



Guidance for Complex or Multi-Phased Asbestos Abatement Project Applications

What is a Complex or Multi-Phased project?

A Complex or Multi-Phased construction project can range from abatement of a large floor(s) to partial/full demolition of an entire building. Examples include but are not limited to:

- full demolition of the entire building of any size with asbestos;
- abatement of majority of floors on high rise buildings;
- abatement and demolition of the partial/full top floor and roof of a building of any size;
- abatement work within an elevator shaft in a building of any size.
- Abatement within unsafe buildings, e.g., Fire damaged and partially collapsed structures;
- any abatement work that could compromise building life safety systems such as egress and opening of shafts/plumbing risers, confined spaces, or structural/fire safety systems components of a building or part of.
- removal of fire-rated ACM from structural components.
- abatement involving DOB permitted work which requires excavation of contaminated soil.
- abatement work in hospitals and schools that are partially occupied.
- abatement work that could compromise any alteration/removal of structural component of a building or part of.

What documents typically apply to a Complex or Multi-Phased project?

A Complex or Multi-Phased project usually requires a combination of an ACP9 (DEP procedural variance), Workplace Safety Plans, and/or variance pursuant to 15 RCNY § 1-22(b) (1-22(b) variance application) in addition to an ACP7. Review of applications for a Complex or Multi-Phased Asbestos Project requires review by both DEP & DOB examiners. The ACP7 and ACP9 are reviewed first by DEP reviewers. Once approved, there is a joint DEP/DOB reviews of the ATRU permit application and the 1-22(b) variance application. The sequence of these reviews cannot be changed. For information on each of these forms, visit

<https://www.nyc.gov/site/dep/environment/asbestos-abatement-forms.page>.

In Complex or Multi-Phased projects, where DOB-permitted work is required to access asbestos containing material, applicants may request a variance (1-22(b)) from DEP in lieu of an ACP5 to meet the requirement for a DOB permit prior to completion of abatement. To request a 1-22b variance, applicants must complete the Asbestos Variance Application (ACP9) that explains various phases of the construction work by submitting phasing letter and phasing plan, prepared

by Project Designer to [ARTS](#). 1-22(b) variances are also subject to general DEP procedural variance requirements.

When asbestos abatement is required to be completed prior to obtaining DOB permit for renovation, alteration, or demolition, the Applicant must submit the Asbestos Project Notification (ACP7) in [ARTS](#) for DEP review. When submitting multiple applications, applicants must ensure that all related construction documents and the Workplace Safety Plan (WPSP) including at minimum the following: (a) related DOB approved job number and any plans approved by DOB; (b) identification of each work area on a layout drawing, detailed work proposal for each phase of work, and (c) description of the multiple work areas including the work phases. Actual work area photographs may be requested by DEP upon review.

Best practices

A Complex or Multi-Phased project involves various stakeholders such as building owners, asbestos abatement contractors, General Contractors, Project Designers, Registered Design Professionals, Construction Managers, and Certified Asbestos Investigators. For Complex or Multi-Phased projects, all stakeholders are advised to conduct site visits. It is recommended that asbestos abatement work procedures be coordinated with DOB-approved construction/demolition procedures. In addition, Abatement Contractors, Project Designers and Registered Design Professionals should familiarize themselves with the DEP Asbestos/DOB/FDNY Rules and Regulations and must comply with the ARTS Filing Instructions and associated requirements.

Timeframe for review

Since the review process of Complex or Multi-Phased project applications can take longer than simple applications, the total time frame review by DEP and DOB ranges from approximately 2 to 5 months depending on complexity, as well as the accuracy of the application. Following the guidance and best practices above is the best way to ensure timely approval of the application.