

LOWER MANHATTAN DEVELOPMENT CORPORATION

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MEETING :
of :
130 LIBERTY ADVISORY COMMITTEE :
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Conference Room
Offices of Lower Manhattan
Development Corporation
One Liberty Plaza
20th Floor
New York, New York

December 13, 2004
3:10 p.m.

B e f o r e:

AMY PETERSON
Vice President, Memorial, Cultural
and Civic Development

A P P E A R A N C E S:

For the Lower Manhattan Development Corporation:

Amy Peterson

Kate Mellia

Dyana Lee

David Ridley

William Kelly

For TRC:

Marc Wilkenfeld
Columbia University

Edward Gerdts

Gary Hunt

For Carter Ledyard & Milburn:

Michael C. Davis, Esq.

For Gilbane:

Bill Gilbane, III

Deb Pereira

Phil Zezulinski

John Graves

Bruce Messina

For Kroll:

Neal Drawas

A T T E N D E E S:

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A T T E N D E E S: (Continued)

Dave Newman
NYCOSH/EPA WTC Technical
Expert Review Panel

Catherine M. Hughes
Member, Community Board #1,
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Matt Viggiano
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Senator Martin Connor

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Ann Arlin

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Reporter

P R O C E E D I N G S

MS. PETERSON: I want to thank you all for coming here today.

I think it might be helpful if we went around the room in the first place so everybody knows who is here and then I'll do the introduction of who the team members are for LMDC.

My name is Amy Peterson. I'm the Senior Vice President for Memorial and Cultural Development at the LMDC and I have overall responsibility for the deconstruction work.

MS. MELLIA: I'm Kate Mellia of the Community Development and Relations Department working in the public outreach and community involvement.

MS. LANCASTER: Patricia Lancaster, Department of Buildings.

MR. IULO: Robert Iulo, Department of Buildings.

MR. LEVENSON: Peter Levenson, 90 West Street.

MR. EVANGELISTA: Pat Evangelista, EPA.

MR. BARRY: Ken Barry, EPA.

MS. MOORE: Pat Moore, 125 Cedar

Street.

MR. BOBB: Shawn Bobb, New York
State Public Employees Federation.

MR. NEWMAN: Dave Newman, New York
Committee for Occupational Safety and Health.

MS. HUGHES: Catherine Hughes, I'm a
resident. I live right across the street and a Member
of Community Board #1 and I'm on the EPA World Trade
Center Expert Technical Panel and I'm the community
liaison.

MR. VIGGIANO: Matt Viggiano,
representative of New York State Senator Martin
Connor.

MR. KENNEDY: Richard Kennedy,
Community Board #1.

MS. DUFFY: Judy Duffy, Community
Board #1.

MS. ROBIN FORST: Robin Forst, for
Councilman Alan Gerson.

MS. HENSELEY: Jen Henseley,
Downtown Alliance.

MR. GILBANE: Bill Gilbane, Gilbane.

MS. PEREIRA: Deb Pereira with

Gilbane.

MR. ZEZULINSKI: Phil Zezulinski,

Gilbane.

MR. GRAVES: John Graves, Gilbane.

MR. GILSENAN: Michael Gilsenan, New
York City DEP.

MR. LEMSON: Steve Lemson, American
Express.

MS. JONES: Patricia Jones,
Occupational Safety and Health Administration.

MR. FICKERIA: Dominick Fickeria,
URS.

MS. GILER: Desiree Giler, Paul
Hastings.

MR. PAUL: John Paul, Periconi LLC.

MR. DRAWAS: Neal Drawas, Kroll
Associates.

MS. LEE: Dyana Lee, LMDC.

MR. WILKENFELD: I'm Mark
Wilkenfeld. I'm an occupational physician at Columbia
and I'm working with TRC.

MS. CHANG: Julie Chang, Ecology &
Environment.

MR. RIDLEY: David Ridley, Lower Manhattan Development Corporation.

MR. DAVIS: Mike Davis, Carter Ledyard, counsel to LMDC.

MR. GERDTS: Edward Gerdts, TRC Environmentals.

MR. HUNT: Gary Hunt, TRC Environmentals.

MS. PETERSON: And those in the back row.

MS. LUBINOF: Faye Lubinof, New York City Law Department.

MS. SILVERSTEIN: Bea Silverstein, BPC United.

MS. IDELBERG: Daniella Idelberg, LMDC.

MR. BORITZA: John Boritza, Verizon.

MR. D'ANDREA: Chris D'Andrea, New York City Department of Health, Mental Hygiene.

MS. KIMBERLY FLYNN: Kimberly Flynn, 9/11 Environmental Action.

MR. KUPFERMAN: Joel Kupferman, Uniformed Firefighters Association and New York

Environmental Law and Justice Project.

MS. KERRIGAN: Kate Kerrigan,
Downtown Alliance.

MS. PETERSON: Great.

Thank you all for coming.

I want to talk briefly about who all of our consultants and contractors are working on this project and then the presentation today will be given by me, Deb Pereira from Gilbane and Ed Gerdts and both David Ridley and Kate Mellia will talk about some of the other aspects that LMDC is coordinating.

Gilbane is the contractor that LMDC has hired as the deconstruction contractor. They have a number of subcontractors who have been actively involved in the development of this plan and will be the major subcontractors doing the deconstruction.

LVI is their asbestos cleaning subcontractor.

Weston is their environmental monitoring subcontractor and drafted many of the components of this plan.

And CDI, Controlled Demolition, Inc., is their deconstruction subcontractor.

URS Corporation has been hired by the LMDC since I think our last meeting in September as our on-site owners representative.

And TRC is working with them as the environmental consultant on this project.

Ecology & Environment is helping us with the public outreach and has a tremendous amount of experience in environmental projects.

The Ambient Group is currently doing our exterior air monitoring. However, we did recently issue an RFP/RFQ and we are reviewing those proposals now. So there will be possibly a different firm doing that work in the upcoming year.

And I wanted Dyana Lee to mention briefly what Kroll Associates' role is on the project.

MS. LEE: Kroll has been hired as our integrity monitor. Neal Drawas, who is seated to my left, is Kroll's managing director for environmental and safety risk management.

Kroll has undertaken an initial risk assessment. They are going to be looking at the policies and procedures in place to assess those for any risks of corruption, fraud, cost abuse, safety and

environmental concerns.

Thereafter we anticipate from them a corruption prevention program that they will design for us based on the risks that they identify. I'm anticipating that included in that will certainly be an audit plan where they will be auditing to ensure compliance with the procedures and policies that will be put in place as well as a forensic review of costs and an audit plan to ensure compliance with the environmental and safety plans that are put in place.

And certainly should there be any need for any investigations, they will be doing that as well.

MS. PETERSON: In addition to the contractors and consultants that LMDC is working with, there are a number of regulatory agencies, many of them who are here today, who are overseeing this project from an environmental or other regulatory perspective.

Some of them are listed here.

And the plan that we are submitting to the -- that we are providing to the public today we are submitting formally to the regulators today and we

will get comments from them and amend the plan as necessary to comply with all the requirements.

As people may remember, in September -- we basically acquired the building on August 31st and on September 14th issued our Initial Characterization Study. And in that Characterization Study we outlined the findings, the environmental findings, for the building excluding interstitial spaces which we are still going to be testing on and Ed Gerdts will talk about briefly.

Basically we found in the building asbestos-containing building materials in both the interior of the building and the exterior of the building. These are things like floor tile and exterior caulking, not in massive quantities, but in quantities throughout the building that need to be remediated and removed as part of the deconstruction.

We also found technical levels of asbestos, silica, PAHs, dioxin, PCBs and heavy metals including mercury in the dust, both above and below the ceiling.

And in the report that was issued on September 14th we tried to compare these to studies

that had been done previously for World Trade Center dust and found that the dust that was found throughout the building above and below the ceilings is characteristic of World Trade Center dust.

And we have been doing additional testing in some of the interstitial spaces which, as I said, Ed will talk about.

Since September, we have been doing the supplemental testing and we have also been developing the deconstruction plan.

The first phase of that we'll share with you today. As we discussed in September, it's our intention to do this project in two phases, which will probably overlap.

The first phase will deal with clearing out and cleaning the space in the interior, as if you were in here, from deck to deck.

And then the second phase we will be removing the exterior of the building and the structure down to grade.

In addition, we have been working on the permitting and notification plan. There are a number of different permits we need to acquire for

this project and we have been working through that process and the development of this and the submission of this to the regulators as part of that process.

Ed.

MR. GERDTS: Thank you, Amy.

As Amy mentioned, there was an Initial Characterization Report prepared and issued September 14th. Within that report there were areas identified that were inaccessible during the initial characterization because the building wasn't at that time under the ownership of LMDC.

As part of the recommendations of the Initial Characterization Report was to perform a supplemental investigation in areas that were previously inaccessible. And those areas are listed here. They include the curtain wall, an area which is the area between the exterior of the building and the interior sheetrock, interior walls or the interstitial spaces within the interior walls, the exterior of the building at elevation, HVAC ductwork, vertical shafts and elevator shafts and then cell systems and raceways. Those are -- within the building there are things called cell systems and raceways which are

essentially conduits that were created as part of the construction in the concrete of the floor of the various floors. And these conduits were used to route telecommunications, electrical lines, you know, for the office. And they are within the conduit of various floors in the building.

In addition, one of the things that we were asked to do is perform an initial waste characterization for waste disposal issues to assist in the determination of waste characterization; so performing an initial preliminary waste characterization sampling study.

That supplemental investigation essentially will follow the testing protocol of the initial characterization for surface dust as well as bulk dust, primarily for the chemicals -- the contaminants of potential concern, the COPC list.

In addition, there are in those same areas, those inaccessible areas, we are going to be looking for mold and asbestos-containing building materials.

So those areas we weren't able to previously inspect and now we are in the process of

performing that inspection for asbestos-containing building materials and mold.

The results obviously will be incorporated into or will need to be incorporated into the program, both the Phase 1 and the Phase 2 deconstruction plan.

So once -- as we develop the results, we will be presenting them internally and as well as to the public and they will be the basis for some of the decisions made in the Phase 1 and Phase 2 deconstruction plan.

We do have some information to report at this point.

The HVAC testing that was conducted has been completed, and that's essentially the ductwork that's located on the various floors within the building. Again, TRC collected as part of the supplemental investigation surface wipe sampling for asbestos and lead initially, concentration loading of surfaces within the HVAC ductwork. And average asbestos concentrations were approximately 1.2 million structures per square centimeter we found and lead loading was approximately 611 micrograms per square

foot.

This report will be presented in the next few days and it will be available on the LMDC website, renewnyc.com, so you can review that in the next few days on the website.

We looked at that data and compared it to other concentrations that we found within the building, both above and below the ceiling, surface dust contamination loading concentration, and we found it to be consistent with those concentrations found in other areas of the building, which is logical because it's part of the HVAC system so a lot of access points to that system.

In addition, we compared it to the September 2002 and May 2003 PA studies relative to benchmark establishment, risk based benchmark, and again these concentrations exceeded those benchmark concentrations.

Those benchmark concentrations are residential benchmark concentrations for health risk concentrations designed for continuous occupancy. Obviously nobody is looking to reoccupy this building. But nonetheless we used those as a comparative to try

to present the results in some sort of context relative to some established studies that have been done on the World Trade Center dust. And again they significantly exceeded those risk based standards.

Again, these results will be available on the LMDC website.

MS. PETERSON: Today we are presenting, as I said, the plan to the public both at this meeting and we are also going to Community Board #1 and we expect the plan to be available shortly on our website.

And we are also submitting it to the regulatory agencies.

Because of the week that it is and the weeks that are the next two weeks we don't anticipate having a public information session in the next few weeks. However, we do anticipate having a larger public information session early in January.

We also hope to get comments back from the regulators and to submit any amendments to the plan and to present the plan to the public at an information session. And our hope is that we will be able to begin the Phase 1 deconstruction activity in

January.

Our main goal for the deconstruction at 130 Liberty Street is to do it in a manner that protects the health and safety of the workers and protects the health and safety of the community.

And the plan that we have drafted is in place to just do that and to be compliant with all rules and regulations.

The plan that we put in place is consistent with the findings of the Initial Building Characterization Study Report and will be updated as necessary to be compliant with the supplemental testing and is also consistent with current industry standard practices.

And now I'm going to turn it over to Deb Pereira who will walk you through the plan in more detail.

MS. PEREIRA: Thank you.

Basically, as Amy and Ed have discussed, the overall deconstruction is divided into two phases: phase 1 being the removal of interior, non-structural components leaving for Phase 2 primarily the structure, the exterior skin, curtain

wall and the superstructure itself.

That generically covers the phases.

Within Phase 1 we will be dealing with the abatement of the asbestos-containing materials that have been identified, cleaning the dust from within the building and doing what we would commonly refer to as soft stripping/interior gut, namely, removing those non-structural elements that either needed to be moved to gain access to the asbestos or other materials for cleaning purposes, and then finally those which need to be removed prior to demolition and deconstruction of the superstructure.

The other significant events that people may be interested in, at some point during Phase 2 we'll be erecting the tower crane which will be on the northwest corner of the building and the personnel and material hoist which will be on the Albany Street side about mid-point of the building.

Phase 2, as I indicated then, is dealing with any asbestos-containing building materials that are associated with the exterior of the building. There will be some remaining materials inside the structure that will have to be removed kind

of in a soft strip/interior gut fashion. Those are fairly minimal, however. And then we would be dealing with the structural components, starting at the rooftop mechanical and then the systematic deconstruction of the steel and superstructure of the building.

The components of the draft Phase 1 deconstruction plan as it is presented are essentially a waste management plan, which details our program for evaluating the waste that will be generated throughout the Phase 1 process.

Obviously there is going to be asbestos-containing waste generated because we are removing asbestos-containing building materials. But beyond that, there needs to be an evaluation of the remaining material components that will be removed during this phase to determine whether or not they in some way have been affected or tainted by the other contaminants of potential concern as Ed spoke about earlier.

So the waste management plan talks about a sampling program that will allow us to evaluate both the dust as well as porous and other

building materials to determine its proper disposal routing.

Section 2 is our ambient air sampling program. I'll speak at length about some of these sections in a moment. But that details the methodologies that will be used outside of the building boundary in the immediate community to evaluate airborne emissions that could be affecting the community, some of which might be related to our project, some of which may be related to other projects or off-site work or general traffic. But we're collectively with LMDC putting a program together that will help us have a process for continually monitoring and evaluating that data towards making good decisions as we move through the project.

Section 4 is a safety, our standard safety operating procedures for Gilbane, LVI, CDI and Weston as the primary subconsultants and part of our deconstruction team.

Section 4 is currently not included because it's quite voluminous in nature and really goes through kind of standard OSHA compliance

construction and deconstruction methodologies.

LMDC does have those documents and is in the process of reviewing them.

Section 5 is a health and safety plan which generally covers exposure and environmental-related concerns. Although it does go into some of the physical hazards that are associated with the work that we will be performing throughout Phase 1, it's largely dealing with the chemical and exposure-related concerns associated with the building.

Next is Section 6 which is the abatement plan detailing appropriate measures that will be utilized for the abatement of the identified asbestos-containing building materials, and then lastly a plan which details our methodologies for stripping out the remainder of those interior non-structural components.

Phase 1 is further broken down into two phases.

Phase 1A, which will be performed by a licensed abatement contractor under containment and controlled environmental conditions will essentially -

- all phases of the work will start at the top of the building and work their way down.

The abatement contractor will create a negative pressure containment and then remove the asbestos-containing building materials, perform dust removal and so on. We've got some more detail of that in methodologies.

As you can see, negative pressure containment will be established in the work area to control any fibers and/or other contaminants and particulates that may be released through that Phase 1A process. Obviously those will be controlled through wet methods as well as the negative pressure enclosure prior to the work. The vertical connections if you will, between floors will be sealed off so that any floor that was previously cleaned above will not become recontaminated by conducting the work that is happening in the floor below.

And then the final step as they move their way through the building will be to go back and do the stairwells and the elevator shafts because we will be using those for transport of materials and personnel for the Phase 1A activities throughout. So

we will do that at the end.

The asbestos abatement essentially, as I said, is to establish the negative pressure first. And then the contractor will be opening up the work area by taking down the ceiling structure, the drop ceiling tiles and the gridwork. Above those in many locations there's a kind of a lot of loose cabling and wiring. That will all be stripped down to open up what was the above ceiling space.

Where there is vinyl asbestos floor tile under the carpeting, obviously the carpeting will need to come up at an early stage in the process to access that material.

If there is raised flooring, the raised flooring will be taken up because again there is cabling and wiring under there that needs to be collected as well.

Then the asbestos-containing building materials will be removed, the entire area will be cleaned, including the dust, the existing dust, and the remaining fireproofing will be encapsulated using a bridging encapsulant, at which point a third party inspector will come in and do a

visual inspection of the entire work area to ensure that all of those steps have happened in a thorough and complete manner.

And then lastly final air clearance samples will be taken in the area.

Phase 1B will follow behind Phase 1A leaving at least a one-floor buffer in between those two work activities. They will happen concurrently. And this is involving the soft strip of the remaining materials in the space, all the minor mechanical, electrical and plumbing conduits and hard piping, removing the gyp wallboard, the gypsum wallboard, interior partitions, removing the sprayed on fireproofing, removing bathroom fixtures and shelving and things of that nature.

The methodology for Phase B essentially is using kind of small scale demolition equipment, things like bobcats and grapplers, to help knock down those materials within this space and then segregate wasteout appropriately so that it can be chuted down the building within an interior shaft for a collection point and be properly disposed of, whether it's construction and demolition waste, or

whether there are materials that might, in fact, be recycled.

This is all, of course, assuming that our waste characterization doesn't indicate that there are hazardous materials. Those will be separately segregated and I'll speak to that in just a moment.

The tower crane and hoist, as I said, will be erected for material and personnel movement particularly for the Phase 1B workers so that they are able to kind of circumvent without traversing through the contaminated Phase 1A work. They'll use the personnel hoist to go to the floors above where they are working in Phase 1B.

And the tower crane, as I said, will be at the northwest corner and the hoist will be at Albany Street.

There are some attachment points that have been pre-engineered where connections have to take place for the erection of those two pieces of equipment. Those will be precleaned by the abatement contractor before the exterior wall is opened at any point to ensure that there are no releases to the

environment.

In terms of other protective measures, the waste sampling program, as I profiled, will be an evaluation of the current materials in place in the building looking at all the homogeneous materials in various zones of the building to determine how they may have been impacted, whether or not they are hazardous or tainted in any way so that they can be properly segregated for disposal.

We use the existing data that's available to us both from the September 14th report as well as any new data becoming available to us through TRC and their supplemental testing to help determine the sampling points for the materials in place.

We'll collect those samples and those results will guide us with regard to the personnel that can impact those materials, any special precautions that are necessary for those people or for the packaging and management and movement of that waste.

If, in fact, we do identify any waste that meets the requirements or is classified as hazardous, that will be segregated out from all other

waste generated during the Phase 1B activities, and that waste will not be chuted down the building. There will be other provisions for packaging and getting that waste down the building in a more controlled fashion.

All waste will be essentially loaded -- both of the waste points for the asbestos-contaminated waste and for construction and demolition waste that comes out of Phase 1A and 1B, come out at the loading dock area. So the proper vessels will be there to accept the waste, properly marked, and that will all come out in the traffic plan that will be presented.

During any times of loading obviously they won't be covered, but any times when loading is not occurring, those will be sealed with tarps and then certainly the loading dock doors will be closed until they are being moved out. And once they are being moved out, they will be properly sealed as per the requirements for the waste as it's designated.

The air monitoring section, Section 2, of this draft plan Section 2 really deals with item

4, but I do want to profile briefly the various levels of air monitoring that takes place because it comprises the overall program.

The first level of monitoring is at the generation point, which would be the worst case scenario. Workers that are actually doing the Phase 1A or Phase 1B work would be exposed to the highest levels of any contaminant or particulates that were generated.

So there is personal air monitoring that happens literally in the workers' breathing zone. And that's our first indication of not only are they being properly protected, but it's also our first indication of the types of levels of concentrates that we would see in the airborne environment.

Next, just outside of those work zones we have Weston, who is our environmental consultant, will be collecting area air samples to determine if the engineering controls we have in place are adequate for the work that is being performed.

Level 3 then would be a similar type of sampling outside of the building but within the confines of the site.

And then, lastly, Level 4 is sampling that will occur outside of the boundaries of the site in the immediate surrounding community. And that's specifically what's detailed in Section 2.

Section 2 is a proposed program to utilize a combination of meteorological data that will be collected on the site in concert with some, both realtime sampling and some analytical samples that will be collected and analyzed to help inform the work as it proceeds and help create a process where we can continually evaluate that our means and methodologies are adequately protecting the environment and make adjustments where it's appropriate.

Our plan is actually being created in concert with the plan that LMDC is putting together, and that Ed will speak about in just a moment, with the idea being to establish levels that we would refer to as a trigger level, something below a level that would be at risk-based that will allow us to make an adjustment in one's procedures if it's appropriate.

MR. GERDTS: As Deb mentioned, you know, part of the deconstruction plan is Section 2

that talks about the Gilbane ambient air quality monitoring program that they propose for this project.

Prior to our receipt of that program, TRC under LMDC prepared an enhanced, a proposed enhanced exterior monitoring, air monitoring program. That's going around the table now, a copy of that. And that will be located as well on the LMDC website.

This program was prepared prior to receipt of Section 2 of the deconstruction plan. So there is currently a fairly significant amount of overlap to the plan. And the intent is going forward to remove any redundancies and to make the programs complimentary so we have a complimentary, coordinated approach to exterior air monitoring where LMDC would provide some of the oversight and sampling and QAQC associated with that work.

So this is obviously a draft -- with that in mind this is a draft program, a draft approach, that will need to be modified going forward.

Nonetheless, we thought it important to talk about some of the components of the program that we proposed.

One of the important aspects of it is, currently there is an exterior air monitoring program going on twenty-four hours a day, seven days a week, which has been occurring since LMDC took ownership of the property.

This was a proposed enhancement to that program and it includes an additional sampling location at elevation. That's one of the components we felt it prudent, to add additional sampling locations, not only at the street level, which is the current program, five street level locations, but to have some air monitoring at elevation, rooftop setbacks, in the immediate vicinity surrounding 130 Liberty.

In addition, part of the program will include co-location of samplers to ensure QAQC requirements are met for the program.

Another component is realtime monitoring for total suspended particulate and PM10, particular matter 10 microns and less fraction of particulates. That's an important program. Part of that is realtime, immediate response so we can understand what's going on on a realtime basis and respond to issues on a realtime basis.

That's included in this program.

That in concert with meteorological monitoring will allow us on a realtime basis to determine if we have some sort of an elevated concentration, are we upwind or downwind of the site. There's a lot of construction going on in this area. So we want to make sure we understand the results in concert with the meteorological results and the conditions at the time of the sampling.

Not only are we looking at particulate matter, we want to make sure that we are sampling for the enhanced analyte list, COPCs, Contaminants of Potential Concern, as well as contaminants that were identified in the Initial Building Characterization Report.

So in this program we've got a pretty long list of contaminants that we are going to be proposing to look for in the air during the course of this project.

An important part of this program is project and public notification so if we do have some kind of a short-term exceedance, we can respond to that in a realtime manner and direct the project

accordingly. That's part of it and built into the program.

Likewise, if we should have, hopefully we will not and we'll be working hard to ensure that there isn't any release of contaminants that would affect the population in general and Downtown, the emergency action plan will address the notification of the public in cases of such an unexpected emergency event.

Currently the program includes submission of the results to the DEP and other regulators on a daily basis as the results are being generated for their review. It's an ongoing basis, it's on an ongoing basis. It has been occurring since the project -- since LMDC took ownership of the property. And LMDC is committed to doing that going forward as well.

And, again, all the results to date are available on the LMDC website. As they are generated and reviewed, they are posted on the website and there is a commitment to continue doing that as well.

MS. PEREIRA: The next component of

the draft Phase 1 deconstruction plan that's presented today is the emergency action plan that Ed just referred to. That is our both preplanning efforts as well as response to any events that might occur which would be problematic for the site or beyond the site.

We have also with us today John Graves, who is our senior general superintendent. John is listed in the plan as Gilbane's Emergency Coordinator. John is also a New York City site safety manager and has extensive experience here in Manhattan in high rise buildings and in construction and deconstruction of this type. So John will be serving in that role.

In addition, supporting John, would be our entire field staff, but also every prime subcontractor is required to designate an emergency coordinator as well who will work with John on a daily basis to ensure that the proactive and preplanning measures are in place and functioning adequately, but that they're prepared, if necessary, to deal with any circumstance that might develop.

Some of the preplanning measures involve obviously reaching out to the first responders

and other entities that have interest in the project to ensure that they're well informed about what our planning process is, what our response measures would be, how they might be involved in that, hear from them with regard to any questions they may have or inputs to the plan. If they want to have any other documents or drawings available to them, we'll certainly make those available to them, in addition to letting them know where we maintain them on site as well.

John will meet with those representatives personally to ensure that any questions they have are addressed and all the issues are worked out ahead of time.

If they have a desire to try to do some type of a drill process to ensure that the response is appropriate, then John will work to coordinate that as well.

We have protocols in the plan, if necessary, for building evacuation through an audible alarm evacuation signal that can be heard throughout the building. It is not intended necessarily for that signal to be able to be heard outside of the building, although you may be able to hear the signal outside of

the building. It is intended to notify workers within the building that they are to immediately evacuate the site to one of the designated assembly locations to be accounted for.

John will be working with the subcontractor emergency coordinators to test that audible signal on a regular basis and will make sure that LMDC is aware of what schedule is so we can communicate that to the community to the extent that that signal is audible outside of the building.

There are also in the plan -- in the emergency action plan Section 3 there's a communication chart which has John's phone numbers as well as Gilbane's 24-hour hotline number and some other key phone numbers for emergency response and all coordinated through the hub, which is John.

MS. MELLIA: We also wanted to address what community notification would occur in the instance of an emergency.

And similarly to how Gilbane presented their community planning, LMDC proposes that we engage in the same activities. We plan to meet with the emergency response agencies, the local hospital

and the surrounding community members who would like to join in on that prior to the commencement of work in order to address the same things as Deb mentioned.

We also plan to notify the surrounding building landlords and superintendents of the deconstruction activities just to ensure that they are aware of the activity that will be going on at the site and the condition of the building and prompt them to update whatever documentation they may need to have on site for evacuation plans or building notification that they currently may hold themselves.

We will also arrange for the Gilbane emergency coordinators to meet with the community as necessary. If there are drills that may occur, we will notify the community, and if it's appropriate for them to participate, make that happen.

In the event of an emergency necessitating immediate community action, LMDC will rely on the emergency response agencies' protocol for informing the community of necessary actions and impacts during the event.

In the event of incidents impacting the community that don't require immediate

notification, LMDC plans to act similarly to how things occurred in October after the incident with the glass. We will activate the phone tree that was established in October with the various volunteers from the buildings surrounding, the residential and businesses surrounding 130 Liberty Street.

Shortly after the phone calls are initiated, we'll send an e-mail regarding the particular incidents, and shortly after that, we are committed to posting flyers in the surrounding buildings to further identify the actions that were taken and to reach out to those who may not be accessible via e-mail.

And then we will have briefings to discuss the incident and the measures that were taken in response to the incident. And that notification will go through the list that was generated in October of the neighbors as well as the lists from our website and this group as well that can participate in all of those and be notified of any of the actions undertaken.

MS. PEREIRA: The next component of the plan is the health and safety plan which, as I

mentioned, really deals primarily with the exposure related hazards associated with the project, but also does cover some of the physical hazards that would be a possibility given the work that will be conducted under Phase 1.

Obviously the primary concern here is the protection of the workers performing the work in the immediate vicinity of the work ensuring that engineering controls are taken to the extent that they are feasible and then backing up those engineering controls with personal protective equipment as it is appropriate, making sure that compliance with all applicable standards, obviously guided by OSHA largely in this case, would be followed appropriately.

All contractor and subcontractor personnel, anyone that works at that site, has to go through a site safety orientation before they are allowed to work on the site. John will be overseeing that process as well. And they will be informed not only about general safety requirements, but the specifics of the health and safety plan as well as the specifics of the emergency action plan.

So we will make sure that everyone

has at least an initial training and that will be something that they will be reminded of on a regular basis through the talks and other mechanisms that we use.

The health and safety plan outlines, as I said, the engineering controls that are in place and they vary depending on whether we're in Phase 1A or Phase 1B:

But certainly the negative pressure systems and the use of misting and other dust control measures are engineering type controls;

And the personal protective equipment, use of respirators, disposable suits and the decontamination process that workers have to go through when they are exiting any of those Phase 1A areas;

Potential physical hazards that might be associated with the work, whether that might be hazards they bring into the site, like carbon monoxide associated equipment or chemicals that they might be bringing to the site for some reason, or whether it's physical hazards related to the erection of the crane and just getting, you know, pinched or

things of that nature.

We will be complying with the Coordinated Construction Act with regards to air quality related to diesel emissions, use of ultra low sulphur fuels, diesel retrofit equipment, restricting the hours of operation.

The hours of operation currently are proposed to be Monday through Friday, 7:00 to 3:30 with a slight overlap for the elevator operator, 6:30 to 4:00 o'clock.

There is some possibility that we may extend some work a bit later into the evening and the possibility of some Saturdays. Currently the plan does not include either of those, but if we do propose that for whatever reason, that proposal would go through LMDC first and proper notification of any change will be given.

Certainly for any work that happens during extended hours we'll give consideration to quality of life issues and try to do work that is not terribly noisy and perhaps movement of waste through the building, but certainly we don't propose any after-hour operation at this point.

We have truck routes that are being worked out in conjunction with the City agencies at this point. And Dave Ridley from LMDC is going to speak about that.

MR. RIDLEY: Thanks, Deb.

LMDC and the contractors have been working on developing truck traffic plans that are going to be least disruptive, the goal being the least disruptive to the neighbors and the community. Primarily the neighbors to the building, the residential aspects of it, are to the south of the building.

With that in mind, and during the hours of operation that Deb just spoke about, LMDC has been meeting with the New York City and New York State DOTs as well as the Port Authority to develop some ideas for truck traffic plans.

As they currently stand right now, we anticipate utilizing the West Side Highway to and from the site and Albany Street, Albany Street south of the building all the way to Greenwich Street only to access the material hoist, which as Deb said before is on the southern side of the building.

Other than that we anticipate and we will propose to use Albany Street only up until Washington Street, which is closed and will remain closed throughout the course of the project, use Washington Street adjacent to 130 Liberty Street, and exit back either through the World Trade Center site haul road or Cedar Street, which is also closed, that portion of Cedar Street.

We have had preliminary discussions to utilize those and we think that serves the community and that there's very little residential around that part of it and we are staying off the smaller side streets to the extent that we can.

We are coordinating with the adjacent projects. As you know, there's a number of other projects down there. So we hope to get this into effect shortly and share it with everybody.

MS. PETERSON: The next steps, right now we are engaging in both the public dissemination of the plan and, the submission of the draft plan, and the submission of the plan to the regulators.

We do anticipate that there will be

changes to the plan based on the feedback from the regulators, based on additional discussions and comments and results of the testing that we have and also based on feedback that we get from the public.

Additionally, we are submitting permit applications as part of the ongoing process and we hope to have approval of the plan in January and be able to mobilize at the site.

We are doing some work here at the site now, but it's minimal and the majority of the work will start after the approval of the plan.

MS. MELLIA: I just want to recap a few of the opportunities for public involvement and how we can move forward with these.

As most of you know, we have the e-updates signup on our website. We are now getting to the phase of the project where there will be a number of updates that will be coming to you, those who have signed up, things such as the day that the crane arrives, an announcement would be sent out just so people are aware of the activity of that magnitude that's going on.

We also will be holding public

information sessions as Amy mentioned in January.

And I'd also like to ask that after the release of the characterization, we did hold some meetings with area businesses who requested them. We would do the same this time around if people wanted to have a meeting.

We're also engaging in conversation with the group that has been working with the World Trade Center Expert Technical Review Panel.

And we appreciate those opportunities to meet with smaller groups. And if any of you know any groups, please bring them to our attention so we can evaluate those.

We are additionally accepting comments through the LMDC website and we have committed to presenting at the Community Board after our Advisory Committee meeting. We will be there this evening and we will continue to be at the CB #1 meetings throughout the process as deemed necessary. Most likely we will be back in January.

And we are also going to be continually updating the Frequently Asked Questions on the website. You received a handout today that

addresses the top questions that we received from our previous comment period, and we will be continuing to answer those.

Especially after the approved plan is finalized we will have a lot of firm answers that we can put there.

And, again, I will be sending out information through the e-update regarding those Frequently Asked Questions updates so people can continue to check the website for information.

MS. PETERSON: So I would just like to close, before we open up for questions, and stress again this is the draft plan. We are submitting it today to the regulators. They are seeing it at the exact same time as the public.

It is an initial draft and we anticipate making changes as required by the regulators. And we welcome everyone's questions and comments and input.

And you can do that in the number of ways that Kate just mentioned. And one of them is to ask questions now.

So with that I'll open up the floor

for questions.

MR. LEVENSON: Two questions.

Is there a timetable or schedule of when -- you mentioned it may start in January. We intend to open 90 West in the spring. We will be adding 410 apartments to that corridor where it sounds like you are going to be going in on Albany and out on Cedar.

It is not currently a residential area. It will be very much a residential area when we are up and running.

So consideration of the truck route and the quality of life for all the people that will be living there, hopefully will be living there if it's not made a place that's too difficult.

And I appreciate the complexity of this project and certainly would do everything we can to work with you. We are anxious to get it done because the last time we talked about this it was supposed to be finished this summer. And now it just sounds like it may be somewhat open-ended.

MS. PETERSON: Yes.

The project was supposed to be

completed the end of next year. So --

MR. LEVENSON: I'm sorry. Then it would be '06, end of --

MS. PETERSON: End of '05.

MR. LEVENSON: Right.

MS. PETERSON: Until we --

MR. LEVENSON: A year from now.

MS. PETERSON: Yes. Until we have the approved plan, and I think probably both Phase 1 and Phase 2, we won't be able to firm up that date. We do hope to try to maintain as fast a schedule as possible without in any way compromising the safety aspect.

MR. LEVENSON: Is there a possibility?

MS. PETERSON: That's -- we won't know until after we get the final approved plan for Phase 1 and Phase 2. But we are really working to do this as quickly as possible.

I think the best bet is for you to speak directly to David after this meeting and make sure that you are on the loop with the traffic groups and everything that's happening in terms of working on

the truck transportation.

MS. MOORE: Pat Moore, 125 Cedar Street.

It's kind of the same situation.

I didn't quite understand, David, the trucks are going to come down Albany Street? Albany Street is our only east access from the highway.

MR. RIDLEY: That is how they're going to come off the West Side Highway, correct. They are going to turn left on --

MS. MOORE: So this --

MR. RIDLEY: As it is proposed right now. This is pending obviously the State and City DOT approving this.

In the discussions we've had, turning left on Albany Street seems to make the most sense in terms of what the trucks can and can't do.

I mean to some degree there's a tradeoff. With larger trucks obviously there's fewer. But with the streets being the way they are, we have to work with where they fit.

MS. MOORE: The residents are also

going to be able to access Albany Street?

MR. RIDLEY: Yes, yes. We will --

MS. MOORE: You are not closing it off?

MR. RIDLEY: We are not closing any streets. We have not proposed to close any streets and we will have -- part of our proposal too, that includes the use of flag people in certain locations to ensure safety.

In areas where we can we certainly hope to utilize some of the World Trade Center site to even remain off the streets.

MS. HUGHES: Catherine McVey Hughes.

We live two blocks away from the Deutsche Bank. How do you define surrounding community because I realized -- I don't think I was on that surrounding community list, our building wasn't?

MS. MELLIA: It's open-ended. I realize with that first incident we did directly focus on the buildings directly next door. Participation is not closed. And for incidents we will definitely open that up to anybody who is interested in hearing about

what happened.

MS. HUGHES: I think that's good.
I'd like to be on that list.

MS. MELLIA: Okay.

MS. HUGHES: As we do open our windows and I have kids. So if there's something I need to know about.

MS. MELLIA: And we can talk about ways to inform people of that, whether we send an e-update and ask them. We can talk about that further.

MS. HUGHES: And then I have another question.

If I understand correctly, it was like you were going to do a floor, decontaminate a floor, and then you're going to decontaminate the next floor but you were going to seal off the other floor so you would seal off the elevator shaft as well?

MS. PEREIRA: As the Phase 1A work, which is the abatement and cleaning work, proceeds down -- so let's say they clean floor 39. After that's cleared and air clearance samples are taken, they'll move down to floor 38. And any means of vertical transportation of contaminants from floor 38 to 39

will be sealed, including the shafts and the stairwells. Those will be isolated and those will be cleaned last.

So that that allows the work, the Phase 1A work, to proceed down the building and allows the Phase 1B work to come in behind it.

MS. HUGHES: So there won't be ways for the dust to go up the elevator shaft and out --

MS. PEREIRA: That's correct.

MS. HUGHES: -- onto conduits.

And I guess I also didn't understand, the exterior of the building is going to be -- are they going to take the black netting off or are they tiebacking the building?

MS. PEREIRA: We will have to take down the netting at least in some locations to facilitate the attachment of the crane and the hoist. Actually on the hoist side there's no netting at this point.

But in the corner where the crane will go we will have to take down the netting. Whether or not the netting comes off in its entirety as part of Phase 1 is something that's not currently called

for. It might ultimately make sense to do that, but it's not something we currently have in the plan, just the section of netting that would facilitate the tower crane attachment.

MS. HUGHES: Tiebacking the building.

MS. PETERSON: Yes. The containment is from inside.

MS. PEREIRA: The containment system is from inside the building with the exception of where we have to do the crane attachment points and an opening in the building has to be created.

The abatement contractor will go in and preclean a pre-defined zone that goes back quite far into the building. It's about a bay or two wide. And they clean that and establish an enclosure there which is clean inside so that when they open up the curtain wall and make sure the building, the attachment points, that area is much like the gash area is now, it's all clean.

So that can be done safely without a release to the environment.

All other containments are from the

inside of the building. So from the outside of the building essentially you won't see too much different than what you have been seeing now.

MS. HUGHES: So you are not covering up the gashed area or anything?

MS. PEREIRA: No. The gash area actually is considered to be precleaned and we are not going to be even going into that area right now.

And all of the soft strip materials that comprise Phase 1 are already gone from that area.

MS. HUGHES: And that -- I'm sorry. So you are going -- are you going to clean off the dust on the exterior before you start taking it down or not?

MS. PEREIRA: Well, Phase 1A doesn't involve the exterior.

MS. HUGHES: Okay.

MS. PEREIRA: But -- Phase 1 I should say, not just Phase 1A.

Where we have to make the crane attachment points, we will be impacting the exterior skin a bit and there are procedures in here that call for wiping that portion that we're impacting down

properly.

If we have to take the netting down, the netting will be evaluated and if there are precautions, as part of the waste management program, that have to be taken, those precautions will be taken as well.

MS. SEEMAN: I just -- Helene Seeman.

I just wanted to follow up on what Catherine asked about the exterior of the building.

So that's in Phase 2?

MS. PEREIRA: The exterior --

MS. SEEMAN: You will clean the exterior of the building before you take it down?

MS. PEREIRA: Yes.

MS. SEEMAN: So you have done no tests on the exterior of the building?

MS. PEREIRA: I don't know if TRC -

-

MR. GERDTS: Yes. As part of our supplemental investigation, we did collect samples. We don't have those results yet, but it's in process and our report, specific report, for the exterior of the

building will be presented in the next few weeks.

MS. SEEMAN: And will be put on the website?

MR. GERDTS: And it will be put on the website, yes.

MS. SEEMAN: When it's presented in the next few weeks, then you notify this Committee? Is that how --

MS. MELLIA: I will send out notifications that new information is on the website.

MS. SEEMAN: Thank you.

MR. NEWMAN: I have four questions if that's okay.

Dave Newman.

First, can you address what consideration has been given to treating this as a hazardous waste site under the hazmet standard of OSHA?

MS. PEREIRA: Well, we are following the OSHA standards with regard to the health and safety plan. None of the levels of contaminants identified to date inside the building would necessitate or even approach - correct me if I'm

wrong, Ed - approach treating it as under the usual requirements for a hazmet site.

MR. NEWMAN: Those aren't level-based I don't believe.

So is there a document that embodies your consideration of this issue?

MS. PEREIRA: We haven't created a document other than the draft plan. I'm not sure if there is anything that would address it from either Berger's perspective or TRC's perspective.

MR. GERDTS: One of the things -- we are, you know, in the process of doing a preliminary waste characterization. If, in fact, we find that all of the waste is, in fact, hazardous waste on a consistent basis, then those considerations might become more important at this point, creating a hazmat site if everything is hazardous waste.

MR. NEWMAN: I also wanted to ask, if I might, on the overheads -- I guess it's Phase 1A, although I may be mistaken, the abatement of ACM, I didn't see any mention of other substances, particularly non-particulate substances. In the final air clearance as presented only mentioned testing for

asbestos.

I'm wondering if that overhead slide was complete or if there are other substances that will be included in those kinds of tests?

MS. PEREIRA: The final air clearance samples, as proposed right now, are those that would be required. The conclusion of an asbestos abatement project, they would just be for asbestos fibers.

MR. NEWMAN: So you're proposing to perform an asbestos abatement on the presumption, which may or may not be valid, for a space that contains numerous identified contaminants, but only to clearance testing for asbestos?

MS. PEREIRA: Well, the clearance testing is necessitated to be done in that area where we remove asbestos-containing materials by regulation. So we are required by law to do those clearance air samples and those will be performed.

We are extending and utilizing that same clearance basis in any area even if there isn't the removal of asbestos-containing materials in that area as well. So those same clearance air samples will

be performed in all areas prior to the release of the containment.

But the proposal is to do just asbestos fiber analysis.

MR. NEWMAN: Okay. I think that's an issue that is worth revisiting.

MS. PETERSON: Okay. We will be looking to the regulators to give us guidance on that.

MR. NEWMAN: I also noted in the TRC handout, the list of target compound selection, which includes a variety of metals, but unless I missed it, it seems that mercury is missing from that list. Is there, Ed, a rationale for that?

MR. GERDTS: Well, mercury is included -- it turns out it's included in the Gilbane. So there's overlap there. That inconsistency will be resolved in the finalization between our program and the Gilbane program.

MR. NEWMAN: And I'm wondering about the -- and this may be as yet undefined on your part -- but I'm wondering about the nature of the response to exceedances, particularly with regard to the community, but also, of course, with regard to

workers.

Has there been developed a decision tree with criteria for if this happens, then we will follow with this, or is it left entirely to the discretion of the emergency coordinator?

MS. PEREIRA: Well, particularly with regard to the four levels of air sampling, some of them, in terms of an exceedance, are well defined. For example, the personal air samples that are collected, which are Level 1 on the workers, those are dictated by established OSHA action levels and/or personal exposure limits.

So the air monitoring will be compared to those levels to determine that they are an appropriate protection and/or whether or not the engineering controls have to be upgraded at that point to help support the personal protective equipment that's in place.

Beyond that, as we move through the other levels, if you will, of air monitoring, particularly to ambient air monitoring, that is an ongoing process with TRC's program on behalf of LMDC and with Gilbane to establish what the appropriate,

for lack of a better term, what the appropriate action levels or trigger levels would be to allow a buffer for reaction time.

And that's an ongoing process at this point.

MR. NEWMAN: Well, I think that's what I'm really interested in. It's understood that the trigger levels have not been determined at this point, but given that some trigger levels will be determined, what are the action -- the options for action should a trigger level be exceeded is the thrust of my question.

MS. PEREIRA: Well, as an example, in the realtime monitoring data, I think currently - and, Ed, jump in if I'm wrong - but in both programs there's a process by which the data logging equipment will do realtime averages.

So we might end up with say a five-minute average of a PM10 level. And if that exceeds an established trigger level, our program calls for an alarm system that would ring to both Weston and let them know as well as our project team. And there will be an immediate assessment of the situation in terms

of the meteorological data that happened during that five-minute period of time, because part of the issue is there are a lot of projects going on there. So we want to know are we upwind or are we downwind, what's the wind direction and speed, and also an assessment of what is occurring on the site at that moment in time.

And the actions could include stopping work until we can figure out is it from our site, and if it is, what's going on so we can take corrective measures.

So the possibility for actions will include an immediate assessment and it could include halting the work until we can determine what the appropriate action and steps are.

MR. NEWMAN: So I would hope that the range of possibilities of action will be included in a document.

MS. PEREIRA: I think once we decide on what those trigger levels are, then that would stem naturally from that.

MR. NEWMAN: Thank you.

MS. PETERSON: Joel.

MR. KUPFERMAN: Who in the Fire Department will you be working out the emergency evacuation plan with? Also who at the New York City Transit or MTA will be covering the problem with the subway system adjacent to the building?

MS. PEREIRA: We do have MTA line drawings.

John, have you been involved in that process or Dave?

MR. GRAVES: That just started.

MS. PEREIRA: So I know we started the process with MTA.

And as far as the Fire Department, this is the initial draft of the emergency action plan. And it will be John's responsibility, as our Emergency Coordinator, to meet with the appropriate fire officials. I don't believe you've met with anyone yet.

MR. GRAVES: They did preliminary work, met last week for five or ten minutes. And we split up a couple of things. Nothing's been finalized on that. I told them that I should have a meeting with them in probably about a week.

MR. KUPFERMAN: With the Fire Department?

MR. GRAVES: Yes.

MR. KUPFERMAN: Also MTA, can you tell me who you are dealing with there?

MS. PEREIRA: Our subcontractor has met with them.

MR. ZEZULINSKI: That has not started. We started, you know, this process. We started making arrangements but we haven't made any direct contact.

MR. KUPFERMAN: Will you make contact with them before January?

MR. ZEZULINSKI: We are making contact -- we are starting to make contact with them.

MS. PETERSON: We will be contacting directly Gary Gersach (phonetic).

MR. KUPFERMAN: You haven't made contact yet?

MS. PETERSON: We haven't reached out to him yet because we are waiting until we have something to reach out to him with.

MS. MOORE: So, John, I would hope

that you will meet with John and the residents directly adjacent to the building to figure out --

MS. MELLIA: We will be facilitating that.

MS. PETERSON: Yes.

MS. FLYNN: Actually, this may be a question for EPA.

My name is Kimberly Flynn.

And I'm looking at a letter from the former Regional Administrator James Kenny to Congressman Nadler.

It says that the multiple agencies with jurisdiction over the Deutsche Bank deconstruction have many enforcement tools that can be used to ensure that the project is conducted safely and is protective of public health and the environment as well.

So my question to EPA is what's going to be the level of -- you know, is there going to be a daily presence of EPA enforcement on the site?

And would you define some of these enforcement tools that Regional Administrator Kenny refers to?

MR. EVANGELISTA: Well, the answer to your first question is yes, there will be daily presence.

The answer to your second question, you know, EPA has the authority to order what's required here if it should come to that. Thus far we think that we established a cooperative working relationship with LMDC and our regulatory partners and we hope to continue going down that road.

We are seeing the plan, you know, today as you are. We will be commenting on it. And we hope that all of our comments are addressed.

MS. FLYNN: Do you have any specifics right now? For instance, can you tell me, you know, what type of personnel would be present at the site during the deconstruction?

MR. EVANGELISTA: Well, we have -- we'll have EPA personnel present. We are also exploring contractor oversight capabilities at this time.

MS. FLYNN: Is EPA going to be conducting its own monitoring using its own equipment?

MR. EVANGELISTA: We haven't decided

upon that yet.

MS. FLYNN: We would encourage you to do so, please.

MS. PETERSON: Yes.

MR. VIGGIANO: Matt Viggiano, Senator Connor's Office.

I had a similar question to monitoring. You guys said you would have stations set up within a certain perimeter of the building. How far does that go out before you hit residents?

MS. PEREIRA: Well, the third level of monitoring is within the site boundary and then the fourth level would go out into the community, locations yet to be defined because we need to work out coordinating access and things of that nature.

MR. VIGGIANO: I think the closest residents are about maybe a hundred yards from -- a hundred feet from the corner of Liberty and Washington, so right where that fire station is.

MS. PETERSON: Yes. We've already initiated discussions with them about ways to station monitors at that location.

MR. VIGGIANO: Okay. Thank you very

much.

MS. ROSENTHAL: Linda Rosenthal of
Congressman Nadler.

Will we have access to the agency
comments on the draft plan?

MS. PETERSON: I don't see why not.

MS. ROSENTHAL: Okay. So how can we
review them? Will they be on the website or how can we
see them?

MS. PETERSON: We'll let you know.

MS. ROSENTHAL: Okay.

Since everybody who is here is
interested in 130 Liberty, I assume they would all be
interested in 4 Albany which is adjacent.

I wonder if people from the various
agencies can discuss their involvement with the
decontamination and deconstruction of that building. I
know it's not owned by LMDC. It's owned by Deutsche
Bank.

However, I know it's slated to come
down and people really don't have any information
about what is going on there.

So I wonder if the EPA, the various

State and Federal agencies, could comment on what's going on and your involvement in that project

MR. GILSENAN: Mike Gilsenan from New York City DEP.

They just submitted a plan, the owners of 4 Albany submitted a plan.

MS. ROSENTHAL: Okay.

MR. GILSENAN: And it's being reviewed by us and by State DOL and we are sharing with EPA.

MS. ROSENTHAL: And the plan is for what?

MR. GILSENAN: For deconstruction.

MS. ROSENTHAL: Is that cleaning?

MR. GILSENAN: Cleaning and deconstruction.

MS. ROSENTHAL: The same kind of thing --

MR. GILSENAN: The same type of --

MS. ROSENTHAL: -- that's going on here?

MR. GILSENAN: -- thing that's going on here.

MS. ROSENTHAL: Okay.

What kind of plan did they submit?

MR. GILSENAN: They just submitted it. They just submitted it.

MS. ROSENTHAL: Okay.

MR. GILSENAN: I can't tell you how many pages it is. I don't have -- I haven't seen it.

MS. ROSENTHAL: I mean there's voluminous stuff we are going over here in terms of cleaning up and deconstructing. Is it a similar process, procedure, of what's going on?

MR. GILSENAN: I couldn't tell you because I haven't seen it.

MS. ROSENTHAL: Who could tell me?

MR. GILSENAN: Call my office and I'll let you know.

MS. ROSENTHAL: Okay.

So that's DEP.

Any other City, Federal agencies involved?

MR. EVANGELISTA: Sure, we are.

MS. ROSENTHAL: Okay.

MR. EVANGELISTA: EPA is involved.

MS. ROSENTHAL: Could you tell us what -- you know, it's hard to draw this stuff out, but if you could please explain what EPA's involvement is --

MR. EVANGELISTA: Deutsche Bank owns the building at 4 Albany. They are interested in demolishing it.

MS. ROSENTHAL: Are they interested or do they have to?

MR. EVANGELISTA: They've made a business decision to demolish the building.

MS. ROSENTHAL: Right.

MR. EVANGELISTA: It's not based on the fact that was impacted by the World Trade Center.

MS. ROSENTHAL: It's not based on that it's highly contaminated.

MR. EVANGELISTA: They've made a business decision period, case closed, that they want to demolish the building. They're apparently going to sell the property or are in the process of or have sold it already. And they've submitted the plans. We reviewed and comments on their plans.

MS. ROSENTHAL: Plans for what?

MR. EVANGELISTA: Plans for decontamination and demolition of the building at 4 Albany Street.

MS. ROSENTHAL: Okay.

Who is their contractor?

MS. PETERSON: Tishman.

MS. ROSENTHAL: Since LMDC has a grasp and a handle on all the experts, who are the experts for this project?

MR. EVANGELISTA: I'm not sure what you mean by experts?

MS. ROSENTHAL: The whole list of contractors and subcontractors involved in this complicated project, is there a similar list for the Deutsche Bank --

MR. EVANGELISTA: There is a similar list but I don't have --

MR. GILSENAN: We would have the list for you.

MS. ROSENTHAL: Okay.

I mean --

MR. GILSENAN: Call the office and I'll supply you with that.

MS. ROSENTHAL: Okay. It's not just me though that needs to know. Everybody sitting at this table who doesn't know. And if I don't ask a particular right question, I'm not getting the right answer.

MR. GILSENAN: I will supply it to you.

Linda, you're getting the answer. You've dealt with us before.

MS. ROSENTHAL: Okay. So I shouldn't be surprised that I don't know these answers in other words.

MR. GILSENAN: This is the first time that question has been posed.

MS. ROSENTHAL: Well, I -- at this forum.

MR. GILSENAN: At this forum.

MS. SEEMAN: I think what Linda is trying to say it's ridiculous for the LMDC and for the community to be holding, you know, the LMDC to these high standards when we don't have a very high trust level with Deutsche Bank considering the past history. They have totally disregarded the community. They

haven't even cleaned the exterior of the building.

So as far as the community is
concerned --

MR. GILSENAN: We will make --

MS. SEEMAN: -- they could just blow
up the building without doing anything. Here we are
holding --

MR. GILSENAN: No. That's not --

MS. SEEMAN: -- the LMDC to these
high standards and who knows --

MR. GILSENAN: That's not true.

That's not true.

MS. SEEMAN: Well, --

MR. GILSENAN: They will be held to
the same standards. They will be submitting the same
type of --

MS. SEEMAN: These will be totally
public in the way that --

MR. GILSENAN: Well, you know what?
You have to talk to Deutsche Bank.

MS. ROSENTHAL: No, that's not a
good answer.

MR. GILSENAN: And apply to them --

MS. ROSENTHAL: That's not a good answer.

MR. GILSENAN: I'm sorry.

MS. ROSENTHAL: That is an unacceptable answer.

MR. GILSENAN: You have to ask them. We --

MS. ROSENTHAL: There are people -- there are many people that --

MR. GILSENAN: I can comment on the plan --

MS. ROSENTHAL: -- are expecting -- that LMDC is making -- is trying to make sure are informed. It has to be the same kind of process next door.

It's totally irresponsible --

MR. GILSENAN: I will see what --

MS. ROSENTHAL: -- for any City, State or Federal agency to say we are handling it and not inform the public that will be affected by it.

MS. SEEMAN: Does the LMDC have any relationship with what's going on there?

MS. PETERSON: We do not.

I mean we've obviously dealt with Deutsche Bank since we just bought a building from them and we are aware that Tishman is their contractor.

I know that through the City DOT process, to talk about street closings, we have been having discussions with them for that issue.

I think that we can reach out to Deutsche Bank and give to the elected officials the name of the right person to contact and see how they can proceed.

I know that when they owned 130 Liberty Street, they actually went to the community board meetings.

So I would suggest that the community board invite them to a meeting to present their plans for 4 Albany.

MS. SEEMAN: Can I also ask that you send a letter that you can make public letting them know that we had this meeting and at this meeting this very august group of people would like them to be held to the same standards of public information and if you could make this letter public, I think it would

go a long way in helping Deutsche Bank understand that they do have other people to answer to.

MR. NEWMAN: I apologize because I know this is sort of off the agenda and it's not within your domain in terms of LMDC.

But the issue is on the floor and I did want to address it.

It's not just two buildings now, but there are three because Fitterman Hall is also coming down.

And, you know, there's no reason to believe that it won't be done properly. But the point is as these events occur or prior to their occurrence, it's absolutely essential for the community, you know, both the residential community and the labor community and the business community to have confidence in the process.

And it seems that it's something less than appropriate to do this on a piecemeal basis. It seems that the appropriate agencies ought to be proactive on this.

We now have knowledge of three large buildings, all high rises, all heavily contaminated,

in residential and business communities downtown and we don't have indications that -- and there may very well be the appropriate response, but we don't have knowledge and indication as to what kind of oversight and proactive intervention, you know, Federal, State and local agencies are taking on this.

And it should not be done on a piecemeal basis. It should not be done on a reactive basis.

We know these buildings are coming down. There needs to be some kind of proactive response.

MS. PETERSON: Robin.

MS. FORST: I would like to echo some of Dave's comments.

The irony of 4 Albany Street is that it's a neighboring building to Deutsche Bank and the Deutsche Bank deconstruction is subject to such extreme review, and 4 Albany Street we've heard very little.

And I would ask Mike if DEP -- I don't know whether you're the oversight agency on this or with the Commissioner of Buildings Department, but

we really ought to be looking at the cumulative impact of these three buildings coming down and not just Deutsche Bank and just 4 Albany, you know, in isolation of one another.

MR. GILSENAN: We are, first of all, just so you know, we are the regulatory authority for this in the City for the decontamination part of it.

I don't know anything about Fitterman Hall because I haven't seen any plans. I can only comment on plans that we've seen.

The only plan that we have seen, and that was just recently, is for 4 Albany that is being worked on and being commented on.

We've seen the plan today for 130 and we will comment on it.

I will work with you as we have in the past to let you know what's going on. I have to go back and see how we can work that out.

MR. FORST: I think the message that, --

MR. GILSENAN: I understand. I understand.

MR. FORST: -- you know, you should

take back is that the community would like to participate in this to the extent that that's possible.

MR. GILSENAN: To the extent that it is possible we will try to work something out as we have done in the past.

MS. MOORE: Another question about 4 Albany Street is the construction -- deconstruction going to be going on at the same time as 130 and are you coordinating, using Albany Street for trucking in and out of materials and how is that going to impact people who work there.

MR. RIDLEY: Sure.

We do propose to use Albany Street. In terms of whether or not -- the schedule as they've presented it certainly has that building being down before the structural demolition of 130 Liberty Street -- to avoid confusion, which we'll refer to as 130 Liberty Street --

MS. PETERSON: Before Phase 2.

MR. RIDLEY: Exactly, before Phase 2.

So that's something that Deutsche

Bank and Tishman as the CO have to elaborate on further.

MS. MOORE: But in the meanwhile in Phase 1 you're still trucking materials in and out.

MR. RIDLEY: Certainly -- yes.

MS. PETERSON: And I think the part that we are coordinating with that project is specifically on that. And obviously the ambient air testing, the whole idea of talking about neighboring projects and meteorological conditions, we will have to deal with that specifically too.

MS. FLYNN: Hi, again.

I just want to take it one step further my comment and the other comments that were made.

I think it's really incumbent upon EPA and DEP and the other agencies that are going to be supervising the demolition, really that should be supervising the demolition of all of these contaminated buildings, to hold separate meetings with the community to discuss the specifics of their public oversight.

So EPA and DEP, are you all willing

to do this? And the sooner the better.

MR. GILSENAN: I'd just mention that I would reach out to the community in any way I could to share what I can with you of what's going on. We will do that. In what forum or how we would do it, that I can't comment on at this time.

MS. FLYNN: Well, ideally it would be a forum that would be open to the public and it would be a forum sponsored by the interagency task force that we've been given to believe exists to do oversight in these instances.

MR. GILSENAN: The World Trade Center Expert Panel?

MS. FLYNN: No, no.

MR. GILSENAN: What are you referring to?

MS. FLYNN: Well, we were told by EPA and others that there was an interagency task force supervising the environmental health and safety aspects of the 130 Liberty Street demolition.

I'm assuming --

MR. EVANGELISTA: In effect, it's the regulatory group that has pulled together --

MR. GILSENAN: To do this.

I can certainly look into that and see if we can work something out.

MS. PETERSON: Joel.

MR. KUPFERMAN: Yes.

I have the RJ Leed health and safety plan. I was just wondering if this was consulted when you drew up your plan, and maybe somebody here could explain where there are differences. It seems that this plan deals with all of the contaminants that were found at the site.

MS. PEREIRA: Yes.

The -- all existing plans, the RJ Leed plan and there were modifications to that that were made when LMDC took over the building as kind of the second generation of the health and safety plan for this particular site, all of those were certainly reviewed and researched and helped to form the basis of the existing health and safety plan that was certified and the hygienist working for us has put together.

And it does -- just to speak to the second part of your question or statement, it does

speak -- the health and safety plan does speak to all of the potential exposure concerns on the site, not just asbestos.

MR. KUPFERMAN: You mentioned only if an asbestos exceedance is basically --

MS. PEREIRA: No, no. That was in response to a question about the clearance air samples. The clearance air samples are separate from the exposure monitoring that has to take place on all of those four levels of air monitoring.

The air monitoring programs that Ed and I had spoken to are not limited to asbestos. They include all the contaminants of potential concern and our health and safety plan includes all of those as well.

My answer with regard to the limitation for asbestos was specifically about the clearance air samples that are taken at the conclusion of the abatement portion of the work.

MS. ROSENTHAL: What is the status of the MOU with the different agencies?

MR. EVANGELISTA: EPA made an attempt to establish a Memorandum of Understanding and

it was not successful.

MS. ROSENTHAL: No.

Can you explain why it was not successful?

MR. EVANGELISTA: We didn't receive any takers.

MS. ROSENTHAL: You don't have to be that terse. Can you expand?

MR. EVANGELISTA: Yes. We put a draft MOU out there to our sister agencies and there was no reception to or interest in signing on to it.

MS. ROSENTHAL: And --

MR. EVANGELISTA: Essentially folks felt that they knew what their responsibilities were as individual agencies and they would act most accordingly in that regard.

We do, however, continue to work together, keep each other informed and involved in what's going on as it relates to 4 Albany, as it relates to 130 Liberty.

And if you were at the 1:00 o'clock meeting today, you would see that all of the players on a regulatory level were here.

MS. PETERSON: We had a one o'clock meeting to present, formally submit the plan to the regulators, the same presentation we gave you today and are giving to the Community Board at six o'clock.

MS. HUGHES: I guess this is a question for David. Catherine Hughes.

How many trucks do you anticipate every day -- I guess, is it ten trucks a day, twenty trucks a day?

MR. RIDLEY: Yes. There's going to be during the early parts of the project and the first phase, we may anticipate five a day.

MS. HUGHES: So like January/February only five?

MR. RIDLEY: Yes. It's difficult to give you kind of specifics right now only because, you know, pending some comments from the regulators, it would alter the types of trucks possibly or the number of trucks.

But at the project's peak, if you will, when -- maybe twenty-five to thirty a day of different trucks taking out the interior gut and soft strip material.

Then when we get closer to the end of the project in Phase 2 and there is the actual deconstruction of the structural components, it will get back down to a smaller number, ten or so.

Those are very -- those are rough numbers in terms of what we are doing. But it's probably ballpark for you.

MS. HUGHES: Thank you.

MS. ARLIN: Ann Arlin.

A question about mold.

This is our opportunity to ask about mold, isn't it?

MS. PETERSON: Yes.

MS. ARLIN: I'm concerned -- well, first of all, that we haven't talked about it because it has health implications that can be pretty severe. And I would like to know, as you go down in the Phase 1A, going down the levels of the building, when you get to the clearance air sampling, is your clearance air sampling for mold also? That's one question.

The second is, if you're going to use a containment agent for asbestos, might you consider doing that for mold as well since, for

instance, the misting that you would do for dust would actually exacerbate mold growth so that you have a situation -- that's just one for instance, the dust, which in mold is a spore that gravitates to mold.

So the sort of normal protocol for treating the contaminants, the dust contaminants, for mold isn't going to be quite the same. And I mean containment is very often a good way of handling a mold situation where it's very difficult to remediate it.

I mean, for instance, a sporicide that will kill the mold spores, the pores still give off toxins after they're dead.

So very often containment is a good idea.

So I would like to know have these considerations been entertained or anything like them.

And also if you plan to test for different kinds of mold which in such a heavily infested building seems it might not be the way to go. It might be better to just assume that you are dealing with a toxic mold and take precautions.

MR. GERDTS: Yes. I think -- well, I

mean, there are a number of issues.

The first being that there was -- there is this historical belief that the building, you know, is the worst mold contaminated building that there is around.

And I think that relative to that there was in Deutsche Bank, there was a significant mold problem, particularly in the basement and the subbasements in this building because of the water intrusion and it settling in the basement, you know, saturating the gypsum board and perfect conditions for mold growth and amplification. So that's what occurred.

Under Deutsche Bank there was a mold remediation, a significant mold remediation of the subbasement and all of that mold was removed so that it no longer exists in significant quantities.

As part of the Initial Characterization Report there was definition of what mold was found during that Initial Characterization, and it was something -- I don't know the exact number, but it was less than 200 square feet, which is an issue --

MS. ARLIN: This is in the basement;
right?

MR. GERDTS: It was in the basement
and other areas as well, you know, where there was
saturated ceiling tile and wallboard and whathaveyou.

So that material is currently
scheduled to be cleaned up. And there is a commitment
by Gilbane in their program to follow the New York
City Department of Health guidelines which talk about
containment issues that you mentioned relative to the
different size -- to address the different size areas
of mold contamination.

MS. ARLIN: The problem is -- well,
first of all, mold does tend to grow up and it has had
plenty of time to do that.

You have enclosed areas with plenty
of moisture which is just an ideal place for mold to
grow.

MR. GERDTS: Absolutely.

MS. ARLIN: There is a picture that
Joel handed me here which, if I interpret it
correctly, looks like mold contamination on the 40th
floor. Is that correct, Joel?

MR. KUPFERMAN: That's correct.

MS. ARLIN: We are talking about taking precautions here --

MR. GERDTS: Right. Absolutely.

MS. ARLIN: -- because the consequences of not taking precautions could be severe --

MR. GERDTS: Absolutely.

MS. ARLIN: -- and because, quite frankly, -- and I just went through this in our own building.

One thing we learned, by the time we had to do the whole thing for the third time was that it would have been cheaper to do it the first time right.

So --

MR. GERDTS: Absolutely.

And again there is a commitment -- part of this additional -- so there was an initial characterization which identified -- the 40th floor might be part of that identification of where the mold was. Off the top of my head I don't have the information.

But, nonetheless, part of our supplemental investigation is to look in the interstitial spaces to determine if there is other significant reservoirs of mold within the building. So looking in the shafts, looking behind the walls, in those areas in the basement and the subbasement to determine where those reservoirs currently exist so that, in fact, they can be addressed appropriately following the New York City Department of Health guidelines during the remediation program.

MS. ARLIN: Have you considered, as you come down -- I mean you're coming down in Phase 1A floor-by-floor, right? -- that where you encountered areas of significant infestation of mold, that you would simply seal them off and remove them; in other words, as you would handle asbestos?

MR. GERDTS: Yes. And there is a commitment -- and, Amy, it's part of their plan. It's actually in here. It's actually --

MS. ARLIN: So there's a mold plan?

MR. GERDTS: Well, there's -- yeah, it's part of the health and safety plan. There is a section on mold.

MS. ARLIN: That will be posted on the website?

MR. GERDTS: Yes. It's part of this program.

MS. ARLIN: See what the plan is.

MR. GERDTS: Yes. And it essentially commits to doing -- following the City Department of Health guidelines which talk about containment and, you know, removal appropriately.

MS. ARLIN: Are the City and Department of Health guidelines for mold also posted?

MR. GERDTS: Yes. We've got Chris D'Andrea here from the Department of Health.

MR. D'ANDREA: Yes. They are posted on our website.

MS. ARLIN: Thank you.

MS. PETERSON: Other questions?

MS. ROSENTHAL: Are we getting a copy of the sign-in sheet?

MS. MELLIA: We can provide that. Does somebody have that at this time, the sign-in sheet?

MS. PETERSON: Yes, we can provide

that.

MR. KUPFERMAN: Do you know if the Fire Department was invited to the one o'clock meeting today?

MS. PETERSON: Excuse me?

MR. KUPFERMAN: Was anyone from the Fire Department --

MS. PETERSON: No. None of the emergency responders were invited.

MS. ROSENTHAL: I have a question. When do you think the next meeting of this board will be?

MS. PETERSON: Early January.

MS. MELLIA: We don't have hard copies. We do have CD-ROMs available and it's also available on our website and it will be available at the elected officials' offices and Community Board #1 office and here at our office for review.

If you want to call me, we can arrange that. But if you would like to take a CD-Rom today, we do have them available.

MS. PETERSON: I really would like to thank everybody for coming out and I hope you will

share you comments with us over the next few weeks.

And thank you.

(At 4:45 o'clock p.m. the
proceedings were concluded.)

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