos (SEM) using German VDI Method 3492 has not been described elsewhere in the QAPP. Please clarify.

34. This table which states that silica will be collected over 8 hours for a total volume of 1.0 m³ contradicts Section 10.2.4 (Respirable Crystalline Silica) of the Air QAPP which states that the samples will be collected at a rate of approximately 2 liters per minute for a minimum of twenty-four (24) hours for a resulting total air volume of approximately 3.0 m³; and, footnote 2 of Table 6-1 of the Air QAPP which states that the parameters are based on 24-hour values. The discrepancy in this table should be clarified so there is consistency in all sections/tables of all documents that pertain to the silica flow rate and duration.

35. Once the sampling method for PCBs has been resolved (low-volume or high volume sampling) by Airtek the entries for PCBs in Table 12-1 must be updated. If Airtek intends to conduct high-volume sampling, then it should include "quartz fiber filter" to the "Media" column.

Section 13.1.1 Field Equipment, Page 90:

36. This section is missing a subsection for asbestos sampling and PCBs sampling. Revise this section to include these parameters.

Table 13-1a.Maintenance, Testing, and Inspection Activities Associated with Metals(MCE filters)Collected with Low Volume Area Samplers, Page 91:

37. Section 10.1.1 Metals (Low-Volume Area Sampler) and Table 13-1a both need to be reconciled with Table 8-1, Section 10.2.1, Table 11-1, Table 12-1, and Table 13-3a.

Table 13-1c. Maintenance, Testing, and Inspection Requirements for Tisch PUF Sampler Used for PCDDs/PCDFs, Dioxins and PAHs, Page 95; and Table 13-3c. Calibration Requirements for TISCH PUF Samplers, Page 100:

38. The acceptance criterion for the single-point calibration checks of the high volume samplers is incorrectly cited as 20% in Table 13-1c and Table 13-3c. Both Compendium Methods TO-9A and TO-13A require the single-point calibration check flow to be within +/- 10 percent of the sampler set point. The QAPP also needs to be explicit in the respective subsection in Section 10.2 that a single point calibration check or audit is required, per both Compendium Methods, before and after each 24-hour sampling period.

Table 13-2. Instrument Maintenance, Testing and Inspection Requirements for FixedLaboratory Analyses, Page 96:

39. Discusses "PM25" in this table, should read "PM2.5".

Section 14.4.2.2 Electronic Deliverables, Page 115:

40. This sentence should be revised to state: "A rolling average will be generated after the first week of sampling, except for PM-10 (24-hour average) and PM-2.5 (24-hour average). Results will subsequently be compared and rolled into this average, except for PM-10 (24-hour average) and PM-2.5 (24-hour average)."

Regulatory Submittal Part III(S) Health & Safety Plan Remediation and Abatement for Scaffolding Erection Operations Dated October 3, 2006

Contacts/Emergency Telephone Numbers, Page 5:

1. Erin Mackenzie is stated to be the "Project Manager" and Mike Porter is designated as the "field sampling coordinator" in the Air and the Scaffold Waste Plan QAPP. The Health and Safety Plan (HASP) states that Mike Porter is the project manager. Please clarify and revise all of the documents to be consistent.

2. The phone number for the NYSDEC point of contact is (718) 482-4894 not (718) 482-4994. The phone number for the OSHA point of contact is (212) 337-3344 not (212) 337-3141. Please revise.

Section 1.0 Scope of Plan, Page 6:

3. The HASP should clearly state what activities will be conducted as part of the Scaffold Erection Operations (SEO) which is part of the overall Remediation Phase. The scaffold erection plan discusses at least nine separate activities being conducted as part of the SEO that are not clearly specified within the HASP.

Section 4.1 Chemical Hazards, Page 12:

4. Strike-out "(III)" after chromium.

Section 4.1.1 Overt Chemical Exposure, Page 13:

5. The beginning of this section states that there are no chemicals present on the exterior façade that could be disturbed during SEO operations. This is not an accurate statement since the building has been breached, a gash exists along a portion of the building, netting has been placed over the gash area, and mastic containing asbestos will need to be abated for the tie-ins. The beginning of this section should be revised.

<u>Section 8.3 Work Zones - Decontamination Unit/Contamination Reduction Zone (CRZ),</u> Page 30:

6. What and where is the "Part Logistics Plan" referenced in this section that states that the "decontamination facilities locations" can be viewed?

Section 9.0 Personal Protective Equipment, Page 31:

7. Please clarify in the HASP when full-faced PAPRs will be used. The HASP states that half-face air-purifying respirators (APR) may be used for removals of non-friable materials.

Section 17.5 Structural Failure, Page 45:

8. Does the NYCDOB have any role in determining re-entry to the site if there is a structural failure? If so, it is not described in this section.

Section 17.6 Emergency Plan - Work Area Evacuation, Item A.1 Page 45:

9. This bullet item should be revised since other contaminants besides asbestos may be at levels above background levels in the building dust.

Regulatory Submittal Part IV(S) Scaffold Waste Plan Dated September 15, 2006

General Comment:

1. Provisions should be included to identify, assess, handle, manage, and dispose of any potentially contaminated material in hidden interstitial spaces and voids that become apparent during the scaffold erection phase of the project, which may not have been apparent during the pilot study.

Specific Comments:

Section 2.1 Contaminants and ACM Building Materials, Page 5:

2. WTC dust should be added to the list since it may be encountered during the fascia brick and mortar removal as part of the scaffold tie-ins.

Section 3.1.1 Previously Characterized Waste – Dust, Page 7:

3. This section states that dust throughout the building has been sampled and analyzed for waste characterization parameters and that the results are included in Attachment D.

(a) Please clarify if both of the following files specified in Attachment D pertain to this dust sampling event: "Dust Sampling.pdf" and "Dust Vacuum – 2.pdf".

(b) Was this dust sampling event conducted pursuant to the sampling scheme stated in Section 4.1, page 8, of the draft *Regulatory Submittal Part IV Waste Sampling and Management Plan* dated January 10, 2006 that was originally submitted to the regulators for comment? If not, how was it conducted and what was the rationale for developing a different sampling approach? If the sampling was conducted as stated in the above-mentioned document, there does not seem to have been a composite sample collected from the 8th floor. Please explain.

4. Re-word the following sentence to read: "No dust tested is regulated for RCRA/TSCA disposal based on the waste characterization sampling results, with the exception that it is assumed to be asbestos-contaminated, and is to be treated and disposed of as such."

Section 3.1.3 Exterior Netting, Page 7:

5. This section states that the exterior netting from various floors of the building has been sampled and analyzed for waste characterization parameters and that the results are included in Attachment D. The chain of custody sheet states on the last line, " 1^{st} Fl, 5^{th} Fl, 12^{th} Fl". Does this pertain to the netting samples or the spray-on fireproofing also referenced on the chain of custody sheet? Please clarify the sampling approach that was taken for the exterior netting samples.

6. Re-word the following sentence to read: "The netting is not regulated for RCRA/TSCA disposal based on the waste characterization sampling results, with the exception that it is assumed to be asbestos-contaminated, and is to be treated and disposed of as such."

Section 3.2 Fascia Brick and Mortar, Page 7:

7. Is it correct to state that the sampling for airborne contaminants pertains to the removal of the mastic in addition to the brick removal? If so, this section should be revised to make this clear.

8. What about the waste characterization of the fascia brick and mortar within the tents for this pilot program if the fascia brick and mortar are not cleaned prior to final disposal?

9. This section states the following: "All other waste materials produced by the Scaffolding Erection Operation (SEO) will be treated as ACM at a minimum, and according to any waste characterization testing conducted in the case of suspect regulated materials." What "other waste materials" is being referred to in this section and where is its handling, management, and disposal discussed within the Waste Plan?

Section 3.1 Previously Characterized Waste, Page 7:

10. This section does not discuss the preliminary waste characterization sampling results for the items discussed in Sections 2.2 (PPE and Remediation Process Consumables). Revise this section to discuss the sampling results for these items.

11. Please clarify the sampling scheme used for this preliminary sampling of PPE and Remediation Process Consumables.

Section 3.3 Uncharacterized Waste, Page 7:

12. This section should state that any uncharacterized/suspect porous material will be assumed to be asbestos waste and handled as such, at a minimum, and in addition, will be managed, transported and disposed of based on its waste characterization sampling results. Further, any suspect material that is non-porous and is not cleaned (i.e., it is not wet-wiped and HEPA vacuumed) will be assumed to be asbestos waste and handled as such, at a minimum, and in addition, will be managed, transported and disposed of based on its waste characterization sampling results.

Section 4.1.1 Façade Surface Dust, Page 9:

13. The first sentence of this section which states that no testing of façade surface dust will be conducted conflicts with the second sentence of this section that states that the dust will be tested and treated as noted in Sections 3.0 and 5.0. Section 3.0 does not discuss "remediation process consumables". Revise this section so that there is no conflict about whether the façade surface dust will or will not undergo further testing for

waste characterization. Further, the section should be revised to state that the dust will be treated as ACM at a minimum.

Section 4.1.4 Gash Area Fascia Brick and Mortar, Page 9:

14. This section appears to conflict with Section 3.2 (Fascia Brick and Mortar). Section 3.2 states that only fascia brick and mortar removed within the tents of the Pilot Program will be treated as ACM waste and that if the pilot program results confirm there is no airborne ACM impact from brick removal, and if no residual WTC dust is observed, fascia brick and mortar removed subsequent to the pilot program will be treated as C&D waste. Section 4.1.4 states that composite samples will be taken. These sections and the pilot program should be revised for consistency on the approach to be taken with the fascia brick and mortar.

15. If fascia brick and mortar in the gash area is removed either as part of the scaffold erection or during a later stage of the project and it is not cleaned prior to disposal, it should be disposed of as asbestos waste, at a minimum, and based on the waste characterization sampling analytical results. This should be clearly stated in this section and elsewhere in the plan, as necessary.

Section 4.2.1 Personal Protective Equipment (Suits/filters/gloves/booties), Page 9:

16. This section states that epresentative samples of PPE will be tested for waste characterization per Sections 3.0 and 5.0. Section 3.0 does not have any information on PPE.

17. The draft *Regulatory Submittal Part IV Waste Sampling and Management Plan*, dated January 10, 2006, stated that suits, filters, gloves, and booties would be packaged and disposed of as asbestos waste at a minimum unless hazardous waste characterization testing indicated that the material must be managed as a hazardous waste as well as an asbestos waste. Will PPE be assumed to be asbestos waste, at a minimum, and will it be packaged and disposed of appropriately as asbestos waste and based on the waste characterization sampling analytical results? If so, this section should be revised to clearly state this fact.

Section 4.2.2 Abatement Materials (rags, bags, poly sheeting), HEPA Vacuum Bags/Negative Air Filters, and Miscellaneous Contaminated Disposables, Page 10:

18. This section states that representative samples of miscellaneous remediation consumables will be tested for waste characterization per Sections 3.0 and 5.0. Section 3.0 does not have any information on abatement materials, HEPA vacuum bags/negative air filters, or miscellaneous contaminated disposables.

19. The draft Regulatory Submittal Part IV Waste Sampling and Management Plan, dated January 10, 2006, stated that such materials would be packaged and disposed of as asbestos waste at a minimum unless hazardous waste characterization testing indicated that the material must be managed as a hazardous waste as well as an asbestos waste.

Will these abatement materials, HEPA vacuum bags/negative air filters, and miscellaneous contaminated disposables be assumed to be asbestos waste, at a minimum, and will they be disposed of appropriately as asbestos waste and based on the waste characterization sampling analytical results? If so, this section should be revised to clearly state this fact.

Section 4.2.3 Cleaning Process Liquids, Page 10:

20. What is the frequency of the testing noted in this section, how will the sampling be conducted (e.g., number of samples per drum, etc.), and what is the capacity of the storage units being used for the liquids? This information should be described in this section.

Section 4.3 Conventional Building Materials, Page 10:

21. This section should be revised to discuss the waste management approach that will be taken for conventional building materials if unanticipated WTC dust is encountered during the installation of the scaffold.

Section 4.5 Unanticipated Waste Categories, Page 11:

22. This section should state that if a sampling protocol needs to be developed that it will be provided to the regulators for review and approval prior to final disposal of the unanticipated waste streams.

Section 6.0 Waste Packaging and Storage, Page 14:

23. Attachment C is not the appropriate reference for the waste storage figure. The correct reference is Attachment B. Please revise accordingly.

24. Figure WS-1 should be incorporated within Attachment B of the actual document since it is only a one-page figure as has been done for the waste travel route(s) (Attachment A).

Section 6.1 Asbestos Waste, Page 14:

25. The last sentence of this section seems to repeat the same item discussed in the second-to-last sentence of this section. Please strike it from this section.

Section 6.4.2 Universal Waste, Page 15:

26. Section 6.3 referenced in this section for hazardous waste is not the appropriate reference. The appropriate reference is Section 6.4.1. Please revise accordingly.

Section 6.5 Conventional (C&D) Waste, Page 16:

27. This section should make it clear in what situations will fascia brick and mortar be handled as C&D waste (e.g., non-impacted non-gash areas) and how fascia brick and mortar will be handled in gash areas, areas known to have been impacted, or in areas discovered to be impacted by WTC dust during the installation of the scaffold.

Section 8.0 Travel Routes, Page 16:

28. Attachment B does not show the travel routes. The correct reference is Attachment A. Please revise accordingly.

Attachment B: Figure WS-1: Logistics Plan for Pipe Scaffold Layout:

29. This figure shows a 40 cubic yard asbestos waste container being placed outside of the fence-line of the property on the roadway of Greenwich Street. Will Greenwich Street be closed off to pedestrian and vehicular traffic? If not, how will this container be secured against vandalism, illegal entry, or collisions with vehicular traffic that may potentially cause a release into the environment?

Scaffolding Waste Plan and Waste Sampling and Management Plan QAPP Dated October 2, 2006

Table 3-1 Distribution List, Page 6:

1. The phone number for the NYSDEC point of contact is (718) 482-4894, for the NYCDEP point of contact is (718) 595-3721, and for the NYCDOB, the point of contact is (212) 566-3364. Please revise.

Section 6.0 Problem Definition/Background - Environmental Characterization, Page 18:

2. The COPC referenced in this section should be consistent with those referenced in the Preliminary Façade Characterization Report [i.e., asbestos, MMVF (man-made vitreous fibers), silica, dioxin, PAH (polycyclic aromatic hydrocarbons), and lead].

3. The last paragraph of this section is not consistent with Section 6.2 (Project Purpose and Objectives). Revise this paragraph so that the two sections are consistent on the objective(s) of the Scaffolding Waste Plan and Waste Sampling and Management Plan QAPP (Scaffold Waste Plan QAPP).

Section 6.0 Problem Definition/Background – Remediation and Deconstruction Work,

<u>Page 19:</u>

4. This section discusses the general categories of activities that will be conducted under the Remediation Phase. The list of items to be conducted as part of the Remediation Phase is not fully consistent with the list of items discussed for the Remediation Phase on page 23 of the ECAMP QAPP. This section should be revised to be consistent with the ECAMP QAPP.

Section 6.0 Problem Definition/Background - Regulatory Oversight, Page 20:

5. Please add "including, but not limited to" prior to the list of documents.

Section 6.3.1 Toxicity, Page 21:

6. Reference is not made to the sampling and analysis method to be used for mercury. Please revise this section and any other sections, tables, charts, etc. in the Scaffold Waste Plan QAPP that pertain to the toxicity characteristics to be sampled for to ensure that they include mercury.

Section 6.3.2 RCRA Characteristics, Page 21:

7. Please clarify if the methods referenced for ignitability and corrosivity are consistent with those referenced in Section 5.2 (RCRA Characteristics) of the Regulatory Submittal Part IV(S) Scaffolding Waste Plan. If not, please revise.

Table 6-1 Waste Characterization Reference Levels, Page 23:

8. Please confirm the TCLP regulatory level for mercury listed in the table. The level is 0.2 mg/l which would not convert to the 20 ug/l listed in the table.

9. Please confirm the TCLP regulatory level for methyl ethyl ketone listed in the table. It appears it is listed on the table based on the units of mg/l (i.e., the correct level of 200 mg/l). However, the table states that the units for the parameters are "ug/l". Therefore, the value should read "200,000" in the table using the units of ug/l.

10. Please confirm the TCLP regulatory level for tetrachloroethylene listed in the chart. The level is 0.7 mg/l which would not convert to the 500 ug/l listed in the table.

11. What is meant by "informational" with regard to the RCRA characteristics for reactivity and corrosivity in the table? Please provide further clarity in the table.

12. Please confirm that the appropriate TCLP regulatory levels for the aforementioned parameters are also reflected in Table 8-1 (Comparison of Laboratory Method Detection Limits with Project Reference Levels).

Section 7.1.1.1 Solid Waste Stream Sampling, Page 27:

13. This section discusses the sampling that will be conducted of representative composite samples for various waste streams. This section does not state that sampling will be conducted for "gash area fascia brick and mortar". This conflicts with the Scaffold Waste Plan which states that this waste stream will be sampled. Please revise this section and any other sections that pertain to the waste streams that will be sampled and include the procedures that are needed to conduct the sampling of all of these various waste streams.

Section 7.1.1.2 Liquid Waste Stream (Wastewater) Sampling, Page 27:

14. What is the frequency of the testing noted in this section and how will the sampling be conducted (e.g., number of samples per drum, etc.)? This information should be described in this section.

15. Measurement performance criteria tables should be included for the following parameters to address the waste characterization aspects of the QAPP: TCLP metals, TCLP VOCs, TCLP SVOCs, TCLP pesticides, TCLP herbicides, reactive sulfide, reactive cyanide, corrosivity, ignitability, and PCBs. Further, these tables should be appropriately referenced in the Scaffold Waste Plan QAPP (e.g., Sections 8.2, 8.2.1, 8.2.2, 11.2, and 11.2.2) and the table of contents.

Section 10.0 Field Sampling Requirements, Page 37:

16. This section should have subsections which discuss the following: field quality control; field blanks; cooler temperature blanks; and field duplicates. Please revise the Scaffold Waste Plan QAPP to include this information.

Section 10.1 Sampling Process Design, Page 37:

17. This section states that Section 7.1.1 discusses the monitoring design for the project. Section 7.1.1 does not provide all of the details discussed in Section 10.1. Airtek may also want to reference its Scaffold Waste Plan since it provides the additional details discussed in Section 10.1.

Section 11.2 Analytical Quality Control, Page 39:

18. This section should have subsections which discuss the following: method blanks/preparation blanks; instrument blanks; surrogate spikes; laboratory control samples; laboratory duplicate; internal standards; and matrix spike samples. Revise the Scaffold Waste Plan QAPP to include this information.

Section 12.1.1 Field Sample Custody, Page 40:

19. This section should include a bullet item that discusses the usage of "temperature blanks" in the coolers to ensure adequate sample temperature upon receipt by the laboratory as specified in Section 12.1.2.

Figure 12-1 (Sample Label), Page 44 and Figure 12-3 (Chain-of-Custody Seal), Page 46:

20. Figure 12-1 and Figure 12-3 do not show all the relevant information typical for such labels/seals. Airtek revised the sample labels and the chain-of custody seals used for a similar project in lower Manhattan. It is recommended that those sample labels and chain-of-custody seals be used for this project as well and that the Scaffold Waste Plan QAPP be revised to note what these labels will look like.

Table 12-1. Summary of Media, Preservation, and Holding Time Requirements, Page 47:

21. The "Full TCLP" analytical parameters row should be broken down to the following with their appropriate container, preservation, and maximum holding time requirements: TCLP metals; TCLP VOCs; TCLP SVOCs; TCLP pesticides; and TCLP herbicides.

22. Please confirm that the container, preservation, and maximum holding time requirements for PCBs and RCRA characteristics parameters are accurate. Please state in the table what are the "RCRA characteristics".

George E. Pataki, Governor



Linda Angello, Commissioner

October 20, 2006

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 Revised Airtek Preliminary Façade& Environmental Characterization Reports & PAL Environmental Safety Corp. Regulatory Submittal – Part I(S) Scaffold Erection Operation Work Plan Fiterman Hall Building 30 West Broadway New York, NY

Dear Pat,

The Department has reviewed the revised October 2, 2006 Airtek Façade & Environmental Characterization Reports, as well as the PAL Part I(S) Scaffold Erection Operation Work Plan document, as they all relate to asbestos material (ACM) and WTC dust/residue identification, assessment and removal/cleanup procedures during the scaffold erection portion of the overall project. Several items within the work plan must be revised to address Departmental concerns.

The Department has discussed concerns regarding the reports and work plan with the NYC DEP, and the Department provides the following general and specific comments on the reports and work plan, to be included with your comments on the entirety of the referenced reports and work plan documents.

General Comments

- As previously indicated, if procedures must be specified that aren't consistent with Industrial Code Rule 56 (ICR 56) requirements, a site-specific variance decision must be obtained by the project designer as an agent for the owner, and the procedures and conditions contained within the site-specific variance decision must then be incorporated into the work plan specified asbestos project procedures.
 - The site-specific variance petition included within Attachment II of the work plan, has yet to be submitted to the Department for an official decision. The variance petition must be submitted using the standard DOSH-751 form along with appropriate processing fee, prior to the Department issuing an official decision on the petition. While the proposed procedures within the variance petition appear to be generally acceptable, conditions/requirements may be added by the Department within the variance decision for adequate health and safety protection of all parties on the project, as well as the general public. The variance petition should be submitted as soon as possible, to alleviate any potential project scheduling issues.

Phone: (518) 457-1536 Fax: (518) 457-1301 W. Averell Harriman State Office Campus, Bldg. 12, Room 154, Albany, NY 12240



• Throughout the work plan submittal, requirements are included for asbestos contractor licensing and handler certification as per ICR 56. However, these requirements must be modified throughout the work plan submittal to indicate contractor licensing and handler certification shall be consistent with NYS DOL ICR 56 requirements, as well as NYC DEP requirements.

Specific Comments

REGULATORY SUBMITTAL PART I(S)-SCAFFOLD ERECTION OPERATION WORK PLAN

• 3.2 NYS DOL Notification

This section indicates "NYS DOL is the primary jurisdiction for the abatement and remediation at Fiterman Hall". This statement is incorrect as NYS DOL ICR 56 requirements are applicable to asbestos handling, not abatement and remediation of all Contaminants Of Potential Concern (COPC) at the work site. This section must be revised appropriately to indicate the correct jurisdiction of the various regulatory agencies.

• 3.3 NYS DOL Variance Applications

This section indicates that a copy of the variance petition is included within Attachment II. However, as indicated above, the official variance petition has not been received by the Department. This section must be revised to indicate that the Attachment II document is a draft of the variance petition supporting information, and that the variance petition has not yet been submitted.

• 6.4 Pilot Program – Brick Removal & Mastic Abatement

This section indicates that if the pilot program is successful, "fascia brick and mortar will be handled and disposed of as C&D waste". This section must be revised to indicate that all brick and mortar removed, which include remnants of ACM mastic, shall be transported and disposed of as ACM waste by appropriate legal method.

The Department anticipates that these issues will be appropriately addressed within a revised version of the work plan and submission of a site-specific variance petition. If you have any questions regarding these comments please contact our office at (518) 457-1536.

Sincerely,

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

ec Krish Radhakrishnan, P.E. - NYC DEP Gil Gillen – USDOL/OSHA Robert Iulo – NYC DOB Richard Fram – NYS DEC Norma Aird – NYS DOL Benn Lewis - Airtek 05-0919