



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

OCT 20 2004

Honorable Jerrold Nadler  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Nadler:

I am writing in response to your August 18, 2004 letter to U.S. Environmental Protection Agency (EPA) Administrator Michael Leavitt regarding the anticipated deconstruction of the Deutsche Bank building located at 130 Liberty Street in Lower Manhattan. The Administrator has forwarded your letter to me for reply.

EPA is working closely with our partners at the federal, state and city levels to ensure that the deconstruction of Deutsche Bank building is done safely and in a manner that protects the health of people who live and work in the area. We have convened meetings with the involved environmental and health agencies – the Occupational Safety and Health Administration of the U.S. Department of Labor, the New York State Departments of Health and Mental Hygiene, Environmental Conservation and Labor, and the New York City Departments of Buildings, Health and Environmental Protection – to share information and discuss the applicable statutes and regulations that will govern the cleaning and eventual deconstruction of the building by the new owner, the Lower Manhattan Development Corporation (LMDC). We have also met with representatives of Deutsche Bank, the involved insurance companies, LMDC and its contractors, and have made it clear that the building owner has the obligation to comply with federal, state and city requirements covering asbestos and other hazardous materials during the stage leading to deconstruction, throughout the deconstruction and during the storage, transportation and disposal of wastes from the site.

We are currently in the process of evaluating a huge volume of data released by Deutsche Bank and LMDC that characterizes the contamination in the building. While the data review is not complete, a preliminary review finds the presence of a range of World Trade Center (WTC) contaminants of potential concern, which is not surprising in a building so heavily impacted by the WTC collapse. We are making the Deutsche Bank data available to the public on specially-installed computers in our library at 290 Broadway.

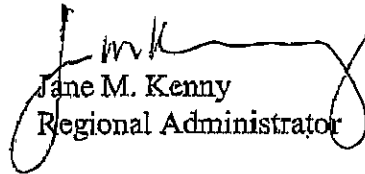
We have encouraged LMDC to conduct the planning for and deconstruction of the building in a transparent manner that keeps members of the public informed and seeks their input throughout the process. To further that goal, EPA representatives are participating, along with members of your staff, on the 130 Liberty Street Advisory Committee.

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The multiple agencies with jurisdiction over the Deutsche Bank deconstruction have many enforcement tools that can be used to ensure that the project is conducted safely and is protective of public health and the environment throughout. EPA will continue to play a strong leadership role as the project moves forward. If you have further questions, please contact me or have your staff contact Peter Brandt, Chief for Intergovernmental and Community Affairs Branch, at 212-637-365.

Sincerely,



Jane M. Kenny  
Regional Administrator