



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

NOV 8 2004

Honorable Carolyn B. Maloney
U.S. House of Representatives
2331 Rayburn House Office Building
Washington, DC 20515-3214

Dear Representative Maloney:

Your letter of October 7, 2004 to Environmental Protection Agency Administrator Mike Leavitt has been referred to me for reply. Your letter supports the concerns of Citizens for a Safe East Fiftieth Street regarding the proposed plans by the Metropolitan Transportation Authority (MTA) and the Federal Transit Administration (FTA) to construct one large ventilation and utility building to serve the MTA's East Side Access project, rather than several smaller buildings and ventilation areas as described in the MTA's East Side Access Final Environmental Impact Statement dated March 2001. Please be advised that we are also responding directly to the members of the Citizens for a Safe East Fiftieth Street and have enclosed a copy of the letter. Below, we address the three issues you raised .

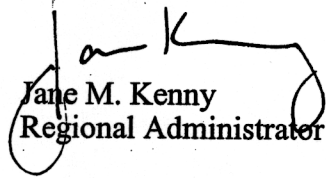
My staff has spoken to Ms. Audrey Heffernan, Public Affairs Specialist for the MTA on the ventilation building project. Ms. Heffernan stated that as the new ventilation plan is a design change from the March 2001 Environmental Impact Statement, MTA is preparing an environmental assessment (EA) that will specifically address this aspect of the overall project. The EA, scheduled for release this month, should include brief discussions of the need for the proposed project, alternatives to the proposed project, environmental impacts of the proposed project, and a listing of agencies and persons consulted. Also, an EA should provide sufficient evidence and analysis upon which the lead agency will determine whether to prepare an environmental impact statement or a finding of no significant impact (40 CFR 1508.9). The preparation of an EA for the proposed ventilation building meets the immediate requirements of the National Environmental Policy Act. EPA has requested a copy of the EA, once it is made available for review.

With regard to your second point, the EPA has no regulatory authority to govern the placement of intake and exhaust ventilation systems in buildings. We are awaiting information from the New York City Department of Environmental Protection as to the local regulations on this issue, and will send that information to you as soon as we receive it.

As far as emissions during construction and operations, the EA should discuss the type and levels of emissions expected, and whether the emissions meet local, state, and federal regulatory limits.

If you have further questions, please let me know or have your staff contact Peter Brandt, Chief, Intergovernmental Affairs Branch at (212) 637-3657.

Sincerely,



Jane M. Kenny
Regional Administrator

Enclosure

cc: Barbara McLeod, Office of Homeland Security
Audrey Heffernan, MTA
Letitia Thompson, Regional Administrator, FTA



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Robert L. Kaufman
Manager Madison Ave. Leasehold, LLC
Citizens for a Safe East Fiftieth Street
c/o George Arzt Communications, Inc.
123 William Street, 22nd Floor
New York, New York 10038

Dear Mr. Kaufman:

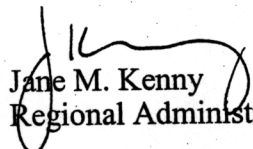
Your letter of October 1, 2004 to Environmental Protection Agency Administrator Mike Leavitt has been referred to me for reply. Your letter voices the concerns of Citizens for a Safe East Fiftieth Street regarding the proposed plans by the Metropolitan Transportation Authority (MTA) and the Federal Transit Administration (FTA) to construct one large ventilation and utility building to serve the MTA's East Side Access project, rather than several smaller buildings and ventilation areas as described in the MTA's East Side Access Final Environmental Impact Statement dated March 2001.

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At this juncture, the preparation of an EA for the proposed ventilation building meets the requirements of the National Environmental Policy Act. The information and analyses presented in the EA will indicate whether the next step is a finding of no significant impact or the preparation of an EIS. Please be advised that the EPA has requested a copy of the EA for review, once it is available. I suggest that you contact Ms. Heffernan, at (212) 967-0299, to ensure that you are on the MTA's mailing list for public meetings and to receive a copy of the EA when it is released, and to provide a copy of your concerns, if you have not already done so.

Thank you for your interest in the environment.

Sincerely,


Jane M. Kenny
Regional Administrator

cc: Barbara McLeod, Office of Homeland Security
Audrey Heffernan, Metropolitan Transportation Authority
Letitia Thompson, Federal Transit Administration



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NOV 8 2004

William H. Heyman
Executive Vice President and Chief Investment Officer
St. Paul Travelers Companies
Citizens for a Safe East Fiftieth Street
c/o George Arzt Communications, Inc.
123 William Street, 22nd Floor
New York, New York 10038

Dear Mr. Heyman:

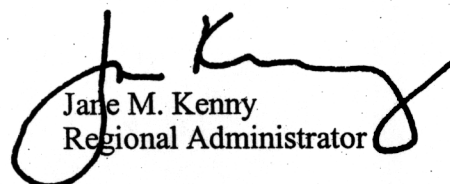
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Thank you for your interest in the environment.

Sincerely,



Jane M. Kenny
Regional Administrator

cc: Barbara McLeod, Office of Homeland Security
Audrey Heffernan, Metropolitan Transportation Authority
Letitia Thompson, Federal Transit Administration

Internet Address (URL) • <http://www.epa.gov>



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Alan Stillman
Chairman Smith & Wollensky Restaurant Group, Inc.
Citizens for a Safe East Fiftieth Street
c/o George Arzt Communications, Inc.
123 William Street, 22nd Floor
New York, New York 10038

Dear Mr. Stillman:

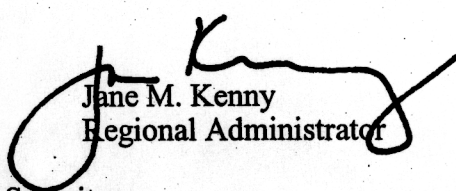
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Thank you for your interest in the environment.

Sincerely,


Jane M. Kenny
Regional Administrator

cc: Barbara McLeod, Office of Homeland Security
Audrey Heffernan, Metropolitan Transportation Authority
Letitia Thompson, Federal Transit Administration



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NOV 8

Daniel Oberlander
Asset Manager, Palace Hotel
Citizens for a Safe East Fiftieth Street
c/o George Arzt Communications, Inc.
123 William Street, 22nd Floor
New York, New York 10038

Dear Mr. Oberlander:

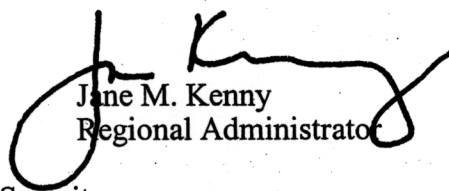
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Sincerely,



Jane M. Kenny
Regional Administrator

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