Region 2 Enforcement & Compliance Assurance Division
Air Compliance Branch

CAA Inspection Report

Inspection Date:	5/14/2024
Facility Name:	Gouverneur Gardens
Facility Address:	305 Madison St, New York, NY 10002
ICIS-Air ID #:	3601664213
EPA Lead Inspector:	Victor Tu
EPA Asst. Inspector:	Christopher Collins
Facility Contact:	Qasim Lezama, qlezama@prestigemgt.com
Facility Contact:	Mo Diop, mad@dbiprojects.com
State Inspector(s):	Other inspector name, title, phone number.

Background

"Gouverneur Gardens is a Mitchell-Lama Co-op that was built in the early 1960's for the benefit of New Yorkers with low to middle incomes." – per Google.

The New York City Department of Environmental Protection (NYCDEP) has been investigating complaints of improper asbestos abatement during renovations at Gouverneur Gardens. The complex includes six buildings at several addresses.

Pertinent Regulatory Requirements

40 CFR Part 61 Subpart M – Asbestos NESHAPs

Summary of Onsite Observations:

On May 14, 2024, EPA inspectors Victor Tu and Christopher Collins ("EPA Inspectors") conducted an inspection of Gouverneur Gardens. EPA Inspectors arrived at the facility at 11:00 AM and drove around the perimeter of the facility until 11:45 AM, to survey for potential activities at the 6 buildings that make up the co-op.

EPA Inspectors returned to the facility at 1:00 PM and walked around Building 6 (675 Water Street). EPA Inspectors observed, from the sidewalk, garbage bags and a waste container, which appeared to contain construction waste *(Figure 1)*.

At 1:25 PM, EPA Inspectors entered the management building at 305 Madison Street, introduced themselves to the front desk, and presented their credentials. After a brief wait in the lobby, they were informed that the assistant superintendent would meet them at Building 4 (605 Water Street).

EPA Inspectors proceeded to Building 4, where they met the Assistant Superintendent Donny Figueroa ("the AS") and began their facility tour. The scope of the inspection was to see where renovation work was being done. The group started with the 2nd floor and observed the slop sink area, noting that the previous plaster wall was removed and replaced with a cardboard barrier *(Figures 6-9)*. EPA Inspectors saw pipes that resembles corrugated pipe insulation and noted that part of the pipe insulation was exposed (not tightly wrapped) *(Figure 8).* EPA Inspectors also noted that there was debris present on the floor of the area *(Figure 9)*

EPA Inspectors spoke with residents of apartment 2C and took some photos of the work being done in the apartment *(Figures 10-13)*.

The residents informed the EPA Inspectors that pipe work occurred between October and December 2023, with asbestos abatement occurring in February 2024. The AS informed the EPA Inspectors that waste from the projects is disposed of in a container located between Buildings 5 and 6, which the EPA Inspectors had previously observed. The AS also identified DBI Projects ("DBI") as the current Owner's Representative.

EPA Inspectors continued the inspection, observing the slop sink area on the 3rd floor, noting similarities between the work done on the 2nd floor. EPA Inspectors noted that pipes in the slop sink area were damaged, with portions missing *(Figures 14-18).* EPA inspectors knocked on the doors of a few of the residents on the 3rd floor, but no one answered.

EPA Inspectors continued to the 4th floor and observed the 4th floor slop sink area. There was debris present on the floor *(Figure 19).* EPA Inspectors spoke with the residents of apartment 4C, who stated that the plastic on the walls had been removed after the abatement. Photos were taken behind the bathroom covering in this apartment *(Figure 20-25).* Photos were also taken behind the wall covering in the apartment *(Figure 26).* The residents of apartment 4C also showed EPA Inspectors images on their phones of the condition before abatement *(Figures 27-28)*.

EPA Inspectors also viewed the slop sink area on the 6th floor *(Figures 29-31)* and spoke to the residents of apartment 6C. In apartment 6C, the plastic covering of the hole in the wall had fallen off. EPA inspectors asked the AS if the rest of the higher floors are in the same condition, i.e., the walls are removed and not replaced.

The facility tour continued to the basement of Building 4, where EPA Inspectors inspected the compactor room. After the compactor room, EPA Inspectors continued deeper into the basement and noted the work being done there. EPA Inspectors observed that part of the floor had been removed, with piping exposed. Insulation that feels like Fiberglass from the touch, was noted on the pipes on the ceiling. EPA also observed the boiler in the basement, which had insulation that does not resemble fiberglass *(Figure 34)*. The AS were informed that if the boiler of this and the other buildings are to be disturbed, they will have to be tested or treated as ACM. The AS was unsure if the boiler was included in the work plan.

The group then walked to Building 6. EPA inspectors noted that there were three smaller boilers in the basement of building 6 that appears to be new. The AS indicted that the boilers were new and currently not in service. AS informed EPA Inspectors that this building never had a boiler and was previously supplied steam by Con Edison.

The EPA Inspectors asked to view the waste container in the courtyard between Buildings 5 and 6. The group was unable to enter the courtyard because he did not have the key. The AS stated that the group needed to go around the building from the outside.

Continuing around Building 6, the group accessed the yard with the waste container and looked through the construction waste. EPA Inspectors looked through the waste container and the adjacent black bags *(Figures 35-37).*

The DBI Project representative, Mo Dip, arrived and introduced himself. EPA Inspectors provided credentials and exchanged business cards. Mr. Dip stated that the waste in the container is disposed every week, and that this waste is from roof recovery work on Building 6. At this time, Mr. Dip explained that they only came on board 30 days prior, and that they replaced Solstice.

EPA Inspectors took three samples at 3:30 PM from material in the container:

- Sample #1: Cementitious Material.
- Sample #2: Brown/White Corrugated Material.
- Sample #3: Gray Corrugated Material.

While EPA Inspectors were finishing taking samples, the property manager Carol Rowley arrived. EPA Inspectors introduced themselves, provided credentials, and exchanged business cards. At this point, Victor Tu verbally requested copies of the scope-of-work documents, asbestos renovation notices, manifests, surveys, and air monitoring information. On the walk back to Building 6, Mr. Mo informed EPA Inspectors that the ACP7 had been submitted and approved, and that the variance was filed by Amiantos.

EPA Inspectors, Mr. Mo, and the AS returned to Building 6, where they continued to inspect the slop sink areas on the 1st, 2nd, and 3rd floors. While on the 2nd floor, EPA Inspectors spoke with residents of apartment 2A and inspected the finished work in the two bathrooms in the apartment.

Closing Conference:

At 4:12 PM the EPA Inspectors, Mr. Dip, and Carol Rowley held a closing conference. EPA Inspectors inquired about the boilers in the buildings and the scope of work regarding asbestos, and if the boilers were included. EPA Inspectors explained that the asbestos should be abated in any instance where it can be disturbed, including working on pipes and boiler removal. HA Bader was identified as the environmental survey company, and Amiantos was noted to oversee the stop work order.

Mr. Mo informed the EPA Inspectors that Building 2 was still undergoing window work, and that Building 1 still had some window work remaining. EPA Inspectors explained that a survey should have been conducted before work began, with the work plan in writing. Residents should have been made aware of the extent of the work and the asbestos risk. Mr. Mo wanted to reiterate that the only future plan for plumbing work was to finish the work that had started in Building 4.

Mr. Mo also informed EPA Inspectors that air testing had been conducted in Buildings 5 and 6. EPA Inspectors explained that sampling should have been done before any work, with air testing occurring during the work and clearance after.

EPA Inspectors inquired about notifications sent to EPA regarding the asbestos work, and the facility representatives were unsure. EPA Inspectors provided a list of documents to provide to the EPA, which included:

- Scope of Work documentation
- Survey
- Notifications to DEP and EPA
- Waste Manifests
- Air Monitoring Results
- Air Clearance for the apartments
- DEP Stop Work Orders
- Contractors Involved and Credentials

EPA provided a timeline regarding samples and for the inspection report.
The inspection concluded at approximately 5 PM.

Follow-Up:

On May 24, 2024, Mr. Mo Diop provided the following records electronically for EPA review:

- TRU0351MN24 - NEW ACP7.pdf
- 1413.07.02 - 605 Water Street, Air Monitoring Results - 13th Floor to 2nd Floor.pdf
- 1413.07.02 - 605 Water Street, Air Monitoring Results 21st floor to 14th Floor.pdf
- Asbestos Company License - 2024-2025 (As of 21224).pdf
- REQUEST TO LIFT SWO .pdf
- TRU0252MN24 - ACP7.pdf
- TRU0351MN24 - ACP21.pdf
- ACP-7 for 605 Water Street, Apt. 15C & 16C.pdf
- ACP-21 for 605 Water Street, Apt. 15C.pdf
- ACP-21 for 605 Water Street, Apt. 16C.pdf
- ADRI - NYS DOL Asbestos License.pdf
- EPA Federal Notification for 605 Water Street, Apt. 15C & 16C.pdf
- NYS DOL Notification for 605 Water Street, Apt. 15C & 16C.pdf
- Waste Manifest No. 76716_001.pdf
- 25 Montgomery Street - entire building update - janitors closet.pdf
- 35 Montgomery Street - entire building update - janitors closets.pdf
- 75 Montgomery Street - entire building update - janitors closets.pdf
- 605 Water Street - entire bldg update.pdf
- 645 Water Street - entire bldg update.pdf
- 675 Water Street - entire bldg update.pdf
- ASBESTOS HANDLING LICENSE.pdf
- MV DOL - NYC Investigator Licenses.pdf
- Gouverneur Gardens Apartment Work Status.xlsx
- IAN DOB LICENSE RENEWED.23.pdf
- Xinos GC License.pdf

APPENDIX:

**Figure 1: Waste Container and Black Garbage Bags / Between Buildings 5 and 6, from sidewalk*

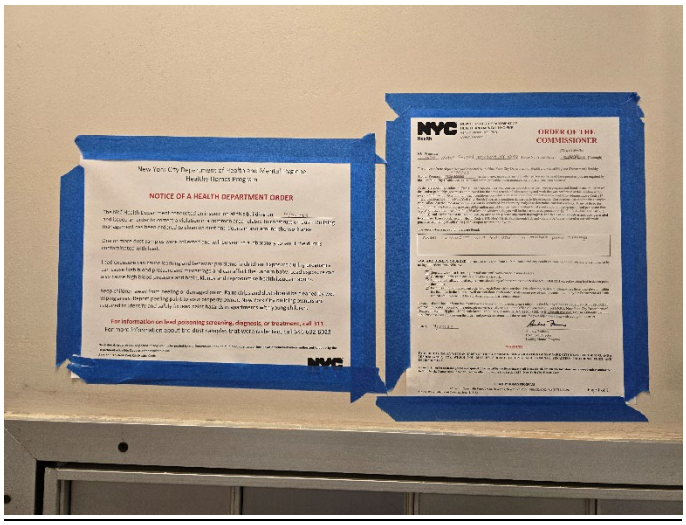

Figure 2: New York City Department of Health Stop Work Order / Building 4

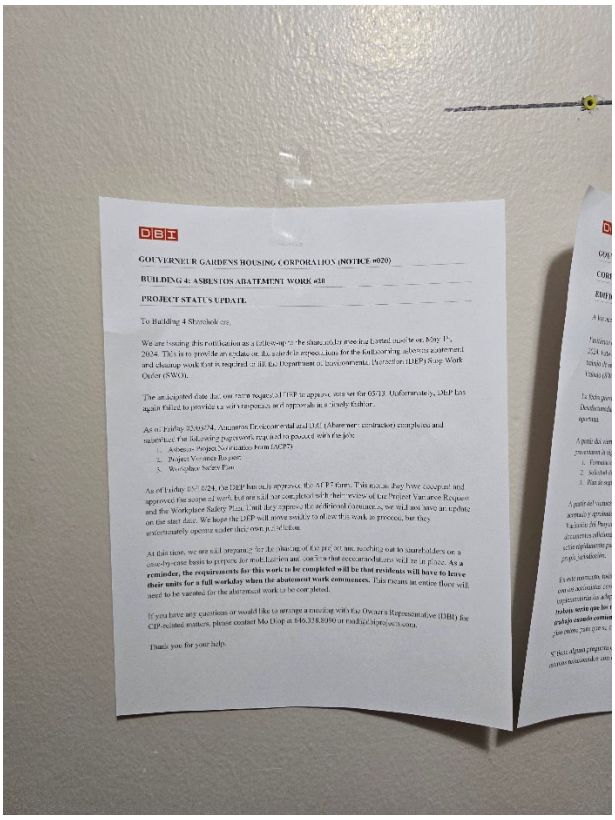

Figure 3: Project Status Update for Abatement / Building 4

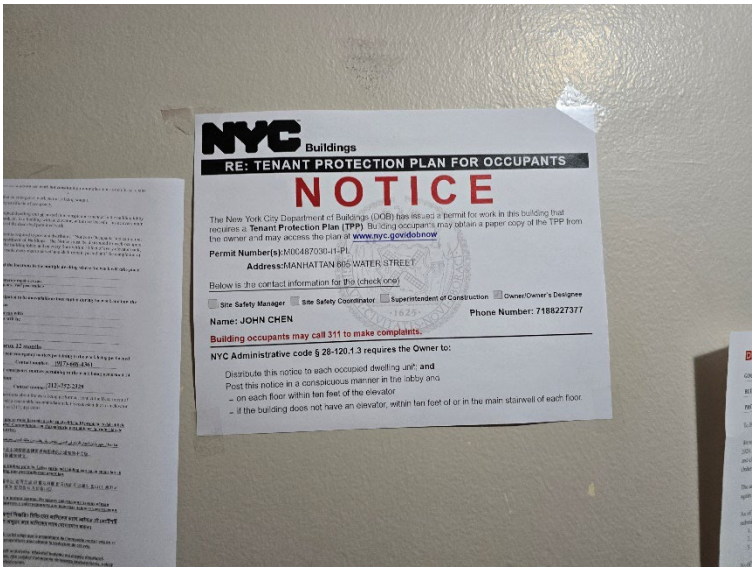

Figure 4: Tenant Protection Plan and Permit Notice / Building 4

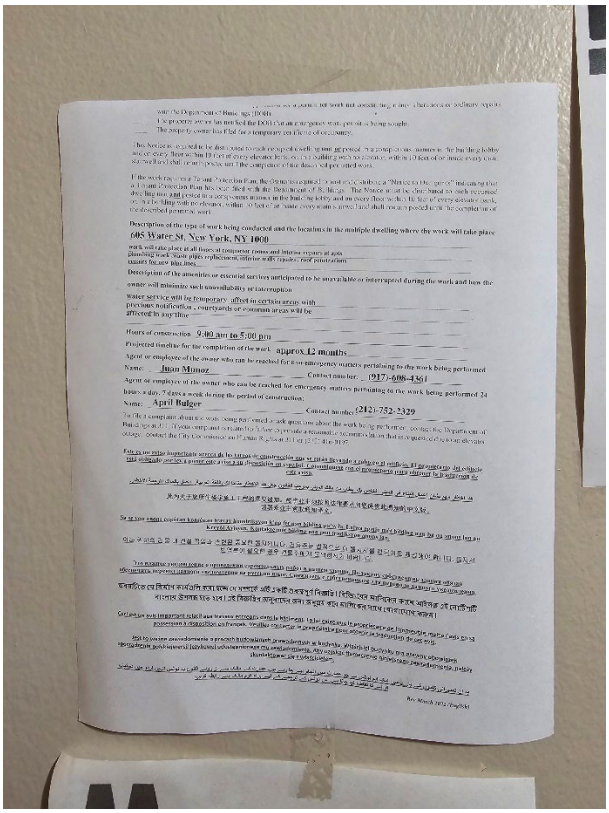

Figure 5: Continuation of Notice / Building 4

**Figure 6: Cardboard Barrier Inside Slop Sink Area / On Floor 2, Building 4*

Figure 7: Pipes Behind Cardboard in Same Slop Sink Area (Figure 6) / Floor 2, Building 4

Figure 8: Close-up of Damaged Pipe in Figure 7

Figure 9: Floor of Figures 6-8 Area

Figure 10: Photo of Condition behind Wall in Apartment 2C Bathroom

Figure 11: Second Photo of Figure 10 Area

Figure 12: Third Photo of Figure 10 Area

Figure 13: Plastic Sheeting still in place in Hallway of Apartment 2C (Same Apartment Figures 10-12)

Figure 14: Behind Cardboard Slop Sink Area / Floor 3 Building 4

Figure 15: Pipes behind cardboard, same area Figure 14.

Figure 16: Zoom-in to Pipe in Figure 15 that appears to be damaged with portion of it missing.

Figure 17: Another portion damaged (bottom right) in same slop sink.

Figure 18: Same as Figure 17.

Figure 19: Floor of 4th Floor Slop Sink Area

Figure 20: Behind Bathroom Wall 4th Floor. No asbestos pipes visible.

Figure 21: Continuation from Figure 20

Figure 22: Continuation from Figure 21

Figure 23: Continuation from Figure 22

Figure 24: Same location as previous figures.

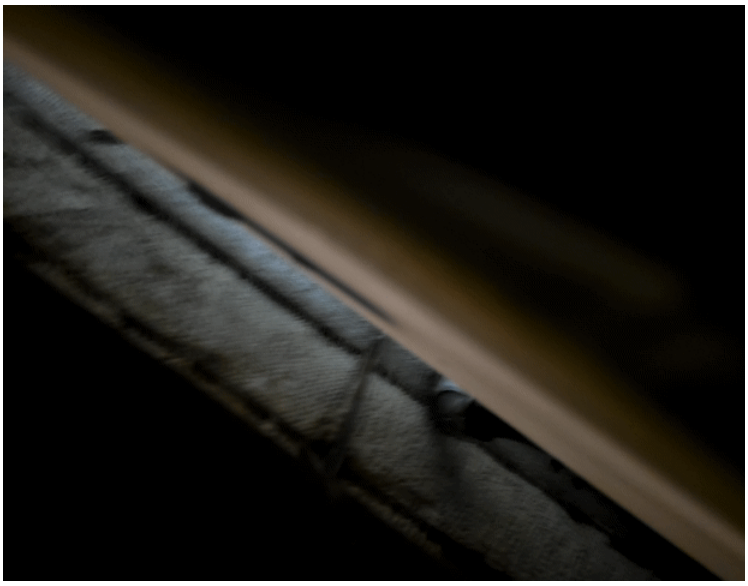

Figure 25: Same location as previous figures.

Figure 26: Pipes behind cardboard in hallway wall, in Apartment 4C, after abatement.

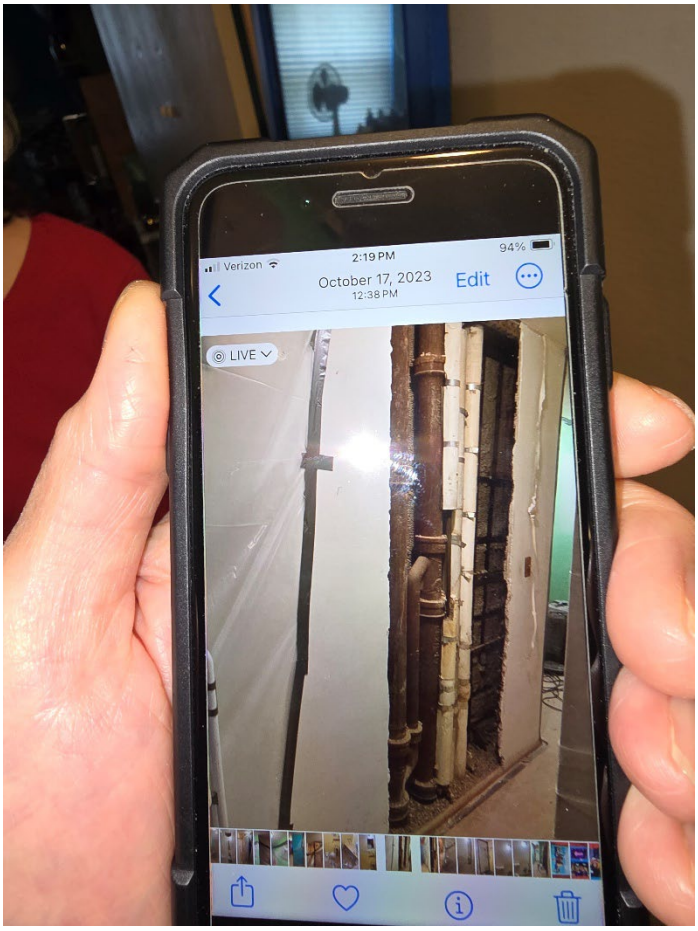

Figure 27: Before Photo from location of Figure 26 / Taken on Resident's Phone

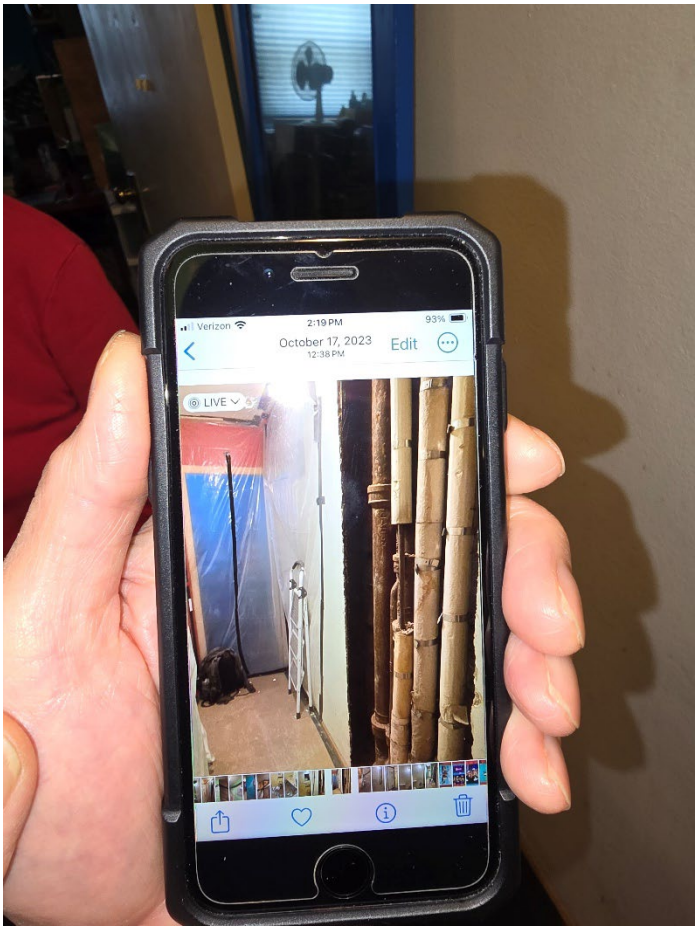

Figure 28: Continuation of Figure 27, second photo taken by resident.

Figure 29: Slop Sink Area Building 4, Floor 6

Figure 30: Continuation from figure 29

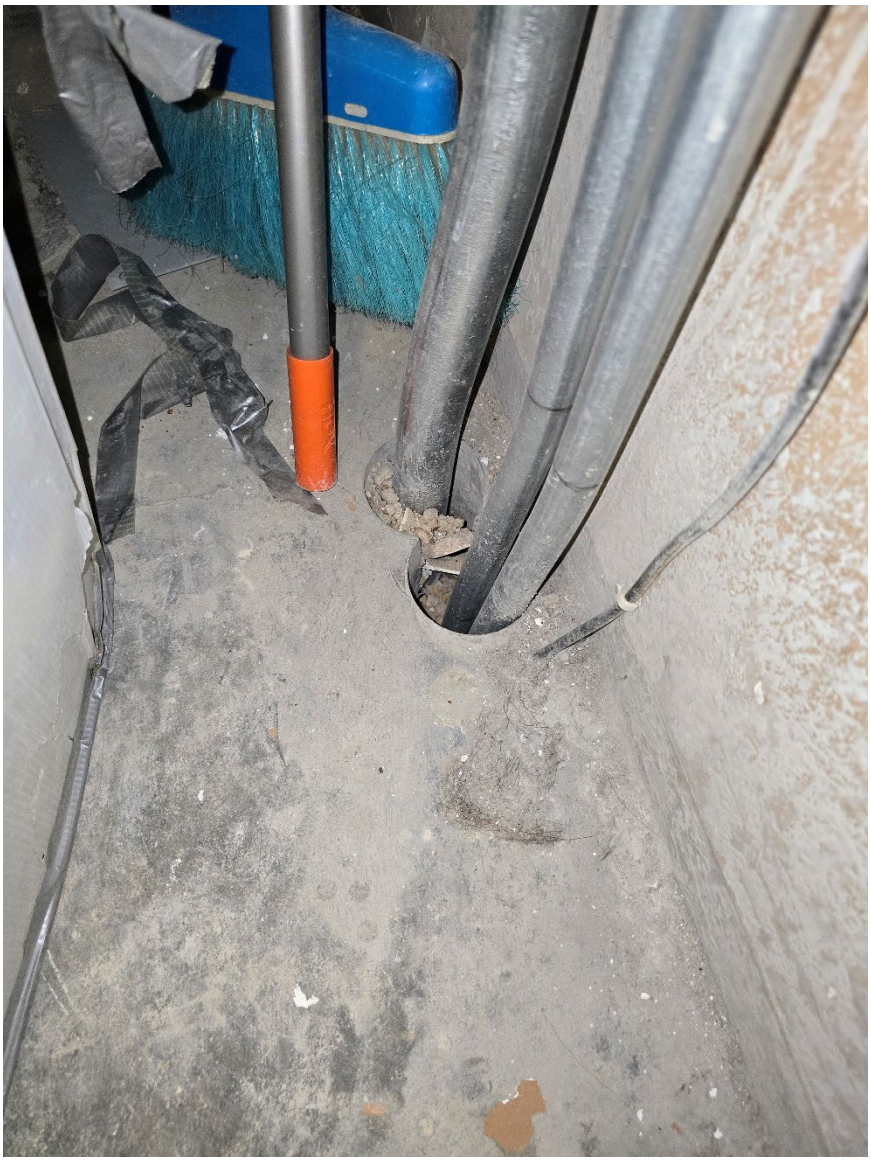

Figure 31: Continuation from figure 30, hole was drilled in floor. Debris present in hole and on floor.

Figure 32: Pipe in Apartment 6C

Figure 33: Construction work in basement in Building 6.

Figure 34: Boiler in basement in Building 6. Appears to have insulation.

Figure 35: Waste in Container between Buildings 5 and 6.

Figure 36: Continuation of Figure 35. Material resembles corrugated insulation material.

Figure 37: Garbage Bag Contents in adjacent area of Figures 35-36. Appears to be paper liner.

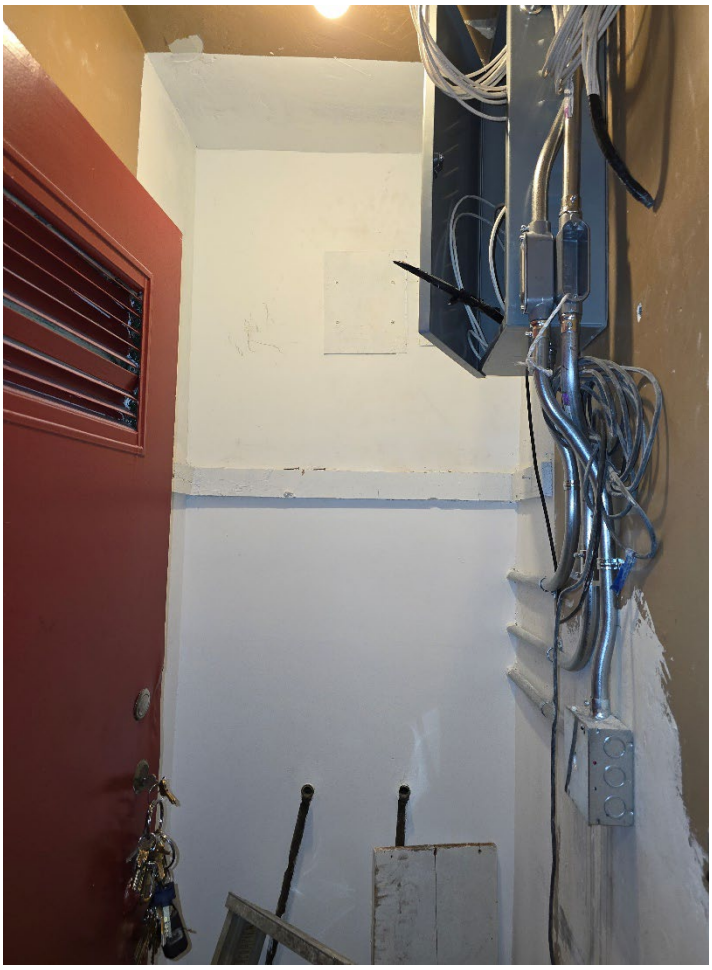

Figure 38: Completed Work in Building 6, Floor 1

Figure 39: Completed Work in Building 6, Floor 2

Figure 40: Sample 001

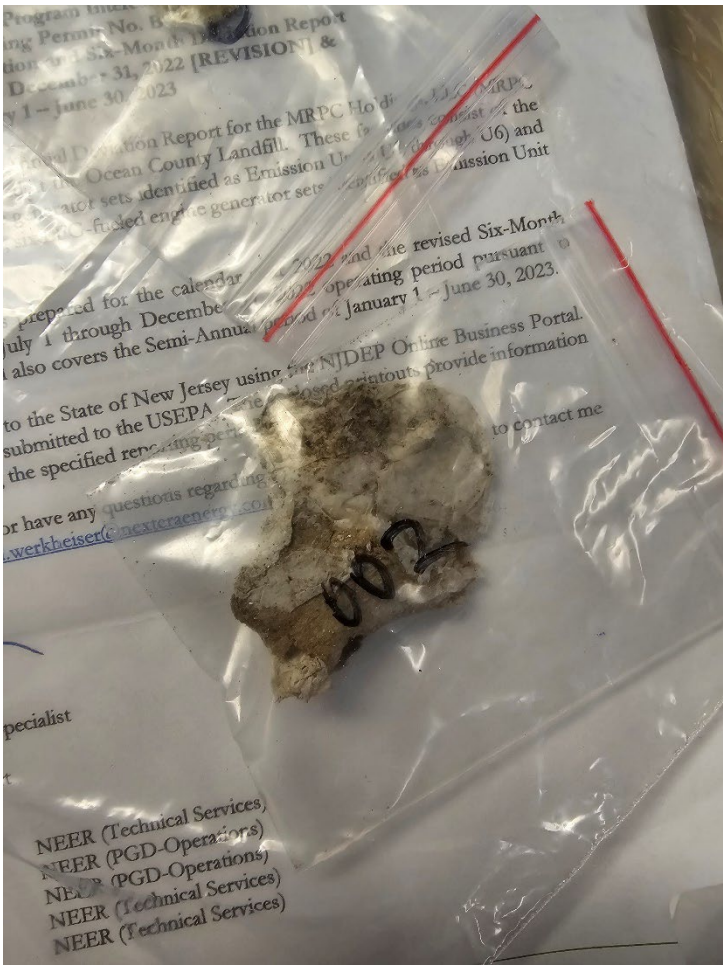

Figure 41: Sample 002

Figure 42: Sample 003

Lead Inspector's Name: Victor Tu

X VICTOR TU Digitally signed by VICTOR TU Date: 2024.07.03 13:47:56 -04'00'

Lead Inspector

Assisting Inspector's Name: Christopher Collins

X Collins, Christopher Digitally signed by Collins, Christopher Date: 2024.07.03 12:22:27 -04'00'

Assisting Inspector

Supervisor's Name: Ralph Lonergan

X RALPH LONERGAN Digitally signed by RALPH LONERGAN Date: 2024.07.09 09:29:53 -04'00'

Supervisor