



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

June 29, 2006

Victor J. Gallo
Senior Advisor & Counsel, Environmental & Regulatory Affairs
Lower Manhattan Development Corporation
One Liberty Plaza, 20th Floor
New York, New York 10006

Re: Proposed Protocol for Exceedance Reporting and Corrective Actions

Dear Mr. Gallo:

This is to inform you that the U.S. Environmental Protection Agency (EPA) has completed its review of the April 25, 2006 submission from LMDC titled, *Proposed Protocol for Exceedance Reporting and Corrective Actions* (Proposed Protocol).

Based on our review of the Proposed Protocol, only the following conditions shall be amended in the September 7, 2005 plans for the abatement and deconstruction of the 130 Liberty Street building:

- (1) Conform work stoppage requirements for silica to those now in place for PM_{2.5} for the four off-site roof-top air monitoring stations; and
- (2) When work stoppage is required, the following essential and ancillary activities would not be subject to work stoppage: air monitoring, hoist operation, negative air unit operation and maintenance, maintenance of critical barriers, deliveries from off-site except for loose bulk material that may potentially generate dust and cause an exceedance, and security.

EPA has enclosed amendment forms to designate the portions of the September 7, 2005 plans for the abatement and deconstruction of the 130 Liberty Street building that shall be amended to include the specific language provided.

LMDC's attempt to develop "Emission Incident Reports" and "Exceedance Assessment Checklists" would be beneficial information to assist in understanding a potential emission source that may exceed a Target Air Quality Level or USEPA Site Specific Trigger Level and would assist LMDC to develop an exceedance summary report in cases where a USEPA Site Specific Trigger Level is exceeded. While submission of these "Emission Incident Reports" and "Exceedance Assessment Checklists" would not avoid work stoppage, EPA is receptive to receiving such information in the event LMDC anticipates a potential exceedance.

Sincerely,



Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations
USEPA-Region 2

Enclosures

cc: Sal Carlomagno, NYSDEC w/encls.
Chris Alonge, NYSDOL w/encls.
Krish Radhakrishnan, NYCDEP w/encls.
Richard Mendelson, OSHA w/encls.
Robert Iulo, NYCDOB w/encls.