

Emergency Declarations, Unsafe Building Violations and related court ordered precepts, and Owner or DOB initiated emergency demolitions for Structurally-compromised Buildings and other similarly unsafe conditions

The NYC Department of Buildings (“DOB”) may issue an “Immediate Emergency Demolition” (IED), an “Emergency Declaration” (ED) or an Unsafe Buildings (UB) violation, required to mitigate a structurally unsafe building condition, eliminate hazards or prevent damage to neighboring properties, as a result of a direct DOB inspection, a complaint lodged by an official of competent jurisdiction, a request by the owner’s professional consultant (professional engineer or registered architect) if supported by a similar DOB consultant. The prescribed remedy to such emergency orders is typically a partial or full demolition and/ or emergency repair. If supported by a DOB professional, the DOB may also initiate an emergency demolition & repair, or allow an owner initiated emergency demolition and/or repair, without an IED, ED or UB violation in place.

IEDs, EDs, UBs, and owner and DOB initiated emergency demolitions and repairs can require many different types of work; these include the installation of protective sidewalk sheds, the sealing of a vacant, open or otherwise unguarded buildings, shoring, full demolition and removal, or the partial demolition to a safe level of structurally-compromised buildings.

Building owners issued an **IED** are required to initiate specified remedial work immediately. It is assumed that the building is too unsafe for a certified asbestos investigator (CAI) to sample in place suspect asbestos containing material (ACM) and thereby make an assessment regarding the presence of ACM and / or too unsafe for a certified asbestos abatement contractor to abate the ACM prior to demolition or similar emergency repair work. However, once the demolition is complete using the procedures set forth in this document, the debris needs to be assessed by a NYC Certified Asbestos Investigator, hired by the building owner; alternatively, all the debris can be assumed to be ACM and disposed in accordance with the NYC Department of Environmental Protection (“DEP”) rules and regulations.

Building owners issued an **ED** must be initiated within 60 days of the order. An asbestos abatement contractor conducting any work under an ED must follow all the provisions of the DEP Asbestos Rules and Regulations unless the building is deemed to have unsafe work conditions for either an abatement contractor or CAI, and verified as such by a DOB professional, in which case these rules could be modified by DEP as described elsewhere in this memo. In the case of a NYC Housing, Preservation and Development (“HPD”) owned building, DEP will sample the debris.

If a building owner fails to initiate the specified work in the ED or IED, within the performance period required by the type of emergency declaration, the City, through HPD, can retain a private contractor to conduct the designated emergency work.

Procedures

I. Immediate Emergency Declaration (“IED”)

- A. A DOB professional will determine a Building to be structurally unsafe, in whole or part, and will provide details regarding the unsafe conditions.
- B. The HPD/owner representative must notify DEP (an Emergency Asbestos Notification) pursuant to Section 1-27 of Title 15, Chapter 1, of the Rules of the City of New York (cited as 15RCNY §1-27) by calling 311 and subsequently submit a scope of work.
- C. Follow the work procedures set forth in Section 1-110 Controlled Demolition with Asbestos in Place. File an Asbestos Project Notification (“ACP7”) within 48 hours of the actual start of demolition. Along with the ACP7, the HPD/owner representative must provide DEP with signed copy of the condemnation determination (IED) along with the abatement project Scope-of-Work.

II. Emergency Declaration (ED)

- A. A building or structure may be ruled structurally unsafe by a DOB registered professional or by a registered design professional hired by the building owner with written confirmation by a DOB registered design professional.
- B. DEP will utilize the provided assessment of the conditions and make a determination if this work could be done following the procedures for “IED”, otherwise the HPD/owner representative shall follow standard procedures per Asbestos Control Program (“ACP”) Regulations, or combining both types of processes (IED or ED). DEP may modify these standard procedures as dictated by the particular unsafe condition present.

III. DOB Initiated Emergency Repair / Demolition work

- A. DEP shall receive a Letter of Condemnation from DOB/HPD such as a , UB, structural report, etc., or an owner hired registered design professional indicating an unsafe building condition in whole or part and remedy, and unsafe work conditions for a CAI or abatement contractor. It should be accompanied by written confirmation from a DOB registered design professional.
- B. Same procedure as II.B above

Controlled Demolition with Asbestos in Place (Minimum Requirements)

1. Air monitoring procedures

- a) Air sampling and analysis shall be performed in accordance with Subchapter D, Part 3 Monitoring Procedures Title 15, Chapter 1 of RCNY. In addition, air monitoring within the work areas shall be conducted daily during abatement and cleaning activities.

2. Restricted abatement work area preparation

- a) The entire demolition area shall be considered the restricted abatement work area
- b) This area shall be enclosed by an 8' high construction fence approved by the Department of Buildings to prevent unauthorized entry.
- c) Signage on this barrier shall be in accordance with 1-51(g) & 1-81(v)
- d) The restricted work area shall be established in accordance with 1-109(a)
- e) Dikes shall be established around the perimeter of the work area to contain any water runoff for collection.

3. Regulated Entrance / Exit

- (a) Entry or exit of all persons and equipment shall be through one designated and controlled access way through the enclosed barrier, which shall provide a means of egress from the regulated abatement work area.
- (b) Signs clearly indicating the direction of exits shall be maintained and prominently displayed in accordance with 1-81(u)
- (c) Exits shall be maintained in accordance with 1-81(t)
- (d) All personnel shall wear PPE and an additional layer of disposable suit prior to entering the work area.
- (e) Prior to exiting the work area for decontamination, the workers shall strip off the outer protective suit at the perimeter of the restricted abatement work area and then proceed directly to the Remote Decontamination Enclosure Systems.

4. Secure Decontamination Enclosure Systems

- (a) The worker and waste decontamination enclosure systems shall be immediately adjacent to the restricted abatement work area and shall be constructed and maintained in accordance with 1-82 & 1-83.

5. Wet Removal/Abatement procedures

- (a) No dry disturbance or removal of ACM or PACM shall be permitted as required in 1-102(a) & (b).

- (b) The demolition waste shall be wetted on a continuous basis, that is, prior to, during and subsequent to its actual collection and removal. Fog nozzles or similar type of equipment shall be used to perform the wetting.
- (c) Wetted piles of waste left over extended periods of time shall be covered with at least one layer of six (6) mil fire retardant polyethylene to retain its moisture level and to prevent fiber release.
- (d) All debris generated by the demolition shall be considered to be asbestos contaminated waste (to be disposed of as RACM), except for structural members, steel components and similar suspect items which shall be fully decontaminated onsite or otherwise properly bagged as ACM for off-site processing/disposal in accordance with all applicable Federal, state, and local regulations.
- (e) Frequent visual inspections shall be conducted by the asbestos handler supervisor to ensure that the perimeter sidewalks and adjacent street gutters are free of suspect debris. These inspections shall be noted in the project log.

6. Mechanical Equipment Decontamination & cleaning procedures

- (a) Equipment shall be decontaminated prior to exiting the regulated abatement work area HEPA vacuuming and wet wiping first and then wash utilizing a low pressure wash system within the specially constructed bermed decontamination area.

7. Waste water collection /disposal

- (a) Waste water shall be confined within the restricted abatement work area.
- (b) Waste water in the worker and waste decontamination enclosure systems shall be properly filtered and disposed as per sections 1-82 & 1-83
- (c) Disposal of waste water shall be in accordance with all applicable Federal, state, and local regulations

8. Final visual inspections

- (a) After the removal of all ACM waste, the work area shall be HEPA Vacuumed and wet cleaned prior to final visual inspection as required in 1-109(c)

All other applicable provisions of Title 15, Chapter 1 of RCNY shall be complied with.