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LOWER MANHATTAN DEVELOPMENT CORPORATION

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PUBLIC FORUM :  
for :  
DECONSTRUCTION OF 130 LIBERTY STREET :

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Theatre-Borough of Manhattan  
Community College\_\_\_\_\_

199 Chambers Street  
New York, New York

September 23, 2004  
6:02 p.m.

B e f o r e :

KEVIN RAMPE  
President  
AMY PETERSON  
Vice President, Memorial, \_\_\_\_\_  
Cultural and Civic Development \_\_\_\_\_

Reported by:

Kathleen T. Keilty, C.S.R.  
Roy Allen & Associates, Inc.

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

For the Lower Manhattan Development \_\_\_\_\_  
Corporation:

- Amy Peterson
- Kate Millea
- Dyana Lee
- JoAnne Raab

For the Louis Berger Group, Inc.:  
Tom Lewis

For TRC:  
Ed Gerdts

For Gilbane Building Company:  
Deb Pereira

Roy Allen & Associates, Inc.

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1  
2 MR. KEVIN RAMPE: O.K. I  
3 think we're ready to get started. My name is  
4 Kevin Rampe, and I'm the President of the Lower  
5 Manhattan Development Corporation.

6 I'd like to welcome all of you  
7 to this public information session on the Initial  
8 Building Characterization Study report on the  
9 former Deutsche Bank property at 130 Liberty  
10 Street.

11 The deconstruction of  
12 130 Liberty Street will not only remove a  
13 constant reminder of the events of September 11th  
14 and a blight on the downtown skyline, but it is  
15 necessary for the implementation of the World  
16 Trade Center Memorial and Redevelopment Plan.

17 The acquisition of the site  
18 allows for increased open space, provides for  
19 off-site bus parking and reduces the building  
20 density on the World Trade Center site. Most  
21 importantly, this agreement will protect the  
22 memorial.

23 The LMDC acquired the  
24 130 Liberty Street site on August 31st of this  
25 year for the purpose of fulfilling full build-out  
Roy Allen & Associates, Inc.

1  
2 of the World Trade Center Memorial and Cultural\_  
3 Program.

4                   Tonight you will hear\_  
5 presentations from the LMDC and its contractors\_  
6 and consultants involved in the deconstruction of\_  
7 the building at 130 Liberty Street on the initial\_  
8 characterization and the next steps in the\_  
9 process.

10                   We will be asking you to\_  
11 present questions and comments both verbally and\_  
12 in writing at this session or via our website,\_  
13 [www.renewnyc.com](http://www.renewnyc.com). Your submissions will be\_  
14 reviewed and addressed while developing the\_  
15 Deconstruction Plan.

16                   This is the first step in the  
17 process. The LMDC will be working with its\_  
18 consultants and contractors to draft a\_  
19 Deconstruction Plan that will be subject to the\_  
20 approval of the regulators and will be presented\_  
21 in a public information session just like\_  
22 tonight's, in which we will again look to you for\_  
23 your comments and concerns.\_\_\_\_

24                   I would like to thank you all\_\_\_\_  
25 for coming today and turn the session over to Amy\_  
                  Roy Allen & Associates, Inc.

1  
2 Peterson the Vice President for Memorial, \_  
3 Cultural and Civic Development.

4 Amy?

5 MS. AMY PETERSON: Thank you, \_  
6 Kevin. Thank you, everyone, for coming tonight.

7 As Kevin mentioned, LMDC \_  
8 purchased 130 Liberty Street, the former Deutsche \_  
9 Bank Building, on August 31st. This was as a \_  
10 result of a mediated settlement.

11 (Court Reporter experienced \_  
12 technical difficulties.)

13 MS. AMY PETERSON: As a result \_  
14 of that settlement, we paid a purchase price for \_  
15 the property. We have also established a base \_  
16 contract with Gilbane Building Company. \_  
17 Additional costs related to results of the \_  
18 Initial Building Characterization Study Report \_  
19 and the work that we have to do to comply with \_  
20 regulations that result from the contaminants in \_  
21 the building will not be borne by the insurance \_  
22 company.

23 I'd like to introduce the \_  
24 people who are sitting up here today and they'll \_  
25 have an opportunity to tell you more about their \_  
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1  
2 roles later.

3 Tom Lewis, from Louis Berger, \_  
4 Deb Pereira from Gilbane Building Company, and \_  
5 Dyana Lee from LMDC.

6 LMDC was appointed by the \_  
7 Governor. We get our funding from the U.S. \_  
8 Department of Housing and Urban Development. \_\_\_\_\_

9 We intend to fully comply with \_  
10 all Federal, State and Local regulations in the \_  
11 deconstruction, cleaning and deconstruction of \_  
12 130 Liberty Street. LMDC will submit all plans \_  
13 for cleaning and deconstruction to the EPA, New \_  
14 York State Department of Labor, New York City DEP \_  
15 and other agencies.

16 The people who are involved in the \_  
17 deconstruction working with LMDC include a number \_  
18 of different contractors:

19 Louis Berger Group, who will \_  
20 present to you tonight the characterization and \_  
21 the environmental work that they've done to date; \_

22 TRC, an additional \_  
23 environmental consultant we've brought on. This \_  
24 is a highly critical project and we felt it was \_  
25 good to have two separate, independent opinions \_

Roy Allen & Associates, Inc.

1  
2 on the environmental issues surrounding this\_  
3 project;\_  
4 Ecology & Environment, who is\_  
5 helping us to coordinate our public outreach with\_  
6 regard to this project;\_  
7 Ambient Group, that is doing\_  
8 the exterior air monitoring for us. Later\_  
9 tonight you'll hear about the exterior air\_  
10 monitoring that we're doing;\_  
11 And Gilbane Building Company,\_  
12 who is the deconstruction contractor.  
13 They have a number of\_  
14 subcontractors who are working with them. Three\_  
15 of them I'll mention briefly, LVI, which is a\_  
16 licensed asbestos abatement contractor; Weston\_  
17 Solutions, which does environmental monitoring,\_  
18 and CDI, which is their deconstruction\_  
19 contractor.  
20 Kroll Associates is a fourth\_  
21 contractor, an additional contractor that we\_  
22 brought on board as an integrity monitor.  
23 And now I'll ask Tom Lewis to\_  
24 tell you a little bit about Louis Berger and the\_  
25 work that they're doing for us.  
Roy Allen & Associates, Inc.

1  
2 MR. TOM LEWIS: Thank you, Amy.  
3 I'm from the Lewis Berger\_  
4 Group. I'm a Senior Vice President in charge of\_  
5 environmental engineering, working in the\_  
6 Mid-Atlantic Region for the Louis Berger Group,\_  
7 which is a worldwide consulting firm with offices\_  
8 across the country and actually 70 countries\_  
9 around the world.\_  
10 Our role in this project was to\_  
11 lead the Initial Building Characterization Study\_  
12 that we're going to present on tonight.  
13 In addition, we have\_  
14 responsibilities for on-site safety environmental\_  
15 support at the building itself, as well as in an\_  
16 advisory capacity throughout the cleaning and\_  
17 deconstruction program.  
18 Berger has a lot of experience\_  
19 in this kind of work, both from an environmental\_  
20 and an engineering construction management side.\_  
21 We have worked for many clients that are listed\_  
22 behind me here, including LMDC, Army Corps of\_  
23 Engineers, Department of Justice, Postal Service,\_  
24 New York City Transit, New York City School\_\_\_\_  
25 Construction Authority, Port Authority and\_  
Roy Allen & Associates, Inc.

1  
2 Tenneco.

3 I just wanted to highlight a\_  
4 couple of projects from this list.

5 For the U.S. Department of\_  
6 Justice and the Immigration and Naturalization\_  
7 Services in Newark, New Jersey, at the Peter\_  
8 Rodino Federal Building, there was a large\_  
9 asbestos fiber release episode about four or five\_  
10 years ago and it contaminated several floors of\_  
11 the building. And Berger was brought in to\_  
12 characterize the impact of that, as well as to\_  
13 figure out a way to clean up the problem while\_  
14 also having to maintain a safe environment for\_  
15 the workers.---

16 Because there were many\_  
17 original alien files in there, we could not shut\_  
18 down the building, and so this was a very\_  
19 sensitive project in that we had to both get the\_  
20 work and protect the workers who were right\_  
21 nearby the cleaning and abatement work that had\_  
22 to occur.

23 The job we did for Tenneco was\_  
24 in southern New Jersey, an old industrial plant\_  
25 that had actually become surplus to the company,\_  
Roy Allen & Associates, Inc.

1  
2 and the residential area, like in a lot of places\_  
3 in New Jersey, had kind of grown up around this\_  
4 old industrial facility, and now you had to take\_  
5 it down, and it actually was heavily contaminated\_  
6 with dust and PCBs and various other\_  
7 contaminants.\_  
8 So we had to develop and\_  
9 oversee a deconstruction program for Tenneco to\_  
10 get that structure taken down in a safe manner so\_  
11 it did not impact the surrounding residential\_  
12 community.\_\_  
13 With that, I'll turn it back to\_  
14 Ed. \_\_\_\_\_  
15 MR. ED GERDTS: Yes. Thank\_  
16 you, Tom.  
17 Is this on? Yeah, O.K.  
18 My name is Ed Gerdts. I'm a\_  
19 Vice President with TRC Environmental\_  
20 Corporation. We are a national environmental\_  
21 consulting firm with over 100 offices and 2300\_  
22 employees around the nation.  
23 Our role today in this project\_  
24 is to provide, as Amy mentioned, a second opinion\_  
25 relative to the environmental consulting, health\_  
Roy Allen & Associates, Inc.

1  
2 and safety and human health risk assessment\_  
3 issues associated with this project.  
4 TRC is involved in many\_  
5 projects around the country, and in New York\_  
6 City, in particular, we are currently involved,\_  
7 and just recently completed involvement, in a\_  
8 large demolition in New York City, a 600,000\_  
9 square foot structure in New York City. And in\_  
10 addition, we are -- have a lot of experience\_  
11 working with the issues associated with the World\_  
12 Trade Center and World Trade Center dust issues.  
13 Behind me, or should be, a list\_  
14 of some of the projects that we've been involved\_  
15 in.  
16 We were downtown starting\_  
17 September 12th, essentially, responding with Con\_  
18 Edison to the 9/11 tragedy and their intent and\_  
19 effort to repower Downtown Manhattan. So we\_  
20 provided a lot of health and safety oversight,\_  
21 assisted them with their health and safety\_  
22 program, training, fit testing respirators, and\_  
23 monitoring of the project to ensure that their\_  
24 workers and their subcontractors do things\_  
25 appropriately, and successfully completed the\_  
Roy Allen & Associates, Inc.

1  
2 repowering of Lower Manhattan.

3           In addition, we've worked for\_  
4 the New York City Law Department at 90 Church\_  
5 Street in their reoccupancy of their spaces.

6           Cleary, Gottlieb, at One\_  
7 Liberty Plaza, large tenants, a law firm at One\_  
8 Liberty Plaza, we provided expert testimony.

9           And we served on an expert\_  
10 panel with the New York City Department of Health\_  
11 and Mental Hygiene. We did risk assessment work\_  
12 for them. Legal Aid Society, where we provided\_  
13 health risk, human health risk assessment\_  
14 services, and a number of our projects, including\_  
15 General Electric.\_

16           MS. AMY PETERSON: Deb?\_

17           MS. DEB PEREIRA: Good evening.

18           I'm Deb Pereira with Gilbane.\_

19 I serve as the Director of Regulatory Services\_  
20 for our company.

21           Gilbane is America's oldest and\_  
22 largest family owned and operated construction\_  
23 management firm. We've been in successful\_  
24 operation for over 130 years. We have offices\_  
25 throughout the country, but have been servicing\_  
    Roy Allen & Associates, Inc.

1  
2 the Lower Manhattan area for quite a number of\_  
3 years as well.  
4           My department is a bit unique\_  
5 within the industry. We are an entity and a\_  
6 department within our company that is meant to\_  
7 specialize in helping our construction\_  
8 professionals execute projects of this type, \_\_  
9 projects where we have to deal with environmental\_  
10 or other related hazards that are necessarily\_  
11 associated with the deconstruction, demolition\_  
12 and construction operations.  
13           We have profiled here a few of\_  
14 our projects which I've been personally involved\_  
15 with. I've specialized in construction-related\_  
16 exposure and safety issues for over 20 years. \_\_  
17 And these four Gilbane projects, I think, really\_  
18 profile well some of the reasons why we were\_  
19 selected to be the deconstruction contractor for\_  
20 the Liberty Street Project.  
21           U.S. Postal Service, as you may\_  
22 recall, this particular facility in Brentwood\_  
23 that services our nation's Capitol suffered from\_  
24 an anthrax release.  
25           We were actually brought on\_  
          Roy Allen & Associates, Inc.



1  
2 board as the program manager to oversee and\_  
3 manage all components of that program from the\_  
4 U.S. Postal Services' perspective, including\_  
5 detailing the requirements for the\_  
6 decontamination of anthrax within that facility\_\_  
7 toward the reactivation of the facility, working\_  
8 both with the regulatory agencies, the owner, as\_  
9 well as the U.S. Postal Service union to ensure\_  
10 that their members would be comfortable with the\_  
11 outcome of our efforts.

12           The Department of Justice\_  
13 Building, you may have heard -- and Berger was\_  
14 also involved in that project, so we have some\_  
15 projects that we've shared as a team over the\_  
16 years -- was a five-year, three-phase renovation\_  
17 of that facility while the facility remained\_  
18 active.

19           We were required to deal with\_  
20 almost continual asbestos abatement, remediation\_  
21 of lead paint hazards, as well as of mercury,\_  
22 PCBs and other building-related hazards.

23           We instituted several proactive\_  
24 programs that lead to the successful conclusion\_  
25 of each phase without any incidences.

          Roy Allen & Associates, Inc.

1  
2                   In fact, at one point during\_  
3 our construction in the second phase there was a\_  
4 mechanical contractor that was -- had nothing to\_  
5 do with our project, not under our control -- who\_  
6 was performing some work in a separate part of\_  
7 the building directly for the GSA and the\_  
8 Department of Justice, who improperly impacted\_  
9 some asbestos, and they asked us to assist in the\_  
10 evaluation and remediation process. And I'm\_  
11 happy to say we were able to do that efficiently\_  
12 and successfully as well.

13                   Also, Case -- the next project,\_  
14 Case Western Reserve University, is a project I\_  
15 was involved with from its inception. Case\_  
16 Western Reserve University in Cleveland actually\_  
17 was awarded an adjoining property that used to be\_  
18 the Mount Sinai Hospital complex.

19                   It was a 14-building complex\_  
20 that was built in the early 40s, back when there\_  
21 weren't a lot of regulations about what you could\_  
22 dump down the drain and how you would handle\_  
23 different materials. And as you can imagine in a\_  
24 research setting, in a hospital setting, there\_  
25 were a number of hazards associated both with the\_  
    Roy Allen & Associates, Inc.

1 facilities there, radiation hazards and other\_  
2 things -- as well as other things, as well as a\_  
3 number of site concerns and issues and\_  
4 contamination in the soil that we were tasked\_  
5 with dealing with.

6  
7 We actually guided that process\_  
8 through determining and strategizing and\_  
9 developing the remediation plans that were\_  
10 necessary, along with consultants, and have since\_  
11 taken that group to successfully remediating\_  
12 those hazards and demolishing 13 of those 14\_  
13 buildings with -- we're bordered on four sides\_  
14 there. Two sides are bordered by the Case\_  
15 Western University campus, which is continually\_  
16 occupied. Our third side is bordered by a very\_  
17 large nursery and preschool center. And our\_  
18 fourth side is a park and elementary school.

19 So we had very sensitive and\_  
20 concerned community groups involved right from\_  
21 the start, did a lot of outreach, instituted some\_  
22 programs for ambient air monitoring, much as\_  
23 we'll be doing here, and were very successful.

24 I'm happy to say, at the\_  
25 conclusion of that project, the park across the\_  
Roy Allen & Associates, Inc.

1  
2 street and the community group actually posted a\_  
3 sign thanking both Case Western and Gilbane for\_  
4 their efforts in helping to protect them and\_  
5 their environment.\_\_\_\_

6           And lastly, Public Services of\_  
7 New Hampshire, a project in Manchester, New\_  
8 Hampshire, that required again efforts dealing\_  
9 with regulatory agencies as well as the design\_  
10 firms in handling some of the challenges in that\_  
11 project both related to site issues and more\_  
12 perhaps typical building-associated contaminated\_  
13 materials that were rampant throughout the\_  
14 facility that had been abandoned for about ten\_  
15 years before we started our efforts.

16           I would just mention briefly --\_  
17 I know Amy profiled our major subcontractors that\_  
18 are already on board, LVI, CDI and Weston. I\_  
19 want to mention a few things about each of them.

20           We've selected those entities\_  
21 because we have existing relationships in this\_  
22 capacity. They have proven themselves to be very\_  
23 diligent contractors that are supportive of our\_  
24 efforts and they approach the project in the way\_  
25 that we want it approached, in a very safe\_

          Roy Allen & Associates, Inc.

1  
2 fashion. \_\_

3                   Weston will be performing and  
4 helping us to detail and develop our  
5 air-monitoring program for the project. We are  
6 already underway with that. They've provided  
7 some great information and some great direction  
8 already.

9                   CDI is a company that we've  
10 done several demolition and deconstruction  
11 projects with, Adriaen's Landing in Hartford,  
12 Connecticut, a very complicated project, as well  
13 as some responses in New Jersey and Minneapolis. \_\_

14                   And LVI is a contractor that  
15 was actually involved with us in that Department  
16 of Justice project, as well as probably about two  
17 dozen other projects that I can think of as  
18 well. \_\_

19                   So we're very comfortable with  
20 the team we have assembled and are confident that  
21 they bring the skill sets and the approach and  
22 attitude that's necessary to bring this project  
23 to a successful conclusion.

24                   MS. DYANA LEE: Hello. My  
25 name is Dyana Lee, and I'm a Vice President for  
    Roy Allen & Associates, Inc.

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Investigations at LMDC.

Some of you may be familiar with some of the work of the Investigations Department at LMDC because we have been in the past two years ensuring that the Residential Grant Program gives out grants and funds to people that are entitled to them and have worked with that U.S. Attorney's Office and the HUD IG's office in prosecuting those that are not entitled to them.

We are now moving to a different phase in that the LMDC continues to work to its utmost to ensure that all of its projects and its work proceeds with the utmost of integrity.

To that end, we have determined to hire an integrity monitor on this project. We are in the process of negotiating now with Kroll Associates to perform that function as an integrity monitor.

Basically, the integrity monitor is going to do three things.

They are going to work to prevent any fraud, abuse or corruption on this Roy Allen & Associates, Inc.

1  
2 job;\_  
3                   Second, if it's there, they're\_  
4 going to work with us to detect it;\_  
5                   And third, if it's there and we\_  
6 detect it, we're going to work with law\_  
7 enforcement to make sure we strike back\_  
8 definitely and effectively.\_\_\_\_  
9                   How we intend to do that is to\_  
10 take a risk-based approach. What we're going to\_  
11 do initially is have Kroll come in, and they're\_  
12 going to look at everything.  
13                   They're going to look at the\_  
14 policies and procedures that are being put in\_  
15 place with respect to requisitions, the\_  
16 Deconstruction Plan, the hiring of minority\_  
17 contractors. And they're going to look at those\_  
18 procedures and policies and let us know where the\_  
19 weaknesses may be if they're there.  
20                   And then, they're going to come\_  
21 back to us after they identify those weaknesses,\_  
22 and they're going to put together a prevention\_  
23 program with us that's going to be designed to\_  
24 mitigate those risks and ensure that this project\_  
25 proceeds as we all want it to, with the utmost of\_  
    Roy Allen & Associates, Inc.

1  
2 integrity.

3           Some of the things that they\_  
4 might be putting in place would be, for example,\_  
5 we intend fully to have a fraud prevention\_  
6 hot-line number that's going to be available for\_  
7 actually all of the Lower Manhattan projects.\_\_\_\_  
8 LMDC is working with its partners in the various\_  
9 agencies to put that together.

10           They are going to monitor\_  
11 compliance with the policies and procedures that\_  
12 these environmental -- they're going to look at\_  
13 the environmental plans, they're going to make\_  
14 sure that those are the right plans, and then\_  
15 they're going to make sure that those plans are\_  
16 being followed.\_\_\_\_

17           Kroll Associates is the largest\_  
18 investigative and independent forensic consulting\_  
19 firm in the country. They're headquartered here\_  
20 in New York City.

21           Their team that they are\_  
22 proposing include former federal and state\_  
23 prosecutors, law enforcement investigators,\_  
24 forensic -- experienced forensic accountants,\_  
25 environmental engineers and civil engineers.\_

          Roy Allen & Associates, Inc.



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The senior project manager that has been working with us and will be working with us most closely, Jim Bucknam, is committed to this project, is a former federal prosecutor from here in the Southern District of New York. He also was Special Counsel to then FBI Director, Louie Freeh.

When he was an assistant in the U.S. Attorney's Office, he was heavily involved in a very significant racketeering case, as well as a number of other organized crime cases. He knows New York. He knows the pitfalls. He knows the hazards. And he's putting together a very good team.

Kroll Associates has done a lot of work in this area. I've highlighted just a few of them up here on the screen for you.

For example, most recently, they were involved as the monitor on a 1.2 billion dollar project in Jersey City, doing pretty much the exact same role, playing the same role that we intend to have them play here.

The particular significance on that project that you might be interested in is Roy Allen & Associates, Inc.

1  
2 that they had to focus an environmental monitor  
3 relating to the excavation, carting and disposal  
4 of contaminated materials out of that site.  
5           They've also been the monitor  
6 on a 750 million dollar build-out here in  
7 Manhattan in the last few years, again, similar  
8 monitoring and review services, and that was a  
9 72-floor high-tech office building that they were  
10 monitoring the build-out of.  
11           And I think of particular  
12 significance there was that Kroll's work on that  
13 project investigated cost abuses and bidding  
14 irregularities which resulted in a savings to  
15 their client of over \$1.2 million.  
16           They have also been involved in  
17 government monitorships. They're the --  
18 currently the Private Sector Inspector General  
19 for Plumbers Local 1 here in New York City. And  
20 their role there basically is to root out  
21 corruption in that local, and their appointment  
22 was the result of an agreement between the New  
23 York State Organized Crime Task Force and the  
24 Department of Labor after there were a number of  
25 arrests of principals in that union.  
          Roy Allen & Associates, Inc.

1  
2                   They're also currently serving\_  
3 as the monitor for the Town of Brookhaven, and in\_  
4 that capacity, they've been completely revising\_  
5 the policies and procedures for the Town of\_  
6 Brookhaven in connection with their landfill to\_  
7 ensure regulatory compliance. \_

8                   And they're also a monitor for\_  
9 a number of police stations -- police\_  
10 departments, excuse me, throughout the country,\_  
11 including Los Angeles and Detroit, and that,\_  
12 again, is to really go in. They've gone into\_  
13 LAPD. They've been putting together a whole new\_  
14 ethics program. They've been conducting\_  
15 investigations and ensuring internal compliance\_  
16 and compliance with all regulatory laws with\_  
17 respect to the work that's being done out there,\_  
18 out in the LAPD.

19                   In short, the LMDC fully\_  
20 intends to make sure that Kroll comes in. This\_  
21 project is going to be done with the utmost\_  
22 integrity. We're not going to cut corners.

23                   They're going to be looking at\_  
24 the environmental policies and procedures and\_  
25 make sure that all of the regulations are being\_  
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1  
2 followed.

3                   And until that fraud hot-line\_  
4 number gets up, if any of you in the community,\_  
5 in the neighborhood have concerns or feel that\_  
6 you see something that shouldn't be going on\_  
7 that's going on, you can always call me, (212)\_  
8 587-9325.

9                   Thanks.\_  
10                   MS. AMY PETERSON: Thanks,\_  
11 Dyana.\_\_\_\_

12                   As I mentioned before, LMDC\_  
13 fully intends to comply with all Federal, State\_  
14 and City regulations. And we've listed a few of\_  
15 the regulators that we'll be working with and\_  
16 adhering to regulations of.

17                   They're the EPA, OSHA. With\_  
18 State, it's the Department of Environmental\_  
19 Conservation, the Department of Labor, the State\_  
20 and City Department of Health, City DEP, and the\_  
21 Department of Buildings, to name a few.\_

22                   Prior to the purchase of the\_  
23 building, LMDC conducted an Initial Building\_  
24 Characterization Study which we released last\_  
25 week, on September 14th.

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1  
2 Tom Lewis of Louis Berger is\_  
3 now going to present to you the results of that\_  
4 study.\_\_

5 MR. TOM LEWIS: Thank you\_  
6 again, Amy.\_

7 Berger mobilized a team from\_  
8 our local office, Water Street right here in\_  
9 Downtown Manhattan, managed by Stephen Pharaī and\_  
10 project director, Niek Veraart. And we've put\_  
11 together a team of industrial hygienists,\_  
12 environmental scientists and engineers to perform\_  
13 this Initial Building Characterization Study at\_  
14 130 Liberty Street.

15 Berger initiated this actual --\_  
16 this project in May of this year, and the goal of\_  
17 the study was to identify contaminants that are\_  
18 present in the building and that would need to be\_  
19 addressed during the cleaning and deconstruction\_  
20 process that is ongoing right now, in the\_  
21 development stage.

22 The building will need to be\_  
23 cleaned and methodologically deconstructed. As a\_  
24 safety precaution, the deconstruction process\_  
25 will not use explosive devices; it will be taken\_  
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1  
2 down in a piece-by-piece fashion. And so, they\_  
3 would need to know for each section of the\_  
4 building, well, what type of contaminants might\_  
5 be there as they're taking these pieces down.  
6           The specific objectives of the\_  
7 study:\_\_  
8           First characterize the\_  
9 contamination levels in the building;\_  
10           Second, to provide specific\_  
11 recommendations on additional testing. Because\_  
12 this was an initial study, one of the big goals\_  
13 and findings coming out of this study is, well,\_  
14 what more do we need to do in terms of testing\_  
15 and analysis to fully understand all of the\_  
16 contaminants that might be present in the\_  
17 building;\_  
18           Third, to serve as a reference,\_  
19 a piece of information that everyone in this team\_  
20 could rely on in helping do their jobs in the\_  
21 cleaning and deconstruction project as it\_  
22 unfolds, and again emphasizing that this was just\_  
23 the initial study, with the full intent from the\_  
24 very beginning to do follow-on testing after the\_  
25 results of the initial report.\_  
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1  
2                   The specific uses of the study\_  
3 for LMDC:\_  
4                   First, help them address\_  
5 concerns about community and worker health and\_  
6 safety associated with the cleaning and\_  
7 deconstruction activities that will occur;\_  
8                   Second, develop engineering\_  
9 controls, precautionary measures to ensure that\_  
10 the health and safety of the community and the\_  
11 workers is intact;\_  
12                   Third, to use cleaning and\_  
13 waste disposal procedures that properly address\_  
14 the identified contaminants;\_  
15                   And, fourth, for all these\_  
16 phases of the work and aspects of the work, to\_  
17 ensure that all applicable regulatory\_  
18 requirements are in fact complied with fully.  
19                   What did the initial study\_  
20 actually include in terms of the specific work we\_  
21 did?\_  
22                   First was some sampling and\_  
23 analysis to determine what components of this\_  
24 building before the actual events of\_  
25 September 11th were already in the building by\_  
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1  
2 its nature. In other words, the building was\_  
3 constructed with some materials potentially that\_  
4 already contained asbestos. That was a common\_  
5 practice in this century and up until the 1970s\_  
6 when this building was constructed.\_\_\_\_

7           So we had to find out, was this\_  
8 building in fact constructed with materials that\_  
9 already contained asbestos.\_\_\_\_

10           Second, do some sampling and\_  
11 testing of dust throughout the building and test\_  
12 that dust for asbestos as well as key World Trade\_  
13 Center contaminants of potential concern that\_  
14 have been defined by EPA in the studies that have\_  
15 occurred since September 11th, as well as some\_  
16 other contaminants.\_\_\_\_

17           Based on the nature of the\_  
18 building, what we knew was contained in the\_  
19 building, there were a few other contaminants we\_  
20 thought would be there that weren't actually on\_  
21 the EPA's list of COPCs, contaminants of\_  
22 potential concerns. So we added those to the\_  
23 study as well.\_\_\_\_

24           Third, made some visual\_  
25 observations for the presence of mold. We had\_  
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1  
2 heard a lot about mold in the building coming in\_  
3 from the previous owners of the building. So as\_  
4 part of this initial study, we looked at exposed\_  
5 surfaces, wallboards, ceilings, floors, that we\_  
6 could see without actually having to dig behind\_  
7 them and just see what obvious mold was there.  
8                   And then, lastly, we screened\_  
9 the indoor air for mercury vapors. Mercury is a\_  
10 somewhat unique heavy metal in that it can\_  
11 actually can vaporize at room temperatures. And\_  
12 because EPA and others said there was a potential\_  
13 for mercury to be there, well, if it was in the\_  
14 dust, it also might be in the air.\_\_\_\_  
15                   So in order to protect our\_  
16 workers and anyone else visiting the building, in\_  
17 case there were mercury vapors, we screened to\_  
18 see if in fact there were any mercury vapors\_  
19 present.  
20                   As far as the methodologies\_  
21 used to perform these particular studies, you\_  
22 know, the asbestos-containing materials study\_  
23 included taking actual samples of the materials\_  
24 throughout the building, different kinds of\_  
25 materials that we saw, that we thought were\_  
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1  
2 representative of the makeup of the building and\_  
3 testing them. And in fact, 2000 materials were\_  
4 sampled and were tested.

5           As far as the dust goes, we --\_  
6 again, we were testing for both asbestos in the\_  
7 dust as well as these other contaminants that I\_  
8 was just mentioning. Approximately 1600 samples\_  
9 were taken of dust and were sent to the\_  
10 laboratory for testing.

11           Mold, again, we did a visual\_  
12 walk-through of the whole building to see what\_  
13 mold we could see on the exposed surfaces.

14           And mercury vapors, we used two\_  
15 types of hand-held devices to do the mercury\_  
16 vapor screening. These are direct-read\_  
17 instruments, so we're not sending mercury samples\_  
18 away to the lab. We're actually taking a device\_  
19 that can sniff the air and you can look on a\_  
20 screen and read out what the mercury levels\_  
21 were. \_\_

22           And with both of these devices,\_  
23 one with a higher sensitivity than the other,\_  
24 both came back with nondetectable levels.

25           As part of the methodology, we\_  
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1  
2 had to break the building into zones, and the way\_  
3 we did that was by looking at the physical makeup\_  
4 of the zone plus the likelihood of the\_  
5 contamination being there and how it might have  
6 gotten there.\_\_\_\_ So we tried to break the\_  
7 building into representative areas and then\_  
8 sample a statistically relevant amount of each of  
9 these zones. So there were actually six zones in\_  
10 the building.\_\_\_\_ Zone 1 was the mechanical\_  
11 rooms. There are mechanical rooms that exist on\_  
12 several floors in the building. These are things\_  
13 like heating and ventilation and air conditioning\_  
14 equipment, where it not only gets pulled in from\_  
15 the outside, but also gets returned and then\_  
16 exhausted to the outside;\_  
17 Second, areas of office space\_  
18 that are located below the 24th floor;\_  
19 Third, office spaces located\_  
20 above the 24th floor;\_  
21 Fourth, the gash area, and this\_  
22 is the area on the north side of the building\_  
23 where Tower 2 actually fell and opened up a hole\_  
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25

1  
2 in the building that you can still see today;\_  
3 Fifth, the roof area;\_  
4 And sixth, the exterior facade\_  
5 of the building, in essence, the panels, the\_  
6 makeup of the outside side of the building that\_  
7 you can see when you look at it.  
8 O.K. So task one, we're ready\_  
9 to do our study. Well, when you do a study like\_  
10 this you first have to write work plans.  
11 And there were three basic\_  
12 types of work plans that we write, as well as all\_  
13 other environmental consultants write, when they\_  
14 do these kind of studies.\_\_\_\_  
15 The first type of work plan's\_  
16 what we call a Sampling and Analysis Plan. In\_  
17 essence it says, how many samples are you going\_  
18 to take, what are you sampling for, what methods\_  
19 are you going do use, where are you going to take\_  
20 them.  
21 The second type of work plan we\_  
22 write is called a Quality Assurance Project\_  
23 Plan. This is the plan that says how will you\_  
24 make sure that the samples you're taking are\_  
25 going to be the right samples, that the integrity\_  
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1  
2 of those samples will be maintained as you take\_  
3 the samples, as you deliver them to the\_  
4 laboratory, as they're tested, and as the results\_  
5 are reported.\_\_\_\_

6           So every step in that process\_  
7 has quality assurance aspects associated with\_  
8 it. And this plan in essence dictates what those\_  
9 specific procedures that have to be followed are\_  
10 every step of the way as we do this kind of\_  
11 study.

12           The third type of plan, a\_  
13 Site-Specific Health and Safety Plan. This is a\_  
14 plan that talks about, well, what kind of work do\_  
15 we have to do. Our employees go in there and\_  
16 they take samples. What kind of hazards might\_  
17 they be subjecting themselves to and how can they\_  
18 protect themselves from those potential hazards\_  
19 as they take these samples and send these samples\_  
20 away to the lab.\_\_\_\_

21           So this particular health and\_  
22 safety plan was specific to the performance of\_  
23 this initial study.

24           A second task for our work,\_  
25 asbestos-containing material. Again, this is\_  
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1  
2 components of the building pre September 11th,\_  
3 that may have already contained asbestos by their\_  
4 nature, and intentionally so at the time, which\_  
5 was a common practice, like I said, up until the\_  
6 70s.

7                   The majority of the samples we\_  
8 took tested negative for asbestos, meaning there\_  
9 was no asbestos in them. And many of these\_  
10 materials often do contain asbestos, but in this\_  
11 case they in fact did not.

12                   Things like spray-on\_  
13 fire-proofing insulation that they put underneath\_  
14 decks, above ceilings in office spaces often,\_  
15 wallboard, roofing materials and thermal\_  
16 insulation around some of the hot water piping, \_\_  
17 in fact, like I said, did test negative here.

18                   We did however find some\_  
19 materials that did contain asbestos.

20                   Approximately 155,000 square\_  
21 feet of flooring and wall materials did test\_  
22 positive, and about 95,000 linear feet of\_  
23 caulking, insulation and sealant materials also\_  
24 were tested positive for asbestos.

25                   Tests three and four, that's\_  
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1  
2 the dust. We took a lot of samples of dust, \_  
3 approximately 1600, as I mentioned.  
4 The contaminants of potential \_  
5 concern that were identified by EPA, we looked at \_  
6 that list that EPA had developed in the months \_  
7 and years after 9/11, and they had identified, \_  
8 well, what contaminants are characteristic of \_  
9 World Trade Center dust. So we looked at that \_  
10 list and of those which did we think were most \_  
11 likely to be present, we identified those and \_  
12 included those in the study. \_  
13 And that included asbestos, \_  
14 dioxins, lead, polycyclic aromatic hydrocarbons, \_  
15 or PAHs and crystalline silica, which is, you \_  
16 know, in essence, sand particles, particles that \_  
17 are actually contained in concrete by its nature, \_  
18 a very common building material, as you can \_  
19 image. \_  
20 Other contaminants that we \_  
21 added to the study, PCBs and several heavy \_  
22 metals, barium, beryllium, cadmium, chromium, \_  
23 copper, lead, manganese, nickel, zinc and \_  
24 mercury. And again, the reason why we set \_  
25 mercury apart is, it is a somewhat unique metal; \_  
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1  
2 it is a heavy metal but it does have unique\_  
3 characteristics in that it can vaporize at room\_  
4 temperature.\_  
5 For asbestos in dust, again,\_  
6 approximately 1600 samples taken. These samples,\_  
7 as you might imagine, showed highly variable\_  
8 levels of these contaminants. Dust by its nature\_  
9 moves fairly easily, and given the force at which\_  
10 this dust could have entered certain parts of the\_  
11 building versus other parts of the building that\_  
12 were more sheltered, as you might imagine, it was\_  
13 highly variable.  
14 The contaminants that were\_  
15 identified in the study were located both in the\_  
16 working space below the ceiling as well as above\_  
17 the ceiling. This building -- this office\_  
18 building, much like many office buildings, has\_  
19 suspended ceilings, and above the ceiling area is\_  
20 called the plenum. So the dust in the plenum\_  
21 area as well as in the actual office space tested\_  
22 positive for many contaminants.  
23 Further testing will of course\_  
24 be conducted of many of these areas where we need\_  
25 more information, with specific emphasis on what\_  
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1  
2 we call interstitial spaces, the nooks and  
3 crannies of the building that you have to  
4 actually move things out of the way and maybe  
5 even break things apart to get into those  
6 crevices or little channels and what they call  
7 raceways, and things like that, ductwork, that  
8 takes more effort.

9           And at the time of this initial  
10 study, LMDC did not own the building so it could  
11 not go in there and start destroying it in order  
12 to take these samples. But now that LMDC does  
13 own the building, those kinds of testing both can  
14 and will be done.

15           As far as the asbestos in dust,  
16 although there are no really directly applicable  
17 numerical criteria for this kind of building  
18 deconstruction -- this is a fairly unique  
19 activity that's going on in terms of taking this  
20 down, so it doesn't happen enough that EPA has  
21 specific criteria for taking a building down the  
22 way this building is going to be taken down.

23           So what we had to do is say,  
24 well, O.K., what other regulatory criteria are  
25 out there that might put our results in some kind  
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1  
2 of context. You need -- whenever you take\_  
3 testing, take samples and you do testing, you\_  
4 have to put that result in some kind of context.  
5           So what we did was look at\_  
6 what's available. And what we figured out was\_  
7 the most relevant that we might be able to do\_  
8 some comparisons to were the studies by US EPA\_  
9 that were done.\_\_\_\_  
10           Two types of studies were done.\_\_\_\_  
11 One was a background study, and what background\_  
12 means is basically, well, in this environment, an\_  
13 urban environment like Manhattan, not just Lower\_  
14 Manhattan but all of Manhattan, contaminants\_  
15 exist because of all the activities that go on.\_\_\_\_  
16 And so there are levels of contaminants just\_  
17 about everywhere in a city like Manhattan.\_\_\_\_  
18           So the EPA did a study to say,\_  
19 well, what are those levels. So we used that as\_  
20 one way of comparing our results.\_\_\_\_  
21           The second type of study that\_  
22 we used to compare our results to was the, what\_  
23 they call the EPA benchmarks, W -- World Trade\_  
24 Center benchmarks. These were levels that the\_  
25 World -- the U.S. EPA did, in the wake of\_  
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1  
2 September 11th, say, well, what levels if you're\_  
3 going to reoccupy a residential building, an\_  
4 apartment becoming, a co-op, condominium? How\_  
5 much cleaning do you have to do to before you can\_  
6 allow the residents to move back into their\_  
7 residence?\_\_

8                   So they did develop actual\_  
9 levels that would apply to these kinds of\_  
10 conditions, and in fact, based on that very\_  
11 conservative, based on, you know, the typical\_  
12 family--man, woman child--living there,\_\_  
13 health-based type levels. And so there are\_  
14 levels we can compare to.\_

15                   So using these levels as some\_  
16 kind of relative context, we compared our\_  
17 results. And in fact, several of the\_  
18 contaminants that we analyzed for did in fact\_  
19 exceed these levels, context levels that I just\_  
20 referred to.

21                   Asbestos in the dust exceeded\_  
22 those levels in 77 percent of the floors that\_  
23 were tested within the building. Dioxins in\_  
24 99 percent of the floors. Lead, in 97 percent of\_  
25 the floors. Quartz, which is the silica I\_  
26

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1 referred to before, 94 percent of the floors.\_\_\_\_  
2 Chromium, 30 percent and manganese 21 percent.

3 The next task or the next part\_\_\_\_  
4 of this dust task was the other analytes that\_\_\_\_  
5 didn't show up in as high levels as these\_\_\_\_  
6 analytes that I just referred to on this previous\_\_\_\_  
7 slide.\_\_\_\_

8 Cristobalite, which is a\_\_\_\_  
9 specific type of the quartz, barium, cadmium,\_\_\_\_  
10 cooper, zinc, and mercury did have a few\_\_\_\_  
11 exceedances of the context criteria that I\_\_\_\_  
12 discussed but in a relatively low occurrence. In\_\_\_\_  
13 other words, less than 5 percent of the time did\_\_\_\_  
14 they have an exceedance.

15 Other contaminants, nickel,\_\_\_\_  
16 beryllium, PCBs, that we thought might be there,\_\_\_\_  
17 and in fact were detected at some levels, did not\_\_\_\_  
18 exceed these context levels.

19 Now, for PCBs, there actually\_\_\_\_  
20 wasn't a World Trade Center residential\_\_\_\_  
21 background level or a residential benchmark level\_\_\_\_  
22 from the EPA study. PCB was kind of a\_\_\_\_  
23 contaminant that we were concerned about specific\_\_\_\_  
24 to this building.

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1  
2                   And so, we had to look for\_  
3 another criteria. And, in fact, the one that we\_  
4 found that was the most relevant was, the U.S.\_  
5 EPA has a Spill Cleanup Criteria, that if you\_  
6 have a PCB spill in an industrial setting, the\_  
7 EPA says, well, you have to clean it up, first of\_  
8 all, and second of all, you have to the test to\_  
9 prove it's below this level in the Spill Cleanup\_  
10 Criteria.\_\_\_\_

11                   And when we compared our levels\_  
12 to those levels, there were in fact no\_  
13 exceedances of the Spill Cleanup Criteria.

14                   Test four, as I mentioned\_  
15 before, included also some mercury vapor testing,\_  
16 and we did perform the screening. And also as I\_  
17 previously mentioned, using two different devices\_  
18 with varying levels of precision, both actually\_  
19 did not detect mercury vapors in the air.

20                   So even though we did detect\_  
21 mercury in the dust, there wasn't enough of it to\_  
22 be volatilizing, vaporizing into the breathable\_  
23 air in the building presently.

24                   Test five was the mold\_  
25 inspection survey of the exposed surfaces. We\_  
                  Roy Allen & Associates, Inc.

1  
2 did see a few limited areas of visible mold. The\_  
3 11th, 7th, 3rd floors and basement levels A\_  
4 and B. Again, fairly limited.

5           If you add them all up, there\_  
6 was only 105 square feet of mold-impacted\_  
7 building materials. But it's important to\_  
8 reiterate what I said before. This was on the\_  
9 exposed surfaces.

10           Mold actually likes the nooks\_  
11 and crannies; they like the hidden spaces. We\_  
12 couldn't get into those spaces because we\_  
13 couldn't do destructive sampling methods.

14           So this is not to say that this\_  
15 is all the mold that's there. This is to say\_  
16 that the mold that you could see by just walking\_  
17 through the building is fairly limited.

18           We will, however, go into those\_  
19 nooks and crannies and find out what kind of mold\_  
20 may or may not exist in those spaces.

21           So, in summary, the findings of\_  
22 the study:\_\_

23           The testing results clearly\_  
24 revealed levels of contaminants, varying levels\_  
25 of contaminants throughout the building and that\_  
          Roy Allen & Associates, Inc.

1  
2 obviously would need to be addressed as part of\_  
3 the cleaning and reconstruction program.

4 Asbestos-containing building\_  
5 materials, the ACM, that's there as well. This\_  
6 is asbestos in the material itself, and that has\_  
7 to be dealt with, of course, as well.

8 The detectable levels of\_  
9 asbestos, silica, PAHs, dioxins, PCBs and the\_  
10 heavy metals, as I said, were both above the\_  
11 ceilings and below the ceilings, fairly well\_  
12 distributed. So, you know, you have to take that\_  
13 into consideration in both the cleaning and\_  
14 deconstruction program.

15 The results were consistent\_  
16 with the highly variable nature of World Trade\_  
17 Center dust and the level of activity that has\_  
18 occurred in the building.

19 Much has happened in the\_  
20 building after it became damaged by Tower 2\_  
21 falling into it. They had to stabilize the\_  
22 situation. They had to clean areas that were\_  
23 exposed to the elements. They had to take a lot\_  
24 of the contents, the office furniture, et cetera,\_  
25 out. This is all previous to LMDC having any\_  
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1  
2 ownership, of course, but ....

3           So much activity has  
4 occurred. Now, when an activity like that  
5 occurs, it redistributes the dust around the  
6 building. So, again, we expected to see highly  
7 variable testing results and in fact that is what  
8 we saw.

9           As I said, this is an initial  
10 study. So what further testing do we recommend  
11 that LMDC pursue?

12           Well, obviously, we couldn't do  
13 destructive sampling methods to get in those  
14 nooks and crannies. That has to be done. So  
15 that's -- that will be done, and in fact that  
16 type of sampling program is under development  
17 currently and will be performed.

18           Things that we'll be looking  
19 into as part of that, the curtain wall, which is  
20 in essence that -- those glass panels that make  
21 up the outside of the building, interior walls,  
22 the exterior -- other exterior elements of the  
23 building, what they call the cell systems and  
24 raceways that exist in the floor decks and other  
25 aspects of the building, where they run, you

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1  
2 know, network cables for computers and air\_  
3 conditioning ducts, and things like that.  
4 So all these little channels\_  
5 that exist within the building elements\_  
6 themselves, they have to be looked into as well\_  
7 and tested.

8 While we're doing that, we will\_  
9 do visual inspections for mold as we look into\_  
10 these nooks and crannies.

11 And then, of course, additional\_  
12 testing will have to be done as part of the\_  
13 cleaning and Deconstruction Plan that Gilbane\_  
14 will carry out. When you take materials out that\_  
15 either are known or potentially impacted by\_  
16 contaminants, you have to characterize those\_  
17 materials to know, well, where do you take them?\_  
18 What kind of waste acceptance criteria applies to\_  
19 those materials? And how you should transport\_  
20 them safely?

21 So in order to do all those\_  
22 things you have to test those materials so you\_  
23 know what you're dealing with and you deal with\_  
24 it appropriately and comply with the appropriate\_  
25 regulations.

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1  
2                   The next two slides are\_  
3 specific recommendations that are in the report\_  
4 that is available. I'll run through them\_  
5 briefly.  
6                   Maintain, review and modify the\_  
7 current health and safety plan that exists and\_  
8 the external air-monitoring program that was\_  
9 mentioned and will be discussed a little more\_  
10 after my presentation.  
11                   Continue to review and address\_  
12 the potential for release of contaminants\_  
13 associated with this building.\_\_\_\_\_  
14                   And develop a specific\_  
15 emergency action plan in case of any kind of\_  
16 event, contaminant or otherwise, that could occur\_  
17 so that, you know, the best defense for these\_  
18 kinds of things is to have proper planning, and\_  
19 that's what needs to be done, to develop a plan.  
20                   Conduct further testing as\_  
21 recommended, as I just discussed, and this will\_  
22 specifically feed the cleaning and Deconstruction\_  
23 Plan development process.  
24                   Further develop the\_  
25 site-specific health and safety plan and other\_  
                  Roy Allen & Associates, Inc.

1  
2 site operations documents. The plans were\_  
3 written knowing what we knew then, at the day\_  
4 they were written. Well, now we know more. So\_  
5 the plan should be revisited and updated\_  
6 accordingly.

7 File appropriate notifications\_  
8 and get permits from the New York City DEP and in\_  
9 conjunction with the New York State Department of\_  
10 Labor with regard to these asbestos-containing\_  
11 materials.

12 There are specific regulations\_  
13 that are in place when you have buildings that do\_  
14 contain these ACMs, these asbestos-containing\_  
15 materials. And, in fact, there are specific\_  
16 permits that you get. That will all be done in\_  
17 conjunction with both of those agencies.

18 Conduct appropriate monitoring\_  
19 and quality assurance/quality control inspections\_  
20 throughout the cleaning and deconstruction\_  
21 process, which Dyana and I have touched upon, and\_  
22 that will be done throughout the process.

23 With that, I will turn it back\_  
24 to Amy.

25 MS. AMY PETERSON: Thank you,\_  
Roy Allen & Associates, Inc.

1  
2 Tom.

3 I wanted to briefly address the\_  
4 issue of the studies that were done prior to our\_  
5 ownership of the building.

6 Deutsche Bank and their\_  
7 insurers both did a significant amount of testing\_  
8 in the building prior to our ownership, and their\_  
9 studies were potentially -- or done to determine\_  
10 if the building could be reoccupied, and they\_  
11 were done in terms of the litigation that they\_  
12 were engaged in in dealing with whether or not\_  
13 the building could be reoccupied.

14 We did an extensive amount of\_  
15 work regarding those studies in the work that we\_  
16 did.

17 Lewis Berger both reviewed the\_  
18 studies that Deutsche Bank and their insurers had\_  
19 done. They used the studies that those -- that\_  
20 was done by those firms to determine what types\_  
21 of things we should sample for.

22 And, in addition, after the\_  
23 initial results from our testing were completed,\_  
24 we met with both of the testing groups for the\_  
25 insurers and Deutsche Bank to determine if there\_  
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1  
2 was additional testing we should do, if there\_  
3 were any discrepancies in the work we had done.  
4       We have made available at our\_  
5 office at the Lower Manhattan Development\_  
6 Corporation the studies and raw data of both\_  
7 Deutsche Bank and their insurers, and there's\_  
8 information on the fact sheet about how you can\_  
9 contact Kate Millea from our office to go and see\_  
10 that data if you're interested in seeing that\_  
11 data.  
12       And we will continue to have\_  
13 that conversation with them as we do the\_  
14 additional testing.  
15       The timeline there talks about\_  
16 what we're doing with the creation of the initial\_  
17 characterization and the outreach that we're\_  
18 doing right now.  
19       We released the\_  
20 characterization on the 13th -- on the 14th,\_  
21 excuse me, of September.  
22       We're having this public\_  
23 information session today, and in addition to\_  
24 this public information session, we have opened a\_  
25 com- -- a public comment period for 30 days that\_  
      Roy Allen & Associates, Inc.

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closes on October 13th.\_\_\_\_  
We want to be able to hear from\_  
the public about your concerns about the\_  
deconstruction, and we thought that this was an\_  
effective way to do it.\_\_\_\_

In addition to the\_  
deconstruction, which we'll talk about further in\_  
a minute, I wanted to let you all know that we\_  
have started an air-monitoring program on the day\_  
we purchased the building.

Ed Gerdts from TRC will talk to\_  
you about the exterior air-monitoring program.

MR. ED GERDTS: Thank you,\_  
Amy.

As Amy mentioned, there's a\_  
current exterior, outside air, exterior\_  
air-monitoring program that's currently being\_  
employed right now at the building.\_\_\_\_

And in addition, supplemental\_  
to this current program, an enhanced program is\_  
under development that will be implemented prior\_  
to the start of deconstruction activities\_  
that's -- and I'll describe that briefly --\_  
that's being worked on now in conjunction with\_  
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1  
2 the regulatory input.

3           So we've got the regulators on\_  
4 board and we're going to be getting their input\_  
5 to develop and finalize an enhanced program that\_  
6 I'll touch on some of the components of.\_

7           But the current program now, as  
8 Amy mentioned, when LMDC took ownership of the\_  
9 building on August 31st, there was a program that\_  
10 was being implemented by a company called Ambient\_  
11 Group, that had been implemented by the bank for\_  
12 the past two years, essentially since the summer\_  
13 of 2002.\_\_

14           That program, it was determined\_  
15 that it would be prudent to continue that program\_  
16 in the current static state of the building,\_  
17 i.e., we're not doing any work, so let's continue  
18 on with the program that was implemented prior.\_\_  
19 And that program includes four sampling locations\_  
20 around the building.\_\_

21           Essentially, there's one at\_  
22 Greenwich and Cedar, and then at Greenwich and\_  
23 Albany, at Washington and Albany, and then around\_  
24 Washington and Cedar. So around the perimeter of\_  
25 the building, outside of the building there's\_  
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1  
2 air-monit- -- those four air-monitoring\_  
3 stations.\_

4                   Those stations operate 24 hours\_  
5 a day, 7 days a week. So at each one of those\_  
6 stations samples are being corrected 24/7.

7                   The daily samples that will be\_  
8 collected at each of those locations include\_  
9 asbestos, TEM air samples. So a sampling for\_  
10 asbestos via TEM analysis is conducted. There\_  
11 are essentially three samples that are collected\_  
12 over 8-hour periods to total a 24-hour sample, 24\_  
13 hours a day. And one 24-hour sample for nine\_  
14 metals. And the metals that in question are\_  
15 listed up on the screen.

16                   That sample -- those samples\_  
17 are collected at each of the four locations 24\_  
18 hours a day and have been since LMDC took\_  
19 ownership of the property.

20                   Those samples are analyzed and\_  
21 the results are reviewed on a daily basis by\_  
22 Ambient as well as the TRC, and actually the\_  
23 asbestos samples on a daily basis are being sent\_  
24 to the DEP for their review. So they're getting\_  
25 a chance to look at the samples on a daily basis.

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1  
2                   We are comparing the results.\_\_\_\_  
3 When we get the results, we compare -- we are\_  
4 currently comparing those results to the United\_  
5 States Environmental Protection Agency's Asbestos\_  
6 Hazard Emergency Response Act Criteria. That's\_  
7 the air criteria typically used for school\_  
8 buildings, and that's 70 structures per square\_  
9 millimeter. That's the standard that we're\_  
10 comparing it to.

11                   In addition, the metal samples\_  
12 are being either compared to OSHA samples, or\_  
13 NIOSH -- OSHA PELs or NIOSH standards. NIOSH is\_  
14 the National Institute for Occupational Safety\_  
15 and Health and they developed standards. So\_  
16 those are the comparison criteria.

17                   And again, as I mentioned, the\_  
18 TEM samples which are being collected are being\_  
19 sent to DEP on a daily basis.

20                   In addition, the intent is, and\_  
21 it's in the very near future, access to the\_  
22 public to the results will be via the website.\_\_\_\_  
23 So we're going to be posting -- LMDC is going to\_  
24 be posting the results to the website. And\_  
25 that's listed behind me, at renewnyc.com.\_\_\_\_

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1  
2                   So the public will have access\_  
3 to the results, and they will be updated on a\_  
4 routine basis.

5                   In addition, the current\_  
6 program and some components of the future\_  
7 enhanced program are described in a fact sheet.\_\_\_\_  
8 And the fact sheet was available when you walked\_  
9 in. So if you're interested, you can take that\_  
10 fact sheet and look it over. It provides a\_  
11 little more detail relative to the program.

12                   I mentioned that we've got the\_  
13 current program, but prior to the initiation of\_  
14 deconstruction activities and the start of\_  
15 deconstruction, LMDC, and we agree, feel that\_  
16 it's prudent to enhance the current program.

17                   And some of the enhancements\_  
18 that we -- some of the important components\_  
19 relative to the enhanced program include\_  
20 additional sampling locations. We will actually,\_  
21 and we're in the process of getting access to,\_  
22 put an additional sample location to the north of\_  
23 the building along the sidewalk shed on Liberty\_  
24 Street, an additional location is being\_  
25 coordinated to get access to 125 Cedar Street, a\_  
    Roy Allen & Associates, Inc.

1  
2 location that is being contemplated to put\_  
3 there. So there are additional locations at the\_  
4 base of the building that we will create.  
5           There will also be, because\_  
6 that's a large building, it's 40 stories, it's\_  
7 important that we not only look at the street\_  
8 level, but we look at elevation.  
9           So part of the enhanced program\_  
10 will include sampling locations at elevation\_  
11 including rooftops and building set-backs around\_  
12 the perimeter of the building on locations\_  
13 off-site to represent conditions at elevation.\_\_\_\_  
14 And that's part of the component of the enhanced\_  
15 program.  
16           The current program is a\_  
17 process where you take a sample and you send it\_  
18 to the lab and the results come a few days later\_  
19 from the laboratory, and that's in the form of\_  
20 results from analysis. Our current pro- --  
21 that's our current program. And we feel that's\_  
22 appropriate now, considering there's not a lot of\_  
23 activity going on in the static state.\_\_\_\_  
24           But once the construction\_  
25 activities begin, we felt that it would be\_  
          Roy Allen & Associates, Inc.

1  
2 beneficial to have real-time air-monitoring\_  
3 results. So one of the components, an important\_  
4 component of this new program will have real-time\_  
5 response or we'll have real-time data that we can\_  
6 use and react to on a real-time basis.

7           In addition, based on the\_  
8 initial characterization report and input from\_  
9 the regulators, we anticipate increasing our\_  
10 analyte list. We are currently doing for\_  
11 asbestos and metals. We anticipate to increase\_  
12 the analyte list, and we'll be working with the\_  
13 regulators to develop that list for the enhanced\_  
14 program.

15           Part of -- an important part of\_  
16 the enhanced program is notification and a tiered\_  
17 sort of response to issues that might arise. The\_  
18 real-time monitoring component of the project\_  
19 will assist us in preparing a tiered approach.\_\_\_\_  
20 So when we do receive -- we do find some results\_  
21 that have the potential to be a concern, we can\_  
22 act on them immediately.

23           If we find that we need to take\_  
24 it to the next level, to the next tier, and we\_  
25 need to shut the job down, there will be that\_  
26

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1  
2 ability to do that in real time.

3           In addition, should there be a\_  
4 necessity to notify the public because it hits a\_  
5 trigger level, there will be a public\_  
6 notification component of the public program.

7           In addition, we're going to\_  
8 continue submitting the results to the DEP and we\_  
9 are committed to continuing to provide the\_  
10 results to the public via the website.

11           MS. AMY PETERSON: Thank you.

12           I wanted to mention, and I\_  
13 think that I've talked to a few people who are\_  
14 either local residents or businesses in the area,  
15 we are interested in talking to people who are in\_  
16 the surrounding community about their suggestions\_  
17 for locations for air monitoring.

18           Kate Millea is the liaison with\_  
19 the community on this project, and her\_  
20 information is on all of the fact sheets that\_  
21 we've published. And if people have ideas or\_  
22 suggestions, they can submit it through the\_  
23 regular public comment process, but they should\_  
24 also feel free to contact Kate directly.\_\_\_\_

25           In addition to the work related\_  
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1  
2 to the further characterizations that Tom\_  
3 mentioned and the exterior air monitoring, LMDC\_  
4 and its contractor, Gilbane Building Company, are\_  
5 also surveying the building and completing work\_  
6 relating to safety for workers in the building\_  
7 and addressing any potentials for release of\_  
8 contaminants from the building.\_\_\_\_

9           Any work related to cleaning\_  
10 and deconstruction of the building will not be\_  
11 completed until a Cleaning and Deconstruction\_  
12 Plan is approved by Federal, State and City\_  
13 regulators.

14           In the development of the\_  
15 Cleaning and Deconstruction Plan, LMDC and\_  
16 Gilbane Building Company will be taking three\_  
17 things into consideration: The results of the\_  
18 characterization, the requirements of the\_  
19 regulators, and the needs of the public. \_

20           A big part of why we're here\_  
21 today is to provide information so that you can\_  
22 also share your concerns with us, and we'll\_  
23 incorporate those in the Deconstruction Plan.

24           Deb Pereira from Gilbane will\_  
25 now speak to you about the work Gilbane will do\_  
    Roy Allen & Associates, Inc.

1  
2 in preparation for deconstruction.\_\_\_\_  
3 MS. DEB PEREIRA: What I'd like\_  
4 to do is take a bit of time and profile for you\_  
5 the efforts that we've been undertaking,\_  
6 particularly since we've been engaged in the\_  
7 project but particularly since the release of the\_  
8 characterization report, and that information is\_  
9 now available to inform us with regard to our\_  
10 work activities as well.

11 What we have detailed on the\_  
12 next two slides are really the various\_  
13 subcomponents of plans within our overall\_  
14 deconstruction program that we're currently\_  
15 working with our subcontractors to develop.

16 The first three that you see\_  
17 profiled on this slide are a bit more general in\_  
18 nature.

19 The first identifies our team,\_  
20 all the team members, Gilbane personnel as well\_  
21 as our subcontractors, including CDI, LVI and\_  
22 Weston whom we've already spoken about but also\_  
23 security and other subcontractors, many tier\_  
24 subcontractors that will come on board to assist\_  
25 with the process.

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1  
2                   The next component of our\_  
3 program is a Site Utilization Plan. Essentially,\_  
4 that will define, both in narrative form as well\_  
5 as in a drawing, how we'll be using the immediate\_  
6 site in and around the building. Where will our\_  
7 field office trailer or trailers be located; any\_  
8 equipment, particularly things like cranes and\_  
9 hoists, where will they be positioned on the\_  
10 building; where might we have a waste load-out\_  
11 area; where might there be containers stored for\_  
12 some reason, whether we're perhaps doing some\_  
13 steel recycling or something like that later on\_  
14 in the project; access and control points. Those\_  
15 are all detailed in the Site Utilization Plan.

16                   Next a Permitting and\_  
17 Notification Plan. We've spoke about the various\_  
18 agencies and regulatory officials that are\_  
19 involved in the process. Our plan will certainly\_  
20 be reviewed and approved by those agencies. And\_  
21 we will be detailing in this section of our plan\_  
22 all the permits and notifications that have to\_  
23 take place before any aspect of the work can\_  
24 occur.\_\_\_\_

25                   As we obtain those permits or\_  
                  Roy Allen & Associates, Inc.



1  
2 makes those notifications, get the approvals,\_  
3 they will be filed in this portion of the plan\_  
4 and maintained at our site.

5           Now, we'll move into the other\_  
6 a bit more specific to this project components of\_  
7 the plan.

8           Our Emergency Action Plan,\_  
9 which will be quite detailed in nature, and it's\_  
10 going to dovetail with some of the other\_  
11 activities that have already been discussed.\_\_\_\_  
12 Essentially, in this component of our program,\_  
13 that's where we'll have our emergency contact\_  
14 list and communications plan. That will be\_  
15 triggered by any number of events that might\_  
16 occur during the course of our deconstruction\_  
17 activities.

18           We will have emergency\_  
19 contacts, Gilbane emergency personnel that can be\_  
20 reached 24 hours a day, 7 days a week, 365 days a\_  
21 year in the event that there's any circumstance\_  
22 that requires our attention and action be taken.

23           In addition, this component of\_  
24 the plan details how we interact with first\_  
25 responders both on a proactive and reactive basis\_

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1  
2 if necessary;\_  
3           How we would notify, again, if\_  
4 necessary, the community in terms of any action\_  
5 that might need to be taken;\_  
6           It details the servicing\_  
7 medical facilities and how we interact with them\_  
8 on again both a proactive and reactive basis;\_  
9           And we'll identify what those\_  
10 triggers are that would enact any component of\_  
11 that particular Emergency Action Plan.  
12           Then we have actually two\_  
13 separate components, for the purposes of this\_  
14 discussion we've indicated together, the Health\_  
15 and Safety Plan and a Safety Plan.  
16           The Health and Safety Plan, as\_  
17 Tom mentioned earlier, one of the recommendations\_  
18 of the Initial Characterization Report is that\_  
19 the Health and Safety Plan that's currently in\_  
20 place in the building be continued, and that is\_  
21 in fact the case. We are continuing that plan,  
22 we're managing it and we're ensuring that it's\_  
23 being followed.  
24           Necessarily, once we get into\_  
25 cleaning and deconstruction activities, we'll\_  
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1  
2 have to modify that plan, because workers will be  
3 performing quite different activities. They'll  
4 be purposefully impacting the dust and the  
5 building materials.

6           So we're in the process with  
7 our consultants of developing a new Health and  
8 Safety Plan that would then take effect for the  
9 protection of those workers and, by extension,  
10 the protection of the environment and the  
11 community.

12           The safety plan is a component  
13 that deals strictly with OSHA compliance,  
14 detailing requirements for things like fall  
15 protection; how we would inspect cranes that  
16 might be on-site on a regular basis; what are the  
17 requirements for those people operating that  
18 equipment; what are the requirements in terms of  
19 workers on the site in terms of hard hats and eye  
20 protection, hearing protection, welding  
21 requirements, things of that nature, electrical  
22 safety. So it's more a strict OSHA construction  
23 or, in this case, deconstruction safety.

24           Then we would move into the  
25 Environmental Assurance Program. This program  
    Roy Allen & Associates, Inc.

1  
2 for Gilbane really dovetails with exactly what Ed\_  
3 was just profiling in terms of the Ambient\_  
4 Air-Monitoring Program and the enhanced program\_  
5 that's going to take place.

6           The Environmental Assurance\_  
7 Plan for us is a bit different, though. It\_  
8 starts inside the building. One of the ways that\_  
9 we can effectively monitor and assist in ensuring\_  
10 everyone's health and safety is to do what we\_  
11 refer to as point source monitoring.\_\_\_\_

12           So workers in the building will\_  
13 be wearing, as required by OSHA, will be wearing\_  
14 monitors that will give air sample results that\_  
15 demonstrate the exposure that they are creating\_  
16 at the source of their work activity. The source\_  
17 of the work activity is, by its nature, the\_  
18 highest level you would expect.

19           So that's our first point of\_  
20 monitoring from a Gilbane perspective.\_\_\_\_

21           As we move out from that, we'll\_  
22 be doing a secondary type of sampling within the\_  
23 building, and that will be an area air sample,\_  
24 not on any individual worker performing a task,\_  
25 but, rather, just taking a look at the\_  
            Roy Allen & Associates, Inc.

1  
2 environment in the area in the interior of the\_  
3 building to determine, as what we'd refer to as a\_  
4 buffer zone, what might be happening by extension\_  
5 as we go out a bit on the perimeter of that work\_  
6 activity.

7                   And then, lastly, certainly a\_  
8 component of our plan is also going to be an\_  
9 Exterior Ambient Air-Monitoring Program. \_\_

10                   And each of those three\_  
11 components will have trigger points and what we\_  
12 refer to as yellow light conditions, something\_  
13 that's typically well below any type of a\_  
14 health-based risk level. Usually at least half\_  
15 of any established health-based risk level would\_  
16 be a yellow light condition that we would begin\_  
17 to investigate and perhaps determine if some\_  
18 corrective action might be taken. \_\_

19                   Our goal is to proactively\_  
20 monitor this and ensure that there's not a\_  
21 possibility for the Ambient Air-Monitoring\_  
22 Program that LMDC is incurring to encounter any\_  
23 problems or any elevated levels.

24                   Another component of that\_  
25 Environmental Assurance Program, again in concert\_  
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1  
2 with the regulators, will be determining\_  
3 clearance levels. When we're cleaning the\_  
4 building, at what point have we cleaned enough\_  
5 before we would move into the deconstruction\_  
6 phase. And that will be determined largely in\_  
7 concert with the regulators but will be captured\_  
8 and documented in our program.\_  
9           Next, we have the Cleaning and\_  
10 Decontamination Plan itself, which gets into the\_  
11 technical aspects of our means and methods of how\_  
12 the cleaning will occur:\_  
13           Where and by what methods will\_  
14 we be performing cleaning for the various\_  
15 contaminants that have been identified;\_  
16           Who will be performing that\_  
17 cleaning; \_\_\_\_\_  
18           What are the protective\_  
19 requirements in terms of any containments\_or\_  
20 other control measures that might be established;\_  
21           Negative air pressure systems\_  
22 or pressure differential system so that we\_  
23 contain and control any material that might be\_  
24 stirred up as we perform those activities.  
25           That will all be part of the\_  
          Roy Allen & Associates, Inc.

1  
2 technical aspect of our cleaning plan.

3           And then working with our\_  
4 deconstruction contractor detailing specifically\_  
5 how we'll be executing, as Tom described it,\_  
6 rightfully so, a piece-by-piece deconstruction or\_  
7 reverse construction of this building.

8           The building will be taken\_  
9 apart in a fashion that's extremely safe. At the\_  
10 time we get to the deconstruction portion of any\_  
11 component of this building, it will be clean.

12           Our last component of the\_  
13 program is our Waste Management Plan. Last just\_  
14 for the purposes of this list, but certainly it's\_  
15 something that's going to be in place long before\_  
16 anything starts.

17           As again Tom mentioned, one of\_  
18 the next systems for the evaluation process of\_  
19 this building is to characterize waste. Given\_  
20 that there are contaminants in the building, we\_  
21 would expect to have waste that could be in any\_  
22 one of a number of types of character\_  
23 requirements for us to handle and transport.

24           For example, you might have\_  
25 just general debris. We're going to have workers\_  
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1  
2 on the site. They have coffee cups. They have\_  
3 lunch. We have to handle that in one fashion.  
4 We have what we refer to as C\_  
5 and D waste, which is construction and demolition\_  
6 waste, which is completely clean waste that can\_  
7 either be recycled if it's appropriate or\_  
8 disposed of in an unregulated fashion with regard\_  
9 to environmental regulations.

10 We perhaps might have\_  
11 asbestos-containing waste. We know we'll have\_  
12 some asbestos-containing waste. We may have\_  
13 other types of waste streams coming off the site.

14 Once it's characterized, our\_  
15 plan will detail who can handle the waste, how\_  
16 will it be packaged within the building, how must\_  
17 it be labeled, how can it be transported and\_  
18 transferred out of the building, and how can it\_  
19 be transported ultimately to the proper disposal\_  
20 facility that's identified, and what\_  
21 documentation has to go with that process.

22 In addition, we'll have traffic\_  
23 patterns analyzed and dictated for certain\_  
24 streams of waste. So there's a possibility we\_  
25 might restrict certain wastes from going through\_  
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1  
2 certain areas.

3           Before any waste is removed\_  
4 from the site, this plan will make clear how the\_  
5 public will be able to differentiate the various\_  
6 waste streams that are coming off of this site.

7           And before we start to remove\_  
8 waste, that's something that will be shared with\_  
9 you so that you're familiar with it.

10           MS. AMY PETERSON: Thank you,\_  
11 Deb. \_\_

12           I wanted to talk briefly about\_  
13 what we're doing now and what our plans are for\_  
14 moving forward.

15           We have finished our initial\_  
16 characterization and released it, and we have\_  
17 this public comment period that is going on.

18           As Deb mentioned, at the same\_  
19 time we're looking to create a Deconstruction\_  
20 Plan, and we expect to incorporate the public\_  
21 comments and concerns, incorporate the\_  
22 requirements of the regulators and submit that\_  
23 plan for approval to the regulatory agencies.

24           What we're envisioning doing\_  
25 right now, and this may change, is looking at the\_  
    Roy Allen & Associates, Inc.

1  
2 project in two phases, just like we've done the\_  
3 characterization in two phases.\_  
4 We think it's very important\_  
5 and we're committed to doing this project in a\_  
6 careful and safe manner, but we do want to be\_  
7 able to start the project and start to do the\_  
8 cleaning and start to remove the World Trade\_  
9 Center dust and debris that has been in your\_  
10 neighborhood for the last three years.

11 So we're looking at putting\_  
12 together the Deconstruction Plan in such a way\_  
13 that we deal with the areas we characterized,\_  
14 which is basically inside the building, somewhat\_  
15 invisible to the public, but inside the building\_  
16 from ceiling to deck. Doing a Deconstruction\_  
17 Plan that deals with cleaning that area and\_  
18 removing the ceiling tiles, the carpets and other\_  
19 pieces of more loose materials that are between\_  
20 the ceiling and the deck, while we do the testing\_  
21 for the interstitial spaces, the curtain wall,\_  
22 the interior walls, the concrete slab, and work\_  
23 with Gilbane to develop a Deconstruction Plan for\_  
24 those somewhat more complicated efforts.

25 So we're currently targeting\_  
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1  
2 having a Deconstruction Plan in place to submit  
3 for approval to the regulators early in the fall  
4 and be able to start that part of the  
5 deconstructions once we get approval from the  
6 regulators, as we continue to do the testing on  
7 the interstitial spaces.

8 I want to say again -- I think  
9 I just said, but I really want to say again and  
10 make sure that everyone understands -- that we're  
11 fully committed to doing this in a careful and  
12 safe manner, complying with all regulations.

13 And we're also committed to  
14 doing this in a very transparent manner. We are  
15 a State agency. We're, as I said before governed  
16 by the City, State and Federal government, and  
17 we're committed to making sure that the public  
18 understands exactly what we're doing, when we're  
19 doing it and how we're doing it.

20 The release of the  
21 characterization on the 14th was part of that  
22 process. This meeting today is part of that  
23 process. We're providing information on our  
24 website. There's much more extensive bios and  
25 information on the consultants and the

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1  
2 contractors who will be working on this project.

3           There's specific information\_  
4 concerning our Health and Safety Plan. The study\_  
5 that was done by Berger is on our website.\_\_\_\_

6           In addition, there's an online\_  
7 comment forum and an opportunity for you to sign\_  
8 up for e-updates. We want to be able to provide\_  
9 updates to you on a regular basis now during this\_  
10 planning process, but then also once you start --\_  
11 once we start to do the deconstruction,\_  
12 especially people who are in the neighborhood, we\_  
13 want to be able to provide you with information.\_\_\_\_  
14 So there's an opportunity to sign up for\_  
15 e-updates.

16           We did an extensive amount of\_  
17 outreach regarding this public information\_  
18 session. We tried to blanket the businesses and\_  
19 residents in the area with fliers, in addition to\_  
20 putting ads in both the downtown papers and also\_  
21 the New York dailies.

22           There is a 24-hour hot-line for\_  
23 anyone who has a problem, is concerned, sees\_  
24 something at the building that is of concern to\_  
25 them, especially the people who live and work\_

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1  
2 right there. The number is on all of our fact\_  
3 sheets and on our website, but I'll give it to\_  
4 you right now. It's (917) 715-6790.  
5       Before I turn the meeting over\_  
6 to you, I just wanted to say that we want to hear\_  
7 all of your comments, questions, concerns. Our\_  
8 intention in having this meeting and hearing from\_  
9 you is to take all of that into account as we put\_  
10 the Deconstruction Plan in place.  
11       We will provide answers through\_  
12 our website, through future fact sheets, and\_  
13 directly to you concerning questions that you\_  
14 have regarding this project, and we'll address\_  
15 your concerns as we put the Deconstruction Plan\_  
16 forward.  
17       With that I'd like to turn the\_  
18 meeting over to JoAnne Rabb, who will invite you\_  
19 all to come up and present your comments.  
20       MS. JoANNE RAAB: Thank you,\_  
21 Amy.  
22       If you have not signed up to\_  
23 speak yet, now is the time to do it. We\_  
24 currently have about a dozen people signed up.  
25       We did say we'd like to keep\_  
      Roy Allen & Associates, Inc.

1  
2 your comments to three minutes, with a little bit\_  
3 more flexibility. We'd still like to keep it as\_  
4 brief as possible.

5 What I'm going to do is call\_  
6 speakers by threes. The first speaker will be\_  
7 the first one up.

8 There are four microphones, two\_  
9 up here, up near the stage, which are being set\_  
10 up now, and then two more in the middle aisle.

11 When I call your name, come\_  
12 forward and let us hear your comments.

13 The first three speakers in\_  
14 order, Deborah Lester from Assemblyman Speaker\_  
15 Silver's office; David Kindbergh from Brookfield\_  
16 Properties; and Norman Spiegel or John Davis from\_  
17 the New York State Attorney General's\_  
18 Environmental Protection Bureau.

19 Ms. Lester, are you still here?

20 Great.

21 MS. DEBORAH LESTER: Good\_  
22 evening.

23 My name is Deborah Lester, and\_  
24 I'm here to testify on behalf of New York State\_  
25 Assembly Speaker Sheldon Silver.

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1  
2                   Thank you for providing me with\_  
3 the opportunity to comment on the deconstruction\_  
4 of the Deutsche Bank Building at 130 Liberty\_  
5 Street and the Initial Building Characterization\_  
6 Study report.

7                   The neighborhoods that I\_  
8 represent in the New York State Assembly will be\_  
9 the most affected by the deconstruction process,\_  
10 particularly Battery Park City and the Financial\_  
11 District.\_\_\_\_

12                   I am pleased that the Lower\_  
13 Manhattan Development Corporation has responded\_  
14 to community concerns voiced by my office, my\_  
15 colleagues in government, and community leaders\_  
16 by creating the Deutsche Bank Advisory Committee,\_  
17 hiring a New York State Department of Labor\_  
18 Asbestos-Handling License holder, and making\_  
19 public the test results from the Deutsche Bank\_  
20 Building.

21                   These tests confirm the\_  
22 existence of hazardous materials at 130 Liberty,\_  
23 including asbestos and mold.

24                   In order to protect the health,\_  
25 safety and welfare of both local residents and\_  
                  Roy Allen & Associates, Inc.

1  
2 workers, it is imperative that the LMDC take all\_  
3 measures possible to contain the contaminants\_  
4 when they're removed from the site.  
5           It is equally important that\_  
6 the deconstruction process proceed in an open and\_  
7 public manner so that the public can easily\_  
8 access information about potential hazards in and\_  
9 around the site.\_\_\_\_  
10           It is my strongest hope that\_  
11 the LMDC will handle the deconstruction process\_  
12 with the utmost caution and care.  
13           Thank you.  
14           MS. JOANNE RAAB: Thank you.  
15           (Applause.)  
16           MS. JOANNE RAAB: The next\_  
17 speaker is Daniel Kindbergh from Brookfield\_  
18 Properties.  
19           Mr. Kindbergh?  
20           MR. DANIEL KINDBERGH: Hi.  
21           MS. JOANNE RAAB: Hi.  
22           MR. DANIEL KINDBERGH: I'm Dan\_  
23 Kindbergh, Senior Vice President of Brookfield\_  
24 Properties.  
25           We are the owners of the World\_  
          Roy Allen & Associates, Inc.



1  
2 Financial Center and One Liberty Plaza, the two\_  
3 closest commercial neighbors to 130 Liberty\_  
4 Street.\_\_\_\_

5 I'm sorry.

6 We spent much of the two years\_  
7 after September 11th restoring our properties\_  
8 from the damage that occurred on that day. Our\_  
9 tenants in One Liberty began moving into the\_  
10 property in November of 2001. And in November of\_  
11 2001, our tenants began moving back into the\_  
12 World Financial Center.\_\_\_\_

13 The Winter Garden which was the\_  
14 most damaged of our properties, was fully\_  
15 restored and reopened in September 2002. We now\_  
16 have approximately 40,000 people working into\_  
17 the -- working in the properties today.

18 Brookfield and our tenants deal\_  
19 with the reminders of that horrific day, and\_  
20 130 Liberty Street looms large in our minds and\_  
21 our eyes. It's shrouded in black. It's a blight\_  
22 on our skyline. We are very pleased that this\_  
23 building is coming down, and we look forward to\_  
24 hearing from the Lower Manhattan Development\_  
25 Corporation on the progress, that they will\_  
Roy Allen & Associates, Inc.

1  
2 assuredly succeed.

3 Thank you.  
4 MS. JoANNE RAAB: Thank you.  
5 (Applause.)

6 MS. JoANNE RAAB: Norman\_  
7 Spiegel or John Davis, New York State Attorney\_  
8 General's Environmental Protection Bureau?\_\_

9 MR. JOHN DAVIS: Hello.  
10 My name is John Davis. I'm an\_  
11 environment scientist in the New York Attorney\_  
12 General's Office, Environment Protection Bureau.

13 Our office is located at\_  
14 120 Broadway, just a couple of blocks from\_  
15 130 Liberty. So we're interested in following\_  
16 the process.

17 But actually your presentation\_  
18 addressed the concerns that I have right now. So\_  
19 I'll decline at the moment and submit comments\_  
20 later.\_\_

21 MS. JoANNE RAAB: Thank you.  
22 The next three speakers are\_  
23 Jenna Orkin, World Trade Center Environmental\_  
24 Organization; Mark Scherz, 125 Cedar Street\_  
25 tenant; and Jennifer Hensley from Downtown\_  
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1  
2 Alliance.  
3 Ms. Orkin, are you still here?  
4 MS. JENNA ORKIN: Yes. I'm\_  
5 over here.  
6 MS. JOANNE RAAB: Hi.  
7 MS. JENNA ORKIN: First I want\_  
8 to respond to the comments that were just made.\_  
9 To the man from TRC, I just\_  
10 want to remark or remind people that AHERA is not\_  
11 a health-based standard.  
12 To the man from Berger, you\_  
13 spoke of PCBs being mopped up in industrial\_  
14 settings and using the standard that EPA uses for\_  
15 industrial settings, and I want to remind people\_  
16 that's not the same as the standard used for\_  
17 residential settings.  
18 To the woman from Gilbane, you\_  
19 spoke about removing asbestos-containing material\_  
20 versus construction and demolition waste, but we\_  
21 haven't addressed the issue of material that's\_  
22 contaminated with other things besides asbestos.  
23 Now to my written remarks.  
24 I'm speaking only behalf of the\_  
25 World Trade Center Environmental Organization.  
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1  
2                   We would like to recommend that\_  
3 the building perhaps be surrounded in Tyvek\_  
4 during the demolition, as was done after an\_  
5 asbestos release in Gramercy Park, and a similar\_  
6 protocol was used at the George Washington\_  
7 Bridge. \_\_

8                   Secondly, we'd like to\_  
9 recommend an independent monitor not beholdng to\_  
10 LMDC. This monitoring must use state-of-the-art\_  
11 equipment, test for all contaminants in the\_  
12 building, and reveal the results in real time.

13                   In addition, the deconstruction\_  
14 must be an open and transparent process.

15                   These might seem obvious\_  
16 points, but they have -- whoa. Hello? Oh. --\_  
17 but they have not been followed in the recent\_  
18 past, i.e., during the cleanup after 9/11, and we\_  
19 have reason to fear that perhaps they will not be\_  
20 followed in the future.

21                   What reason?

22                   One, LMDC talks out of both\_  
23 sides of their mouths, on one day saying have\_  
24 faith in us--we're not EPA--and on the other day\_  
25 saying, if we have exceedances of pollutants, EPA\_  
                  Roy Allen & Associates, Inc.

1  
2 would make us shut down the site.

3           Two, at a meeting of the World\_  
4 Trade Center Expert Technical Review Panel this\_  
5 summer, when Irene Chang was asked, will you make\_  
6 your protocols public, she said, We'll think\_  
7 about it.

8           She told the community to have\_  
9 faith since Berger had assisted in the production\_  
10 of the GEIS. However, that document is\_  
11 noncommittal and evasive on environmental issues,\_  
12 which it's not appropriate to bring up here since\_  
13 this is not an EIS hearing.\_\_\_\_

14           LMDC's response to community\_  
15 outcry on diverse issues was in that document\_  
16 often "Comment noted" or "We're investigating\_  
17 that." In other words, we heard you and we're\_  
18 probably not going to comply with your request.

19           Like 9/11 the deconstruction of\_  
20 Deutsche Bank will be, to use that hackneyed\_  
21 word, unprecedented. That does not mean that the\_  
22 people of Lower Manhattan should become guinea\_  
23 pigs.

24           Let's avoid another situation\_  
25 that gives rise years later to yet another sorry\_  
    Roy Allen & Associates, Inc.

1  
2 document like the one put out by the EPA called\_  
3 "Lessons Learned." There is a gung-ho spirit about\_  
4 rebuilding, just as there was during the\_  
5 cleanup. We're seeing the price paid by\_  
6 residents' health when the government, in its\_  
7 eagerness to show the world there can-do spirit,\_  
8 ran rough-shod over public health concerns. Let\_  
9 us learn from that experience.  
10  
11 Thank you.  
12 MS. JoANNE RAAB: Thank you.  
13 (Applause.)  
14 MS. JoANNE RAAB: Mr. Scherz?  
15 MR. MARK SCHERZER: Scherzer.\_  
16 Thank you.\_  
17 MS. JoANNE RAAB: Scherzer, I'm\_  
18 sorry.  
19 MR. MARK SCHERZER: Mark\_  
20 Scherzer. I live at 125 Cedar, which is the\_  
21 building next door. My kitchen window looks into\_  
22 the gash, so I feel like a very close neighbor of\_  
23 Deutsche Bank and have been for more than 20\_  
24 years.  
25 I first want to the say, first\_  
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1  
2 to the LMDC, that I -- and to the folks on the  
3 panel, that I take great comfort in the degree of  
4 expertise represented here. It is more than I  
5 expected to hear, and I think that is reason for  
6 some optimism. And I want to commend the LMDC on  
7 its revolution in making available the studies  
8 that were done during the Deutsche Bank  
9 litigation.

10 I remember Ms. Peterson saying  
11 at the condemnation hearing several months back  
12 that LMDC didn't expect to find a lot of  
13 contamination in Deutsche Bank, which surprised  
14 us, having been through a HazMat cleanup in our  
15 building. And we are pleased to see that study  
16 has been forthright in identifying a lot of  
17 contaminants.

18 But I also think you need to  
19 take into account when you're dealing with the  
20 community that we have a very high level of  
21 anxiety, some of which was reflected in the  
22 comments of the prior speaker, some of which has  
23 to do with our experience, having had a very  
24 large building next to us come down and spew  
25 contaminants in the not very distant past.

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1  
2                   And this, you know, to us, in\_  
3 some ways feels like a slow-motion potential\_  
4 repeat of the same experience. So we have quite\_  
5 a high level of anxiety about it.\_\_\_\_

6                   And I'd like to suggest that\_  
7 when you put out your plan for the deconstruction\_  
8 or destruction, or whatever you want to call it,\_  
9 that that plan identify particular moments of\_  
10 risk to the people in the immediate surrounding\_  
11 area. Identify what those risks might be,\_  
12 develop some system for alerting us to the\_  
13 particular moments of risk when they're about to\_  
14 happen.

15                   I don't know if the plan will\_  
16 assume that we stay in place throughout. We are\_  
17 awfully close to this building, and it seems like\_  
18 there may be events or moments at which it might\_  
19 be better if we were not there. And not just\_  
20 from the perspective of release of contaminants\_  
21 but from other types of events that could happen\_  
22 during a deconstruction.

23                   Or that you put in place\_  
24 protections for the surrounding properties which\_  
25 may be related to doing something on those\_  
                  Roy Allen & Associates, Inc.



1  
2 properties rather than doing something on the\_  
3 site where the deconstruction is taking place.

4 Or that you give us an\_  
5 opportunity to at least get out and absent\_  
6 ourselves during the periods when we might feel\_  
7 particularly at risk.\_\_\_\_

8 I also think you need to\_  
9 address other issues in the Deconstruction Plan\_  
10 that are environmental but not related to\_  
11 environmental contaminants per se, other more\_  
12 standard environmental concerns, like the level\_  
13 of noise, the hours during which work is going to\_  
14 take place, because, you know, we -- we've been\_  
15 living with a fairly constant process of\_  
16 deconstruction around us for -- ever since we got\_  
17 back in, and we know they're going to be issues\_  
18 around control of noise and levels of activities\_  
19 and vibrations and down to level of rats, which\_  
20 we've seen an tremendous upsurge in with the\_  
21 tearing up of Cedar Street now.

22 And we expect that when you're\_  
23 tearing down another huge building, which is\_  
24 probably home to many thousands, that their\_  
25 dislocation is going affect us once again.

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1  
2                   So please, you know, keep in\_  
3 mind that we're concerned about the contaminants,\_  
4 but we're also concerned about all the other\_  
5 environmental impacts that this process is going\_  
6 to have, and your plan should address those as\_  
7 well. \_\_

8                   Thank you.

9                   MS. JoANNE RAAB: Thank you.

10                  (Applause.)

11                  MS. JoANNE RAAB: Ms. Hensley,\_  
12 Downtown Alliance?

13                  MS. JENNIFER HENSLEY: Good\_  
14 evening.

15                  I'm Jennifer Hensley, Assistant\_  
16 Vice President of Corporate and Intergovernmental\_  
17 Affairs for the Downtown Alliance, Lower\_  
18 Manhattan's Business Improvement District.

19                  We represent the thousands of\_  
20 businesses and hundreds of thousands of workers\_  
21 south of Chambers Street. \_\_

22                  Thank you for the opportunity\_  
23 to speak here today in support of the expeditious\_  
24 deconstruction of 130 Liberty Street. Severely\_  
25 damaged in the September 11th attacks and then\_  
                  Roy Allen & Associates, Inc.

1  
2 the subject of dispute between Deutsche Bank and\_  
3 its insurance companies, 130 Liberty Street has\_  
4 remained in a state of disrepair for more than\_  
5 three years now.

6 The building sits abandoned and\_  
7 shrouded, a constant reminder of the terrible\_  
8 attacks and destruction caused that day.\_\_\_\_  
9 Contaminated due to dust, debris and other damage\_  
10 resulting from the attacks, 130 Liberty Street is\_  
11 an eyesore that detracts from the vibrancy of the\_  
12 neighborhood and hinders Downtown's\_  
13 revitalization.

14 While much information\_  
15 regarding the building contaminants surfaced as\_  
16 part of the dispute between Deutsche Bank and its\_  
17 insurers, I applaud the LMDC for its commitments,\_  
18 independent and ongoing environmental testing and\_  
19 to following the appropriate procedures as\_  
20 necessitated by the applicable government\_  
21 environmental agencies.

22 The recently released Initial\_  
23 Building Characterization Study report is a major\_  
24 step towards safety and thoroughly\_  
25 decontaminating and deconstructing 130 Liberty\_  
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1  
2 Street, and I look forward to seeing the detailed\_  
3 Deconstruction Plan once that is complete.

4 We are eager to utilize the new\_  
5 open space that will be created on the 130\_  
6 Liberty Street site and to see the other\_  
7 components of the new World Trade Center site\_  
8 come together. \_\_

9 A master plan for development\_  
10 on the World Trade Center site has now been\_  
11 selected, ground has broken on the Freedom Tower,\_  
12 and 7 World Trade is nearly halfway completed. \_

13 It's time that 130 Liberty\_  
14 Street be deconstructed so that Lower Manhattan's\_  
15 revitalization can continue.

16 Thank you.

17 MS. JOANNE RAAB: Thank you.

18 (Applause.)

19 MS. JOANNE RAAB: The next\_  
20 three speakers are Paul Stein, New York State\_  
21 Public Employees Federation; Michael Cook, 125\_  
22 Cedar Street; and Kathleen Moore, 125 Cedar\_  
23 Street.

24 MR. PAUL STEIN: Good evening.

25 I'm the Health and Safety Chair\_  
Roy Allen & Associates, Inc.

1  
2 for the New York State Public Employees\_  
3 Federation, Division 199.

4           We have in my division several\_  
5 hundred State employees who are moving to\_  
6 90 Church Street, across the World Trade Center\_  
7 site from 130 Liberty Street.

8           I would like to commend the\_  
9 Lower Manhattan Development Corporation for its,\_  
10 what I would describe as a preliminary release of\_  
11 information and say we're looking forward to the\_  
12 complete release and the continuing release of\_  
13 information as it becomes available to you.

14           I would also like to commend\_  
15 LMDC for its statement that we're going to follow\_  
16 all applicable Federal, State, City rules and\_  
17 regs.

18           At the same time I'd like to\_  
19 comment that's a sad commentary, not on LMDC, but\_  
20 on the state of distrust between the residents\_  
21 and citizens of Lower Manhattan that you should\_  
22 feel the need to say that, and I have to infer\_  
23 that's because of the history of government at\_  
24 all levels not properly releasing information and\_  
25 not properly following all regulations, and this\_  
    Roy Allen & Associates, Inc.

1  
2 has resulted in injury to, you know, at least  
3 hundreds of people in Lower Manhattan since 9/11.  
4 I'd like to stress that  
5 following all these regulations, while being  
6 commendable, the regulations should not be a  
7 ceiling. They should not even be a floor. They  
8 should just be a reference point, because this is  
9 such an unusual event, the demolition of  
10 130 Liberty Street. It's unprecedented, and  
11 extra care and new standards have to be developed  
12 in order to do this properly.  
13 One of the things that hasn't  
14 been mentioned so far that's relevant is, we're  
15 concerned about diesel pollution, and we're very  
16 concerned that LMDC follow all applicable  
17 regulations, whether or not there are regulations  
18 for a particular kind of engine.  
19 In other words, it should apply  
20 to all truck engines. It should apply to all  
21 construction equipment that's used. And even if  
22 there isn't a regulation for that particular kind  
23 of engine, it's very important that low sulfur  
24 fuels be used and that all appropriate  
25 engineering controls be taken for the equipment  
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1  
2 and trucks that are used to transport material.

3           We're concerned about the  
4 routes that the trucks take and that they believe  
5 the safest routes and the shortest routes  
6 possible to minimize danger if there is an  
7 accidental release of contaminants.

8           And despite all the efforts,  
9 and all the good efforts of all the parties  
10 involved, there's always the possibility of an  
11 accidental release.

12           At 90 Church Street, the State  
13 unions, one of which is the Public Employees  
14 Federation, another is the Civil Service  
15 Employees Association, have negotiated with the  
16 State Office of General Services, and OGS has  
17 negotiated in part with the landlord of the  
18 building, effectively, now Boston Properties, to  
19 get certain protections for the people who are  
20 going to be working in the building and who are  
21 working in the building.

22           Among those, we've gotten an  
23 agreement to install interior windows inside the  
24 exterior windows, it's a Landmark Building and  
25 they didn't want to tamper with the outside

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1 windows, but interior windows because the windows\_  
2 that are there are very leaky.\_\_\_\_

3 We also have an agreement to\_  
4 install air filtration that's approximately\_  
5 85 percent efficient. We requested air\_  
6 filtration that was HEPA filtration, 99 percent\_  
7 efficient.\_\_\_\_

8 And this brings me to my last\_  
9 point, is that we know that the LMDC still has a\_  
10 fund of millions of dollars which is available to\_  
11 businesses and landlords, residents of Lower\_  
12 Manhattan.

13 And we would urge LMDC to be\_  
14 very liberal in using these funds to help\_  
15 surrounding buildings, and applications may come\_  
16 from landlords, they may come from tenants, could\_  
17 be commercial, could be residential, but that\_  
18 funds, within the guidelines of LMDC, as I\_  
19 believe they're laid out, be dedicated to helping\_  
20 the surrounding buildings to upgrade their\_  
21 windows to keep out any possible contamination,\_  
22 not just from 130 Liberty Street but from the\_  
23 construction that's going to be taking place over\_  
24 ten years. And that funds be dedicated and be\_  
25

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1  
2 granted to upgrade the air filtration systems of\_  
3 these buildings because it will be helpful to\_  
4 protect residents and workers Downtown from the\_  
5 construction.\_\_\_\_

6                   And talking about 130 Liberty\_  
7 Street, despite everybody's best efforts, it's\_  
8 always better to have more controls in case\_  
9 there's an accident rather than fewer. And if\_  
10 there are proper windows and air filtration\_  
11 systems in all of the surrounding buildings, we\_  
12 will be best protected.\_\_\_\_

13                   Thank you very much.\_\_\_\_  
14                   (Applause.)

15                   MS. JoANNE RAAB: Michael\_  
16 Cook?

17                   MR. MICHAEL COOK: Thank you\_  
18 for coming here today and being available to\_  
19 listen to our concerns.

20                   As someone who's lived in the\_  
21 area for a long time and who's been through a lot\_  
22 of the same situations after 9/11, it is a very\_  
23 serious matter that a building of this size is\_  
24 coming down.

25                   And I do appreciate that the\_  
                  Roy Allen & Associates, Inc.

1  
2 standards will be upheld and all the regulations\_  
3 and everything will be a transparent process,\_  
4 that, for example, in particular, when you arrive\_  
5 at your clearance standards, I think that's going\_  
6 to be a crucial matter and the public should\_  
7 certainly be -- have access to all that\_  
8 information.

9                   In terms of the way the\_  
10 building is intended to be deconstructed, I do\_  
11 have a lot of questions.

12                   I think in light of the\_  
13 pervasive documented contamination of the\_  
14 building, it makes sense to treat all of it as a\_  
15 hazardous material and dispose of everything and\_  
16 dismantle it according to those standards.

17                   The idea of cleaning everything\_  
18 up first is a good point, and that is a\_  
19 reasonable way to proceed. I'm concerned, yet,\_  
20 about the clearance standards that would be\_  
21 created for that, and when you talked about waste\_  
22 streams of ACMs coming out of there, we really\_  
23 need to know about those things.

24                   I have concerns about, in\_  
25 particular, about the contaminants of potential\_  
    Roy Allen & Associates, Inc.

1  
2 concern. Because I know that, unlike the  
3 asbestos sampling, there seems to be far fewer  
4 areas that were indicated for the COPC sample  
5 collection, and these don't necessarily reside in  
6 the dust only.

7           The residues of the heavy  
8 metals, the PCBs, PAHs, dioxin and other  
9 contaminants have been found where there is no  
10 visible dust.

11           But the methodology that was  
12 spoken of in the study refers over and over to  
13 dust sampling, bulk dust procedures to collect  
14 the COPC samples, and I don't know, what about  
15 the areas where there is little or no dust  
16 present.

17           It's still possible that those  
18 kinds of things, particularly PCBs, could be  
19 found.

20           And I was wondering, what is  
21 the expected ratio of the wipe samples to the  
22 bulk dust samples? That really wasn't broken  
23 down on the report, and I think in many cases  
24 that's going to make a difference.

25           As far as the COPC samples, I'm  
          Roy Allen & Associates, Inc.

1  
2 not sure why so few are collected relative to the\_  
3 number of asbestos samples, because those, of\_  
4 course, are also very important.

5           It looks to me like in your\_  
6 Table 4 of the summary, Proposed Sample\_  
7 Collection Summary By Floor, 21 of the floors\_  
8 will not be sampled for COPCs.

9           Several other floors have only\_  
10 one or a few sample sets collected for the COPC\_  
11 testing. And why are there only four sample\_  
12 locations indicated for Zone 4 for the COPCs and\_  
13 only one for the basement of the vault where the\_  
14 burning diesel fuel from the ruptured tanks would\_  
15 likely indicate PCBs and possibly PAHs as well?

16           I'm concerned in particular,\_  
17 there's something I learned today in your\_  
18 findings in the test results, that there -- I\_  
19 guess, I assume that there's at least less than\_  
20 5 percent of what the standards were indicated\_  
21 for the PCBs, many of which have been found well\_  
22 after the fact, after the studies and the sample\_  
23 collections have been taken in the case of World\_  
24 Trade Center dust, and especially not so much in\_  
25 the dust but in other areas, like on glass and\_  
          Roy Allen & Associates, Inc.

1  
2 places that didn't -- had vertical surfaces that\_  
3 caught a residue but didn't necessarily contain\_  
4 dust.

5                   And, again, as Jenna Orkin had\_  
6 reminded you, the -- not having a World Trade\_  
7 Center benchmark EPA standard for the PCBs is not\_  
8 a good situation in this case, and especially\_  
9 because the standards that apparently have been\_  
10 applied in this case are involving chemical\_  
11 disasters and things which definitely would not\_  
12 be relative -- relevant to residential situations\_  
13 of which Downtown is.

14                   And finally, on the -- I had a\_  
15 question on the asbestos test. Between the\_  
16 polarized light testing and the electron\_  
17 microscope testing, the TEM results, your study\_  
18 says that only the TEM tests will be conducted on\_  
19 nonfriable materials organic-bound materials, but\_  
20 these include the floor tiles, roofing materials,\_  
21 window caulking and glazing.

22                   Given that these materials are\_  
23 really extensive in the building, I wonder why\_  
24 only 16 percent of the asbestos samples would be\_  
25 subjected to the more thorough TEM testing as\_  
26

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1  
2 opposed to 84 percent for the PLM. \_\_  
3 Thank you.  
4 MS. JoANNE RAAB: Thank you. \_  
5 (Applause.)  
6 MS. JoANNE RAAB: Kathleen \_  
7 Moore?  
8 MS. KATHLEEN MOORE: My name is \_  
9 Kathleen Moore, and I'm a resident of 125 Cedar \_  
10 Street.  
11 Mark Scherzer, my neighbor, \_  
12 addressed our anxiety levels, and I think since \_  
13 I'm the third person, and probably one other \_  
14 person from our building will be, talking to you \_  
15 you can see we're anxious about this process.  
16 I'd like to commend you on your \_  
17 website. It looks wonderful and works much more \_  
18 easily than previous versions had, and on all the \_  
19 transparencies that seems to be apparent in your \_  
20 plans and in your relating them to us. \_  
21 I have very little to add to \_  
22 what Mark and other people have said tonight, but \_  
23 I would like to say that one of our concerns in \_  
24 Cedar Street is the presence of dust, just plain \_  
25 dust.

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1  
2                   We have lived with it. We\_  
3 can't get rid of it. We don't have high-tech\_  
4 HEPA filter -- filtration systems. We don't have\_  
5 an HVAC system. And I'd like to make sure that\_  
6 the nontoxic dust is addressed in all your plans\_  
7 as well as any other toxic debris dust.\_\_\_\_  
8                   And another -- and along with\_  
9 that line, I heard nothing about the possibility\_  
10 of having clean rooms, buffer zones, to make sure\_  
11 that people who come and go from the site are\_  
12 clean and not spreading the dust and whatever\_  
13 toxicities they may have been working in to the\_  
14 neighbors and neighboring area as they go out.  
15                   And in closing, I'd also just\_  
16 like to say that while at 125 Cedar Street we're\_  
17 very committed and active, as you all know, there\_  
18 are many residents in our neighborhood, and I'm\_  
19 sure that they -- that we speak for them as well.  
20                   Workers are now -- we're having\_  
21 people speak for them, and you can see that we\_  
22 are a large community surrounding this building,\_  
23 and we need to be reassured that as the\_  
24 Deconstruction Plan develops we're made aware of\_  
25 all of the plans that you're going -- you're\_  
                  Roy Allen & Associates, Inc.

1  
2 proceeding with.

3           The thing that I've learned in\_  
4 the three years since 9/11 is that we're making\_  
5 this up as we go along. I understand that, I\_  
6 think most of us do, and we appreciate being part\_  
7 of the planning.

8           Thank you.\_\_\_\_

9           MS. JoANNE RAAB: Thank you.\_\_\_\_

10           (Applause.)

11           MS. JoANNE RAAB: The next\_  
12 three speakers will be Mary Perillo, Dan Slippen\_  
13 and Scott Macleod.

14           MS. MARY PERILLO: I'm Mary\_  
15 Perillo. I'm also a 125 Cedar Street person, and\_  
16 not to take up any more time than we already are,\_  
17 the EPA expert panel allowed people in my\_  
18 building to give a presentation, a PowerPoint\_  
19 presentation a couple of months ago, and the LMDC\_  
20 has actually offered me the chance to present it\_  
21 at a small meeting at the LMDC.\_\_\_\_

22           And I basically want to let my\_  
23 neighbors know that this is happening and it's on\_  
24 the EPAs website, and I also have copies of it in\_  
25 paper.

          Roy Allen & Associates, Inc.



1  
2                   So that you know that there's\_  
3 also a small group meeting going on and what our\_  
4 concerns are, there are very detailed and listed\_  
5 out in here. And we're not just speaking for us,\_  
6 we're speaking for you.\_\_\_\_  
7                   That's all. Thanks.  
8                   MS. JoANNE RAAB: Thank you.  
9                   (Applause.)  
10                  MS. JoANNE RAAB: Dan Slippen,\_  
11 Pace University?  
12                  MR. DAN SLIPPEN: Good evening.\_\_\_\_  
13                  My name's Dan Slippen, I'm the\_  
14 Director of Government Community Relations -- I\_  
15 don't know if your mike's on or not.  
16                  In the immediate aftermath --\_  
17 now it's on -- of 9/11, Pace University created\_  
18 the Center for Downtown New York with the mission\_  
19 of assisting in the revitalization efforts.  
20                  We have enthusiastically\_  
21 committed significant resources to partner with\_  
22 business, government officials, nonprofits and\_  
23 local residents to help shape the public policy\_  
24 on Downtown revitalization.\_\_\_\_  
25                  Our campus is located just\_  
                  Roy Allen & Associates, Inc.

1  
2 three blocks east of the World Trade Center site,\_  
3 and a great number of our students live in Lower\_  
4 Manhattan, as well as do many of our faculty and\_  
5 staff.

6                   We were proud to commit\_  
7 ourselves to Lower Manhattan years ago, and we're\_  
8 proud to recommit ourselves now, following the\_  
9 events of the tragedy. And today we share your\_  
10 hopes and dreams for a fully revitalized\_  
11 Downtown.\_\_\_\_

12                   Like any business or cultural\_  
13 institution Downtown, we count on strong\_  
14 leadership and sound decision-making in the\_  
15 rebuilding effort for us to remain an economic,\_  
16 educational and social force in Lower Manhattan.

17                   That is why we're pleased to\_  
18 see that a grim reminder of the events of\_  
19 September 11th is being removed from our skyline\_  
20 and that what will replace it will be a new open\_  
21 space for the neighborhood and new commercial\_  
22 space as well.

23                   The deconstruction of the\_  
24 Deutsche Bank Building is just another sign of\_  
25 the area's rebirth that's tangible and important\_  
                  Roy Allen & Associates, Inc.

1  
2 as the reconstruction taking place at the World\_  
3 Trade Center site and elsewhere Downtown.  
4 I want to thank the LMDC for\_  
5 its continuing leadership in the rebuilding\_  
6 effort, and for their outreach to the community.  
7 We look forward to hearing from\_  
8 them at future outreach sessions on the actual\_  
9 plans for deconstruction and to working with all\_  
10 of you on the continuing success story we are\_  
11 writing together in Lower Manhattan.\_\_\_\_  
12 Thank you.\_\_\_\_  
13 MS. JOANNE RAAB: Thank you.\_\_\_\_  
14 Scott Macleod?  
15 MR. SCOTT MACLEOD: Thank you.\_\_\_\_  
16 Again, this is Scott Macleod.\_\_\_\_  
17 I'm a resident of Lower Manhattan.  
18 I've read the report that was\_  
19 done by Louis Berger, and I just want to make\_  
20 sure that the folks in the audience understand\_  
21 that, you know, certainly a concern that I have\_  
22 is the overall levels of, you know, hazardous\_  
23 material.  
24 When the study reports, for\_  
25 instance, that 77 percent of the floors have\_  
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1  
2 asbestos level beyond the criteria level and\_  
3 99 percent of the samples are above the criteria\_  
4 level for dioxin -- Louis Berger, I will comment,\_  
5 did a very fine job in the report, but didn't\_  
6 point out, by the way, if it passed the\_  
7 threshold, we should all focus on how much it\_  
8 passed that threshold.

9 Remember, that threshold is\_  
10 already pretty high. It's a number that EPA came\_  
11 up with that's higher than the normal EPA\_  
12 standard, but it's a higher threshold that EPA\_  
13 determined was acceptable in Lower Manhattan. \_

14 The maximum levels of asbestos\_  
15 that were found relative to that higher benchmark\_  
16 was, if I read the tables correctly, 788 times\_  
17 that benchmark. In terms of dioxin, 100 times.

18 Now, I went on the Internet, of\_  
19 course, and did searching based what the EPA used\_  
20 to say about dioxin. What they said was that\_  
21 there's no proven minimum level of dioxin that\_  
22 has not shown to cause cancer. So dioxin is\_  
23 very, very sensitive in terms of the body.

24 So my only point is, is that I\_  
25 actually think a fine job will be done in the\_  
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1  
2 Deutsche Bank Building. My concern is where did\_  
3 the dioxin and asbestos come from, and my\_  
4 assumption is, again in reading the report, I'm\_  
5 only a layman in this, but it looks like a lot of\_  
6 it probably came from the World Trade Center\_  
7 site.

8                   In reading the report, the\_  
9 highest levels of asbestos was the lower floors,\_  
10 meaning that when the World Trade Center hit, it\_  
11 created debris that spread out and pumped into\_  
12 the neighboring buildings, including Deutsche\_  
13 Bank.

14                   If you look at where the\_  
15 highest levels of dioxin were, it was on the\_  
16 rooftop.

17                   Why? Because dioxin's a\_  
18 byproduct of burning. So it settled as dust on\_  
19 the rooftop.

20                   My concern would be simply that\_  
21 I respect that Louis Berger is going to put\_  
22 people in suits to go into that building, to go\_  
23 anywhere near this. But the point is, it came\_  
24 from the World Trade Center, O.K.? What hit the\_  
25 Deutsche Bank Building as asbestos also, by the\_  
26

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1  
2 way, likely hit the park across the street that\_  
3 my child plays in.  
4           That dioxin that settled on the\_  
5 rooftop, settled again in my garden and on my\_  
6 terrace. And my concern is, is that the point\_  
7 that was made, and again I respect it, but is the\_  
8 fact that LMDC will address the World Trade\_  
9 Center dust that has been in your neighborhood\_  
10 for three years.  
11           That's the dust that Louis\_  
12 Berger wants to get its people dressed up and\_  
13 make sure they don't touch. So I guess my point\_  
14 would be, we also know as a fact that there was a\_  
15 gash in that building, so some of -- even if you\_  
16 don't believe that any -- if all the dust from\_  
17 the World Trade Center somehow ended in the\_  
18 Deutsche Bank Building, and miraculously only\_  
19 ended there, at least we know there's a gash in\_  
20 that building.  
21           And for three years that\_  
22 building has been there.  
23           And how folks can come up here\_  
24 and compliment LMDC for three years later\_  
25 tackling this, I understand that, but I just\_  
          Roy Allen & Associates, Inc.

1  
2 think we have a public hazard that we need to  
3 make sure we control.\_\_\_\_

4 I also find it discouraging\_  
5 that if you read the reports, what this is really\_  
6 sensitive to is to pregnant women, in terms of\_  
7 dioxin, a hundred times more sensitive to fetuses  
8 and so forth. My point being, I moved in this\_  
9 area because LMDC gave me a grant. The grant was\_  
10 higher to come into this area if I had a child.

11 So my point again would be,\_  
12 that, please--I'm sure your doing a great job on\_  
13 Deutsche Bank--I would just ask, as far as\_  
14 whether it's the air testing, what I don't know\_  
15 is whether that sandbox that my child plays in,\_  
16 and we know the World Trade Center burned for a\_  
17 long time and, you know, there were dioxins in\_  
18 the air for a long time, has there been a regular\_  
19 program to take the sand out of that box, to\_  
20 monitor where the children go because I'm more\_  
21 concerned with them than I am myself.\_\_\_\_

22 Thank you.

23 MS. JoANNE RAAB: Thank you.

24 (Applause.)

25 MS. JoANNE RAAB: The next\_

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1  
2 three speakers are Carl Reid, I believe with\_  
3 American Biomass; Craig Hall, WTC Residents\_  
4 Coalition; and Tony Regalado.\_\_\_\_  
5 Mr. Reid?  
6 MR. CARL REID: Go ahead?\_\_\_\_  
7 MS. JoANNE RAAB: Yes.  
8 MR. CARL REID: Good evening, I\_  
9 must congratulate the LMDC for their outline  
10 of -- and their report on the building. But my\_  
11 concern moves beyond that to implementation.  
12 My background was spent over\_  
13 the last 20 years, has been in clinical air\_  
14 purification and people first. And although you\_  
15 have a great outline, one of the great problems\_  
16 you're going to have is in the implementation:\_  
17 the encapsulation, what type of negative\_  
18 pressures you're going to use to keep those\_  
19 contaminants from flying around inside that\_  
20 encapsulation, how it's going to be removed, and\_  
21 stuff like that.  
22 I think you need to consider\_  
23 that carefully in your deconstruction.  
24 My other concern is some of\_  
25 these large conglomerates that sometimes come\_  
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1  
2 into these projects, they're all business and\_  
3 people last, and by the time you find that out,\_  
4 the damage already done.  
5       Like the gentleman said before\_  
6 he's concerned both about the sandbox for the\_  
7 kids and most of these contaminants that you\_  
8 report on, which is a good report, by the way,\_  
9 well exceed the normal level and some of them\_  
10 they have worked to remove them in the past are\_  
11 very dangerous, even at very low levels, which by\_  
12 your own report they are at higher levels than\_  
13 even the normal level. And what are the plans to\_  
14 carefully remove those type of contaminants\_  
15 without incidents?\_  
16       Last but not least, as a small\_  
17 business, I didn't hear anything mentioned,\_  
18 though they're in New York City, there's a lot of\_  
19 us with expertise and would have people first\_  
20 rather than big business to participate in a\_  
21 project like this. So I'd like you to consider\_  
22 that in your final analysis.  
23       And last, I just want to say\_  
24 that, you know, we -- 9/11 was very catastrophic\_  
25 for us New Yorkers, and in going ahead with this\_  
      Roy Allen & Associates, Inc.

1  
2 project, it will make our City wonderful.

3 Let's for the first time take\_  
4 people first and consider those people who live\_  
5 in the neighborhood that have suffered a lot and\_  
6 will suffer for a while from the contaminants\_  
7 that the World Trade Center really released on\_  
8 them.

9 Thank you very much.\_

10 MS. JoANNE RAAB: Thank you.\_

11 (Applause.)

12 MS. JoANNE RAAB: Craig Hall.\_\_

13 WTC Residents Coalition.

14 MR. CRAIG HALL: Good evening,\_  
15 Craig Hall, President of the WTC Residents\_  
16 Coalition. I'm a Downtown Battery Park City\_  
17 resident with three young children.

18 A large portion of our 30,000\_  
19 Downtown residents, especially parents, are\_  
20 deeply concerned about Deutsche Bank's\_  
21 deconstruction.

22 We're concerned that it took so\_  
23 long to release the report that building was so\_  
24 contaminated, but not surprising, despite\_  
25 previously claims that was clean.\_\_

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1  
2                   We want to make sure that the\_  
3 removal of the debris is handled in a safe,\_  
4 sealed mechanism. We do not want to go back to\_  
5 the days of the World Trade Center debris removal\_  
6 with trucks covered with tarpoling which flapped\_  
7 which released debris and contaminants into our\_  
8 neighborhood at the slightest gust.  
9                   We would like to see the EPA\_  
10 overseeing with LMDC the deconstruction process\_  
11 and for independent testers to do air and wipe\_  
12 samples for contaminants of potential concerns,\_  
13 that is heavy metals, dioxins, not just asbestos.  
14                   We'd also like to see the best\_  
15 sampling methods today available used and\_  
16 released for all to see.  
17                   We would like to see a very\_  
18 transparent process.\_  
19                   As others have said, we would\_  
20 like to see truck routes around the neighborhood\_  
21 and, you know, to create the minimum amounts of\_  
22 disturbance for our residents. And make sure low\_  
23 sulfur diesel fuel is used.  
24                   We'd like to see the building\_  
25 sealed as soon as possible to prevent any\_  
                  Roy Allen & Associates, Inc.

1  
2 contaminants from escaping, because we all know\_  
3 many probably have.  
4 The building should be covered\_  
5 in plastic and put under negative pressure. And\_  
6 LMDC should ensure that the surrounding buildings\_  
7 have HEPA filters installed where possible on the\_  
8 intakes just in case there is a release.  
9 We would ask you to continue\_  
10 working and outreaching to the residents. You've\_  
11 made a great start.\_\_\_\_  
12 Thank you.\_\_\_\_  
13 MS. JoANNE RAAB: Thank you for\_  
14 your comments.  
15 (Applause.)  
16 MS. JoANNE RAAB: Tony\_  
17 Regalado?  
18 MR. TONY REGALADO: Hi,\_  
19 there. I'm an office worker in the area.  
20 May I ask a question, or is\_  
21 this only comments?\_\_\_\_  
22 MS. JoANNE RAAB: That was at a\_  
23 past hearing. This is comment only.  
24 You have to step closer to the\_  
25 microphone, please.  
Roy Allen & Associates, Inc.

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MR. TONY REGALADO: O.K. Well, I'll turn my question into a comment.

Mr. Gerdts of TRC described the testing program of Ambient Corp. and, I guess, a follow-on testing program that's going to occur, but he didn't describe the results.

I'm under the impression that airborne asbestos results have exceeded, time and again, the 70 structures per square millimeter that are in the EPA air standards, and so there's a lot of discussion with respect to the contamination problems, but it seems to me this is kind of an ongoing problem with respect to the air in the neighborhood. I mean, there's no particular standard for outdoor air, but there is one for indoor air.

I guess it's my view that there's a contamination issue already outside the building and I don't hear anything about it.

Thank you.

MS. JOANNE RAAB: The next three speakers are Steven Markowitz with Queens College; Caroline Martin with FATE; and Larry Devine with 120 Greenwich Development Roy Allen & Associates, Inc.

1  
2 Associates. \_\_\_\_\_  
3 Mr. Markowitz.  
4 DR. STEVEN MARKOWITZ: Good\_  
5 evening.\_\_\_\_  
6 I'm an occupational and\_  
7 environmental medicine physician.\_\_\_\_  
8 I really have a comment about\_  
9 Fact Sheet No. 3, where in Table 1, you site\_  
10 occupational standards, whether it's from OSHA or\_  
11 NIOSH, and I understand why you do that, because\_  
12 many standards don't exist otherwise.  
13 But what you're discussing in\_  
14 this fact sheet is exterior air monitoring, and\_  
15 the use of occupational standards are just plain\_  
16 inappropriate for exterior air monitoring with\_  
17 relevance to potential exposures of the general\_  
18 population. I'm sure that some of you know\_  
19 that.  
20 And I understand why you did\_  
21 that, because there's otherwise a void, but it's\_  
22 inappropriate to use occupational standards and\_  
23 it will not, I think, reassure community\_  
24 residents.  
25 That raises a larger question,\_  
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1  
2 which is, when do the air monitoring, if you find\_  
3 levels -- some level -- excuse me -- some\_  
4 contaminants at certain levels, how actually are\_  
5 you going to interpret those levels?\_\_

6           And my suggestion is that you\_  
7 figure that out before you begin the enhanced air\_  
8 monitoring so that you will be able to interpret\_  
9 those. Those levels will be below the\_  
10 occupational standards, and no one will find that\_  
11 reassuring.

12           Then the question is, what\_  
13 actions do you take based on those levels?\_\_

14           I don't have answers to that,\_\_  
15 but I suggest that you really do some hard\_  
16 thinking about those issues before you do the\_  
17 enhanced air monitoring.

18           Thank you.\_\_

19           MS. JOANNE RAAB: Thank you.\_

20           (Applause.)

21           MS. JOANNE RAAB: Carol Martin?

22           MS. CAROL MARTIN: Yes.\_\_

23 Actually, I was pretty much going to ask the same\_  
24 question as he did.

25           I'm very, very concerned about\_  
          Roy Allen & Associates, Inc.

1  
2 what you're calling these triggers, who's setting\_  
3 them; how they're going to be set, whether\_  
4 they're appropriate.\_\_\_\_  
5 We've already heard that the\_  
6 study that you have done is using benchmarks that\_  
7 are inappropriate.\_\_\_\_  
8 How can we trust you if you're  
9 already being inappropriate at this stage? You\_  
10 haven't even started yet, O.K.?\_\_\_\_  
11 So can we have real, proper\_  
12 disclosures on the triggers, and a proper\_  
13 explanation of what standards you're using, why\_  
14 you are using them, and then we can address those\_  
15 with you, because I'm sure we'll be unhappy with\_  
16 them.  
17 Thank you.  
18 MS. JoANNE RAAB: Thank you.  
19 (Applause.)  
20 MS. JoANNE RAAB: Mr. Devine?  
21 MR. LARRY DEVINE: Yeah. Hi.\_\_\_\_  
22 I'm a member of the only LLC which owns 120\_  
23 Greenwich, and that's an 103-unit apartment\_  
24 building across the street to the south.  
25 And first I'd like to thank you\_  
Roy Allen & Associates, Inc.



1  
2 for what I hope will be a transparent process.

3           And I really have three  
4 questions. The first is, will you seal the  
5 building with this kind of heavy plastic that  
6 other people have talked about?

7           The second has to do with the  
8 noise levels that are going to happen with this  
9 thing. It's my understanding that the concrete  
10 has to be either -- is going either to have be  
11 cut or jack-hammered or a combination of both,  
12 and if you leave the curtain wall up instead of  
13 taking windows out and taking it down when you're  
14 doing this jack-hammering, the noise will be much  
15 less.

16           So I'd like ask specifically as  
17 to what you're method is going to be in that  
18 regard. Are those curtain walls going to be left  
19 up when you take the concrete out?

20           And the next item is the hours  
21 of working with, in particular, with  
22 noise-generating activities. We've had Greenwich  
23 Street torn up. We had a vent plant put in by  
24 the MTA.

25           Unfortunately, we ended up in  
          Roy Allen & Associates, Inc.

1  
2 litigation with both the City and the MTA, but we\_  
3 came out with O.K. work times.

4           The previous works times,\_  
5 because of the huge amount of noise that was\_  
6 generated was totally unacceptable, and we ended\_  
7 up in a lot of litigation, with both the City and\_  
8 the MTA, which we don't want to do again.

9           So we hope very much the\_  
10 building will be sealed and that the --\_\_  
11 particularly the working with the concrete\_  
12 floors, which is going to be the noisiest thing,\_  
13 is done with the curtain wall remaining up, and\_  
14 that the hours of work on that noisy part of the\_  
15 job are going to be O.K. hours so our tenants can\_  
16 sleep. We're right across the street.\_\_

17           When -- the steel being cut is\_  
18 not going to generate a lot of noise.

19           I agree with a lot of the other\_  
20 comments regarding the pollutants and the\_  
21 handling of those things, but the noise is\_  
22 something that is just going to be a noisy\_  
23 proposition.\_\_

24           So if you keep those curtain\_  
25 walls up, it will do a lot to abate the noise.

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1  
2                   So my question is, what's is\_  
3 your -- what's your procedure going to be about\_  
4 taking this building down specifically with\_  
5 respect to the noise? So I'll be continuously\_  
6 asking that question.

7                   We can be a great neighbor\_  
8 across the street, and that's what we hope we're\_  
9 going to be.

10                   That's it.\_\_\_\_

11                   MS. JOANNE RAAB: Thank you.\_  
12 (Applause.)

13                   MS. JOANNE RAAB: The last  
14 registered speaker is Kimberly Flynn from 9/11\_  
15 Environmental Action.

16                   MS. KIMBERLY FLYNN: Hi. I'm\_  
17 Kimberly Flynn. I'm a spokesperson for 9/11\_  
18 Environmental Action.

19                   The LMDC's Initial Building\_  
20 Characterization Study report shows that Deutsche\_  
21 Bank Building remains massively contaminated, and\_  
22 the LMDC's plan to demolish a building of this\_  
23 size in this densely populated an area with this\_  
24 level of contamination makes it a challenge\_  
25 without precedent.

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2                   A project of this magnitude, \_  
3 this complexity, and this level of risk to \_  
4 workers and the public alike requires a \_  
5 centralized mechanism for government oversight \_  
6 and coordination.

7                   That's why the Environmental \_  
8 Protection Agency must be more than a, quote, \_  
9 "key party," as it was referred to tonight in \_  
10 LMDC's PowerPoint presentation. The EPA must be \_  
11 the lead agency in the demolition of the Deutsche \_  
12 Bank Building or any building that cannot be \_  
13 reoccupied due to World Trade Center \_  
14 contamination.

15                   EPA has the legal \_  
16 responsibility. EPA is mandated to be \_  
17 responsible for the prevention and remediation of \_  
18 contamination from terrorist attacks under \_  
19 Presidential Decision Directive 62, the National \_  
20 Strategy for Homeland Security and other \_  
21 applicable environmental statutes.

22                   EPA has been assigned lead \_  
23 agency status to respond to any toxic release \_  
24 resulting from terrorism by both Democratic and \_  
25 Republican administrations because the EPA is the \_  
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1  
2 only agency with the expertise and the capability\_  
3 adequate to the task.

4           Right now on the critical issue\_  
5 of public process, the World Trade Center\_  
6 community is benefiting from EPA's formalized\_  
7 mechanism for systematic detailed community input\_  
8 into the design for a new sampling program.

9           This same community-based\_  
10 participatory research process should provide the\_  
11 basis for the community to work with the EPA and\_  
12 the LMDC on the Deutsche Bank demolition.

13           The EPA CBPR process means that\_  
14 community is entitled to have detailed input into\_  
15 the demolition plan. The public process for the\_  
16 Deutsche Bank demolition should not revolve\_  
17 around the notion of calming the community's\_  
18 concerns but about around the imperative of\_  
19 involving the community as an active partner to\_  
20 solve problems.

21           For instance, the benefits of\_  
22 LMDC's embarking on a proactive, detailed,\_  
23 concrete conversation with the community on an  
24 emergency plan should be obvious. This community\_  
25 is entitled to more than just a 24-hour cell\_

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1  
2 phone number.

3           The community is entitled to\_  
4 full transparency. No one in this situation has\_  
5 time for FOILs and FOIAs. The withholding of\_  
6 information about a situation that might affect\_  
7 people's health will result in the rapid erosion\_  
8 of the community's confidence, goodwill and\_  
9 cooperation. Just ask the EPA.

10           Finally, the community should\_  
11 not be forced to reinvent the wheel with every\_  
12 demolition. The EPA's CBPR process would provide\_  
13 one unified set of procedures for demolition and\_  
14 community participation.\_\_\_\_

15           The technical oversight and\_  
16 community participation issues LMDC is concerned\_  
17 about are exactly the same issues presented\_  
18 probably in the not too distant future when\_  
19 Fiterman Hall needs to be torn down and disposed\_  
20 of. Fiterman Hall is contaminated with dioxin;\_  
21 it's at 30 West Broadway.

22           In summary, there should be one\_  
23 process, one oversight, one mechanism for\_  
24 community participation, one set of meetings for\_  
25 concerned community and labor representatives and\_  
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2 members to attend to get information and to  
3 provide input, and the EPA should take the lead.  
4 And I want to make one  
5 clarification. No one has been more critical of  
6 EPA's mishandling of the aftermath of 9/11 than  
7 my organization, 9/11 Environmental Action. We  
8 are not asking for a repeat performance.  
9 We're calling upon EPA to do  
10 now what it should have done already and what it  
11 knows best how to do.  
12 Thank you.  
13 MS. JOANNE RAAB: Thank you.  
14 (Applause.)  
15 MS. JOANNE RAAB: We do have an  
16 additional registered speaker, Marc Ameruso, from  
17 Community Board 1.  
18 MR. MARC AMERUSO: Hi. Thank  
19 you for taking me.  
20 I guess my name is Marc  
21 Ameruso; for identification purposes, I'm a  
22 member of Community Board 1.  
23 On a personal note, I'd just  
24 like to say I agree with everything the previous  
25 speaker said, particularly as far as the public  
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1  
2 process is concerned.

3           If you recall at your meeting\_  
4 when you came to see us last week, LMDC, that we\_  
5 officially requested, the Community Board did, a\_  
6 resolution that the Advisory Council meetings be\_  
7 open to the public, at least for observation\_  
8 purposes.

9           And we really haven't heard an\_  
10 answer back from that. That's already on the\_  
11 record.

12           And with regards to the EPA,\_  
13 the Community Board is on record of asking EPA,\_  
14 even though we don't trust them that much but\_  
15 they are the experts -- previous experience with\_  
16 Christine Whitman claiming the air was safe, and\_  
17 obviously, that was found not to be true -- but\_  
18 they are the experts in this area and in a\_  
19 resolution dated October 15th, 2002, Community\_  
20 Board 1 is also on record of asking for EPA\_  
21 participation in this process.

22           And I believe that resolution\_  
23 was mailed to LMDC, the one of this year and\_  
24 attached the one of 2002.

25           When I asked Ms. Peterson, I\_  
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2 think it is, if after each Advisory Council\_  
3 meeting they would come, the LMDC would come and\_  
4 update us at the Community Board after that\_  
5 meeting, she did agree to that.

6           It's better than nothing, but\_  
7 we still think, and we're on record of saying,\_  
8 that the public should be involved in this\_  
9 process.

10           This is not a design\_  
11 competition. It's a health issue, and the\_  
12 stakeholders are everyone that lives in Lower\_  
13 Manhattan, not just corporations or people who\_  
14 live close to the site. It's people that are\_  
15 walking by there and live there.

16           So everyone is a stakeholder,\_  
17 and these meetings should be open to the public.

18           They should not be FOIL\_  
19 requests. You should not have to make\_  
20 appointments to see information.

21           This is a serious health issue\_  
22 we need to address, and there should be public\_  
23 participation at all phases, because there will\_  
24 be problems along the way, and we need to address\_  
25 them not by setting up special meetings and\_  
26

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1  
2 having protests to get meetings and things like\_  
3 that, and having to say things in the press that\_  
4 we don't want to say.\_\_\_  
5           If you just open it to the\_  
6 public from beginning to end, we'll be able to\_  
7 work together civilly.\_\_\_  
8           Thank you.\_\_\_  
9           MS. JoANNE RAAB: Thank you.  
10           (Applause.)  
11           MS. JoANNE RAAB: We don't have\_  
12 any more registered speakers.  
13           Are there any comments from the\_  
14 audience?\_\_  
15           If you have a comment, please\_  
16 come to the microphone, give your name and, if\_  
17 relevant, your organization.  
18           MS. MAUREEN SILVERMAN: My name\_  
19 is Maureen Silverman. I'm from Independence\_  
20 Plaza Tenants Association, right around the\_  
21 corner. I'm also from New York City Coalition to\_  
22 End Lead Poisoning.\_\_\_  
23           And looking at the audience\_  
24 today, I was just thinking about my concerns\_  
25 about issues of environmental and  
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1  
2 disproportionate impacts.  
3 I ask you when you think about  
4 public process, make sure you don't forget about  
5 Chinatown. Don't forget about The Lower East  
6 Side. Don't forget about Brooklyn. And don't  
7 forget about the disproportionate impact 9/11 has  
8 had on low income communities and communities of  
9 color. Include them. They must be included in  
10 the process.  
11 Thank you.  
12 MS. JoANNE RAAB: Thank you for  
13 your comments.  
14 (Applause.)  
15 MS. JoANNE RAAB: Do we have  
16 any additional commenters?  
17 (No audience response.)  
18 MS. JoANNE RAAB: O.K., Thank  
19 you.  
20 MS. AMY PETERSON: I just want  
21 to say thank you, everyone, very much for coming  
22 out tonight.  
23 This is the first of what will  
24 be, I think, probably many public information  
25 sessions. We do plan on having another one when  
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the Deconstruction Plan is ready.

We also speak often, as Marc mentioned, at Community Board 1 meetings, specifically on this project, and we'll be posting information on that on our website and sending out e-updates about that.

Thank you very much for giving us your thoughts on 130 Liberty Street, and we will consider those and let you know how we will take those into consideration in our Deconstruction Plan.

Thank you.

(Time noted: 8:15 p.m.)

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