

Department of Environmental Protection
Notice of Amendment to
Chapter 1 of Title 15 of the Rules of the City of New York
Rules Governing the Asbestos Control Program

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE Commissioner of Environmental Protection by Section 1043 and 1403(c) of the Charter of the City of New York, and Section 24-146.1 of the Administrative Code of the City of New York, and in accordance with the requirements of Section 1043 of the Charter of the City of New York, that the Department of Environmental Protection is proposing to promulgate rules governing the Asbestos Control Program within the City of New York.

PLEASE BE ADVISED THAT WRITTEN COMMENTS regarding the proposed rule may be sent on or before December 6th, 2010 to the New York City Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373, Attention: Erin Callahan, Esq. or may be submitted electronically through the nycrules website at www.nyc.gov/nycrules.

PLEASE BE FURTHER ADVISED THAT ORAL COMMENTS regarding the proposed rule may be delivered at a public hearing to be held on December 6th, 2010 at the New York City Department of Environmental Protection, 59-17 Junction Boulevard, 6th Floor, Flushing, NY 11373, from 10:00 A.M. to 12 Noon. Persons who have questions about the hearing should contact Belinda Pantina at (718) 595-6555.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to contact Belinda Pantina at the phone number shown above on or before 10 business days prior to the hearing.

PLEASE BE FURTHER ADVISED THAT COPIES OF ALL WRITTEN COMMENTS and a summary of the oral comments delivered at the public hearing will be available for inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the Department of Environmental Protection, Office of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.

The proposed rules were not listed in the Department's fiscal year 2009 Regulatory Agenda.

Please note that the new text is underlined and the deleted text is [bracketed].

Statement of Basis of Purpose

The amendments to Section 1-01 *et seq.* further clarify the meaning of definitions and concepts that are used in Chapter 1. The amendments to the definitions contained in Section 1-02 have been amended to provide the types of material referenced within this chapter. Section 1-23 has been amended to reflect the activities that are eligible for an asbestos exemption certification form.

Section 1-26 has been amended to provide the items that must be contained in the work place safety plan which are contingent upon the size and scope of the asbestos project. Section 1-109 has been amended to provide guidance as to when abatement should not be performed. The remaining sections have been amended to further explain in detail specific requirements as well as to correct typographical inaccuracies.

* * *

Chapter 1 of Title 15 of the Rules of the City of New York is enacted to read as follows:

Section one. Section 1-02 of Title 15 of the Rules of the City of New York is amended to read as follows:

§ 1-02 Definitions.

Asbestos project. “Asbestos project” shall mean any form of work performed in a building or structure or in connection with the replacement or repair of equipment, pipes, or electrical equipment not located in a building or structure which will disturb (e.g., remove, enclose, encapsulate) more than 25 linear feet or more than 10 square feet of asbestos-containing material.

Building materials. “Building materials” shall mean any and all [manmade] materials listed as Presumed Asbestos Containing Materials (PACM) and Suspect Miscellaneous ACM in NYSDOL ICR 56, including but not limited to interior and exterior finishes, equipment, [bricks, mortar, concrete,] plaster, roofing, flooring, caulking, sealants, tiles, insulation, and [outdoor paving such as sidewalks, paving tiles and asphalt] mortar and refractory bricks used in the construction of boilers.

Log. “Log” shall mean an official record, maintained by the abatement contractor, of all activities that occurred during the project. At a minimum, the log shall identify the building owner, agent, contractor, and workers, and other pertinent information including daily activities, cleanings and waste transfers, names and certificate numbers of asbestos handler supervisors and asbestos handlers; results of inspections of decontamination systems, barriers, and negative pressure ventilation equipment; summary of corrective actions and repairs; work stoppages with reason for stoppage; manometer readings at least twice per work shift; daily checks of emergency and fire exits and any unusual events.

Obstruction. “Obstruction” shall mean the blocking of a means of egress with any temporary structure or barrier. [A double layer of fire-retardant 6-mil p]Polyethylene sheeting shall not be considered an obstruction when it is prominently marked [as an exit] with [photoluminescent] exit signage or paint and cutting tools (knife, razor) are attached to the work area side of the sheeting for use in the event that the sheeting must be cut to permit egress. A corridor shall not be considered obstructed when there is a clear path measuring at least three (3) feet wide.

Work place safety plan. “Work place safety plan” shall mean [construction] documents prepared by a registered design professional and submitted for review by DEP in order to obtain an asbestos abatement permit. Such plan shall include, but not be limited to, plans, sections, and

details of the work area clearly showing the extent, sequence, and means and methods by which the work is to be performed.

§2. Subdivision (c) of Section 1-15 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-15 Renewal of Asbestos Handler Supervisor Certificate.

(c) An applicant denied a certificate on any grounds other than failure to complete a certificate application or failure to meet the minimum requirements set forth in these rules may request a hearing before the commissioner or his/her designee to contest said denial by submitting a written request for such hea[d]r[ing] within ten days of receipt of denial.

§3. Paragraph four of Subdivision (h) of Section 1-16 of Title 15 of the Rules of the City of New York is deleted to read as follows:

§1-16 Asbestos Investigator Certificate.

[(4) Use of personal valid “professional engineer” or “registered architect” seal in lieu of investigators’ seal by certified investigators is allowed.]

§4. The initial paragraph, paragraphs one and four, of subdivision (b) of Section 1-22 of Title 15 of the Rules of the City of New York are amended to read as follows:

§1-22 Projects Requiring Certification to the Department of Buildings.

(b) In accordance with section 28-106.1 of the Administrative Code, the building owner or his/her authorized agent shall submit one of the following certifications to the Department of Buildings except as set forth below:

(1) Asbestos Assessment Report. If the building (or portions thereof) affected by the work are free of asbestos-containing material or the amount of ACM to be abated constitutes a minor project, an asbestos assessment report (Form ACP-5) completed, signed, and sealed by a DEP-certified asbestos investigator, along with a fee of \$[25]47.00 shall be submitted to [DOB] DEP prior to construction document approval and to any amendment of the construction document approval which increases the scope of the project to include (a) work area(s) not previously covered.

(4) An Asbestos Project Conditional [Close-out] Completion Form. If an asbestos project has been performed but would be subject to the procedures of section 1-26(c)(2)(ii), a copy of the asbestos project conditional [close-out] completion form issued to the building owner or its authorized representative by DEP shall be submitted to DOB prior to the issuance of a DOB permit and to any amendment of the underlying construction document approval which increases the scope of the project to include (a) work area(s) not previously covered.

§5. Subdivisions (a) (b) and (c) of Section 1-23 of Title 15 of the Rules of the City of New York are amended to read as follows:

§1-23 Alterations/Renovations/Modifications.

(a) As early as possible before an alteration, renovation, modification, demolition, or plumbing work takes place, or changes in such work occur, the building owner shall be responsible for having an asbestos survey performed by a DEP-certified asbestos investigator to determine[ing] the absence or presence of asbestos-containing material which may be disturbed during the course of the work. The owner of the building or authorized agent shall comply with the notification requirements of section 1-25 regarding asbestos-containing material.

(b) *Asbestos Exemption Certification (ASB4 Form).* Where the work to be performed requires a permit to be issued by the Department of Buildings, an asbestos exemption certification (ASB4 Form) may be submitted to the Department of Buildings in accordance with section 1-22(b)(2) of these rules where the applicant for construction document approval certifies that:

- (1) the permit sought does not involve the performance of any physical work, such as permits for zoning lot subdivisions, zoning lot reapportionment, or changes in the certificate of occupancy; or
- (2) no existing building materials are to be disturbed by the proposed work[.]; or
- (3) the activities being performed include work on one of the following:

Awnings

Cranes not anchored to building or structure

Emergency power not involving hard wiring, e.g. battery packs

Exterior concrete work (e.g. sidewalks, curb cuts, traffic islands) except if waterproofing compound is present

Exterior scaffolding not anchored to building or structure

Exterior trenching and drainage

Ground-mounted flagpoles

New storefronts in existing masonry openings (no disturbance of existing building)

Radio antennas (free-standing towers)

Relocating free-standing parking lot sheds

Replacing rooftop air conditioning (no modification of ductwork or disturbance of building)

Roadway asphalt

Sealing unsafe or abandoned buildings with cinderblock and mortar

Sidewalk sheds, bridges, fences, elevators, hoists and café signs (no penetration of building materials)

Street furniture, e.g. candy or newsstands, bus shelters, kiosks

Installation of new outdoor swimming pool

Free-standing tents

Erection of temporary structures (e.g. trailers) with electric/water lines only

(c) *Asbestos Assessment Report (ACP-5 Form)*. If, after a survey performed by a DEP-certified asbestos investigator, it is determined that the building (or portion thereof) affected by the work is free of asbestos-containing material or the amount of ACM to be abated constitutes a minor project, said asbestos investigator shall complete, sign, and affix his or her seal to the asbestos assessment report (ACP-5 Form) which shall be submitted with an fee of \$[25]47.00 [together with the appropriate Department of Buildings application forms] to [the Department of Buildings] DEP in accordance with section 1-22(b)(1) of these rules.

§6. Paragraph 14 of subdivision (a) is deleted and paragraph one of subdivision (b) of Section 1-26 of Title 15 of the Rules of the City of New York is amended, a new paragraph three of subdivision (b) has been added, paragraph four of subdivision (b) is amended and renumbered and subdivisions (c) and (g) are amended to read as follows:

§ 1-26 Asbestos Abatement Permit.

(a) *Permit required.* An asbestos abatement permit authorizing the performance of construction work shall be required for asbestos projects involving one or more of the following activities:

[(14) Any abatement activity that requires immediate construction work that would otherwise requires a permit from the Department of Buildings.]

(b) *Work Place Safety Plan.*

(1) Plan required. For projects requiring an asbestos abatement permit due to one or more of the activities listed in (a) (1-9), [and (a) (14)] the building owner or its authorized representative shall submit, together with the asbestos project notification, a work place safety plan (WPSP) and any other applicable construction documents, which shall be prepared by a registered design

professional, and a permit fee as specified in subsection (g).

(3) Plan requirements. The WPSP shall include, but not be limited to, the following items, depending on the size and scope of the asbestos project:

(i) Floor plans showing the locations of all asbestos project work areas in the building.

(ii) Floor plans indicating the locations of any components of the fire alarm system which have been deactivated, and setting forth mitigation measures to be implemented for the duration of the project.

(iii) Floor plans indicating the locations of obstructed or removed exit signage and lighting and setting forth mitigation measures to be implemented for the duration of the project.

(iv) Floor plans indicating the locations of any obstructed means of egress or required exit and setting forth mitigation measures to be implemented for the duration of the project.

(v) Floor plans or riser diagrams indicating the locations of any disengaged or removed components of the fire protection system and setting forth mitigation measures to be undertaken for the duration of the project.

(vi) A written description of all measures taken to mitigate compromised fire protection systems or means of egress, including but not limited to surveillance by a fire watch and an action plan setting forth procedures to be taken for the safety of building occupants in the event of an emergency.

(vii) If the asbestos project is being performed in a building where any dwelling unit is to be occupied for the duration of the permit, the WPSP shall include a tenant protection plan as required by chapter 1 of Title 28 of the Administrative Code.

(viii) A list of all non asbestos contractors who will perform work on the project.

[(3)] (4) Approval. The documents submitted pursuant to subsection (b) will be reviewed by DEP's asbestos technical review unit (A-TRU) and by any other relevant city agencies. Upon approval by A-TRU, DEP will issue an asbestos abatement permit to the building owner or its authorized representative.

(c) *Inspections required.* (1) All inspections required pursuant to Title 28 of the Administrative Code, including but not limited to special inspections required by Chapter 17 of the Building Code, shall be performed by a registered design professional who is independent of the abatement contractor.

(g) *Permit fee.* The WPSA, asbestos abatement permit construction documents, as applicable, shall be accompanied by a filing fee, as follows:

Project Size	Fee
[25 to] <u>Small projects up to 99 linear feet or [10 to] 49 square feet of ACM</u>	\$100
100 to 259 linear feet or 50 to 159 square feet of ACM	\$300
Large projects up to 1000 square/linear feet of ACM	\$500
1000 to 4999 square/linear feet of ACM	\$700
5000 to 9999 square/linear feet of ACM	\$1100
10,000 or more square/linear feet of ACM	\$1300

§7. Paragraph one of subdivision (a) of Section 1-36 of the Title 15 of the Rules of the City of New York is amended to read as follows:

§1-36 Persons Qualified to Perform Sampling and Analysis.

(a) Sampling and analysis shall be performed by:

- (1) a third party who is contracted by the building owner, holds a current NYSDOL asbestos handling license, and is completely independent of all parties involved in the asbestos project. The third party who conducts air sampling on an asbestos project shall not be a subcontractor of the abatement contractor, and shall not have any business, personal, or other relationship with the abatement contractor. The building owner shall select and hire the air monitoring firm without recommendation or reference from the abatement contractor. It shall be a violation of this subsection, chargeable against the abatement contractor, the air monitoring firm, and the building owner, for an air monitoring firm to conduct air monitoring on an asbestos project where there is a business or personal relationship between the abatement contractor and the air monitoring firm. It shall be considered prima facie evidence of a business or personal relationship between an abatement contractor and an air monitoring firm when the same firm performs air monitoring on all or virtually all of a given abatement contractor's projects. The person who conducts sampling shall [possess a valid] be currently certified as a New York State Asbestos Project Air Sampling Technician [Certificate] when performing air sampling. Failure to produce the certificate upon request shall be a violation chargeable against the individual conducting the sampling; or

§8. Subdivision (f) of Section 1-37 of Title 15 of the Rules of the City of New York have been amended and renumbered to read as follows:

§1-37 Sampling Equipment Requirements.

(f) A project air sampling log shall be created and maintained in a bound notebook by the air monitoring company. The project air sampling log shall be available at the work site. A copy of the log shall be submitted to the department within 24 hours of request. The log shall contain the following information for all area air samples collected on the asbestos project:

- (1) Name of the firm and the certified air sampling technician performing the project air sampling, per work shift or day for all area air samples collected.
- (2) Dates of project air sample collection, per work shift or day of area air samples, with appropriate reference to the work area to which the air samples apply.
- (3) Sample location sketch, identifying all project air sample locations, per work shift or day of area air samples.
- [(4) Identifying information for each area air sample collected.]
- [(5) Sampling time and duration for each area air sample collected.]
- [(6)] (4) Flow rate primary or secondary calibration device identification number, method of flow rate primary or secondary device calibration and date of last calibration, per work shift or day of area air samples.
- [(7)] (5) Flow rate of sampling pumps with pre and post calibration listed for each area air sample collected.
- [(8) Chain of custody for each workshift or day of area air samples.]

§9. Subdivision (a), paragraph 3 of subdivision (b), and subdivisions (c) and(d) of Section 1-41 of Title 15 of the Rules of the City of New York are amended to read as follows:

§1-41 Air Sampling Schedule. (a) At a minimum, air sampling shall be conducted in accordance with the following schedule:

Abatement Activity	Pre-Abatement	During Abatement	Post-Abatement
Equal to or Greater than 10,000 ft. ² or 10,000 linear ft. of ACM per work area	PCM	PCM	TEM
Less than 10,000 ft. ² or 10,000 linear ft. of ACM	PCM	PCM	PCM

		Pre-Abatement	During Abatement	Post Abatement
	Large Asbestos Projects			
1.	Full Containment	10	5	10
2.	Glovebag inside Tent	5 ^a	5 ^a	5 ^a
3.	Exterior Foam and Vertical Surfaces	---	5 ^c	5[c] ^d
4.	Interior Foam	10	5 ^c	10 ^d
	Small Asbestos Projects			
1.	Full Containment	6	3	6
2.	Glovebag inside Tent	3 ^b	3 ^b	3 ^b
3.	Tent	3 ^b	3 ^b	3 ^b
4.	Exterior Foam and Vertical Surfaces	---	3 ^c	3 ^d
5.	Interior Foam	6	3 ^c	6 ^d
	Minor Projects			
1.	Glovebag inside Tent	---	---	1 ^d
2.	Tent	---	---	1 ^d
3.	Exterior Foam and Vertical Surfaces	---	---	1 ^d
4.	Interior Foam	---	---	1 ^d

^a if more than three (3) tents then two (2) samples required per enclosure.

^b if more than three (3) tents then one (1) sample required per enclosure.

^c samples shall be taken within the work area(s).

^d area sampling is required only if:

- visible emissions are detected during the project
- during-abatement area sampling results exceeded 0.01 f/cc or the pre-abatement area sampling result(s) for interior projects where applicable.
- work area to be reoccupied is an interior space at a school, healthcare, or daycare facility.

Note: TEM is acceptable wherever PCM is required.

(b) *Pre-Abatement.* Prior to commencement of abatement activities, the number of samples specified below shall be taken during normal occupancy activities and circumstances at the work site. Samples shall be taken at the following locations:

(3) For large [or] and small asbestos projects employing the glovebag procedure within a tent, a minimum of five and three samples, respectively, or two samples per enclosure if more than three enclosures.

(c) *During abatement.* Frequency and duration of the air sampling during abatement shall be representative of the actual conditions during the abatement. Area sampling shall be conducted daily and continuously during a work shift. If more than one daily work shift is required to accomplish the work, area sampling shall be performed on each work shift. Area sampling is not required on days when there are no abatement activities. For project air samples collected during the abatement, the period of time permitted between completion of air sample collection and receipt of results on the job site shall not exceed 48 hours.

The following minimum schedule of samples shall be required during the work shift.

- (1) For large asbestos projects employing full containment, area air sampling shall be performed at the following locations:
 - (ii) One area sample within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable; and

- (2) For large asbestos projects involving interior foam method, area air sampling shall be performed at the following sampling locations:
 - (ii) One area sample taken within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable.

- (3) For large asbestos projects involving exterior foam method or removal of ACM from vertical surfaces, a minimum of five continuous area samples shall be taken concurrently with the abatement for each work area using the following minimum requirements:
 - (i) [~~Three~~] Four area samples inside the work area and remote from the decontamination systems.
 - (ii) One area sample taken within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable.

- (4) For large asbestos projects employing the glovebag procedure within a tent, a minimum of five continuous air samples shall be taken concurrently with the abatement for each work area, unless there are more than three enclosures, in which case two area samples per enclosure are required.
 - (ii) One area sample taken within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable.

- (5) For small asbestos projects employing full containment, a minimum of three continuous area samples shall be taken concurrently with the abatement for each work area at the following locations:

- (ii) One area sample taken within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable.

(6) For small asbestos projects involving the use of foam method on the exterior of a building or the removal of ACM from exterior surfaces, a minimum of three continuous area samples shall be taken concurrently with the abatement for each work area at the following locations:

- (ii) One area sample taken within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable.

(7) For small asbestos projects using the tent procedure (with or without the use of glovebags), a minimum of three area samples shall be taken concurrently with the abatement for each work area unless there are more than two enclosures, in which case one sample per enclosure is required.

- (ii) One area sample taken within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable.

(8) For small asbestos projects employing interior foam procedures, a minimum of three continuous area samples shall be taken concurrently with the abatement for each work area at the following locations:

- (ii) One area sample taken within five feet of the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system, or parallel worker and waste decontamination system, if applicable.

(d) *Post-abatement.* Post-abatement clearance air monitoring shall include at a minimum the number of area samples specified below, to be taken for each homogeneous work area.

(1) For small asbestos projects:

- (ii) involving tent procedure (with or without the use of glovebags), three area samples inside each work area or one area sample inside each tent if there are more than three tents;
- (iii) involving exterior foam method or removal from vertical surfaces, three area samples inside the restricted area beneath and/or immediately adjacent to the work area, only if visible emissions were detected during the project, or abatement area samples exceeded 0.01 f/cc.

(2) For large asbestos projects,

- (iii) involving exterior foam method or removal from vertical surfaces, five area samples inside the restricted area beneath and/or immediately adjacent to the work area, only if visible emissions were detected during the project, or abatement area samples exceeded 0.01 f/cc.

§10. Subdivision (d) of Section 1-42 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-42 Monitoring Requirements. Monitoring requirements and procedures for other than post-abatement clearance air monitoring are as follows:

(d) In accordance with the above criteria, area samples (see §1-41) shall conform to the following schedule:

Area Samples for Analysis by	Minimum Volume	Flow Rate
PCM 25 mm	560 [Liters]	5 to 15 liters/min.
TEM 25 mm	560 [Liters]	1 to 10 liters/min.
TEM 37 mm	1250 [Liters]	1 to 10 liters/min.

§11. Paragraph one of subdivision (a) of Section 1-43 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-43 Post-Abatement Clearance Air Monitoring. Post-abatement clearance air monitoring requirements are as follows:

- (a) (1) Sampling shall not begin until a visual inspection, conducted by a project monitor [employed by the air monitoring company] who is independent of the abatement contractor and by the asbestos handler supervisor, confirms that all containerized waste has been removed from work and holding areas and there is no visible ACM debris or residue on or about all abated surfaces; and

§12. Paragraph three of subdivision (f) of Section 1-51 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-51 Worker Protection Requirements.

- (f) The contractor shall have available the following information at the work place:

- (3) A copy of these Rules, the most recent Asbestos [Project Notification (Form ACP-7) filed including amendments] Abatement Notice (Form ACP-13), permits, any variance application (Form ACP-9) and DEP approval thereof, and

§13. Subdivision (k) of Section 1-61 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-61 Materials and Equipment. The materials and equipment used during all abatement activities shall conform with the following:

(k) [Materials] Plastic sheeting used in the construction of temporary enclosures shall be [noncombustible or] fire-retardant in accordance with NFPA 701 [and 255]. Wood or other materials used in the construction of temporary enclosures shall be noncombustible or fire-retardant in accordance with NFPA 255, ASTM D-2898, ASTM E84, and UL 723.

§14. Paragraph one of subdivision (g) and paragraph four of subdivision (o) and subdivisions (k), (l), (u),(v) and (z) of Section 1-81 of Title 15 of the Rules of the City of New York are amended to read as follows:

§1-81 General Work Place Preparation Requirements.

(g) All boilers and other equipment within the work area shall be shut down, locked out, and tagged out and the burner/boiler/equipment accesses and openings shall be sealed in accordance with §1-81(n) until abatement activities are complete. If the boiler or other exhausted equipment will be subject to abatement, all breeching, stacks, columns, flues, shafts, and double-walled enclosures serving as exhausts or vents shall be segregated from the affected boiler or equipment and sealed airtight to eliminate potential chimney effects within the work area. Heating, Ventilation and Air Conditioning (HVAC) System Isolation methods are listed below in order of preference; the more complex and potentially problematic methods maybe used when the more preferred procedures are impractical.

(1) shut down and lock out HVAC systems and install isolation barriers (see §1-81([k](n) to prevent contamination and fiber dispersal to other areas of the structure, or

(k) Fixed objects which will remain within the proposed work areas shall be pre-cleaned using HEPA filtered vacuum equipment and/or wet cleaning methods as appropriate, and enclosed with two layers of fire retardant 6-mil plastic sheeting sealed to protect from re-contamination. Sprinklers, standpipes, and other fire suppression systems shall remain in service and shall not be plasticized.

(l) Any source of emergency lighting which is temporarily blocked as a result of work place preparation shall be replaced for the duration of the project by battery operated or temporary exit signs, exit lights, or [photoluminescent] exit path markings.

(o) The work area shall be segregated from the remainder of the work site by construction of temporary structural partitions as follows:

(4) Where the opening is an exit covered in subdivision (s) below, or where the

partition would block egress, the partition shall consist of two sheets of fire-retardant 6-mil plastic, prominently marked as an exit with [photoluminescent paint or] signage so as to be visible both in normal light and in the event of a power failure. Cutting tools (e.g., knife, razor) shall be attached to the work area side of the sheeting for use in the event that the barrier must be cut open to allow egress.

(u) Signs clearly indicating the direction of exits shall be maintained and prominently displayed within the work area. The signs shall bear a horizontal arrow or arrows indicating the direction to the exit, above which the word "EXIT" shall be printed in minimum 5" letter size.

(v) No smoking signs shall be maintained and prominently displayed within the work place. The signs shall be a minimum of 10 by 14 inches and shall bear the International "No Smoking" symbol, under which the words "NO SMOKING" shall be printed in minimum 2" letter size.

(z) At least one functional fire extinguisher with a minimum rating 2-A:10-B:C shall be required for each work place. In the case of large asbestos projects, at least two such fire extinguishers shall be required.

§15. Paragraph three of subdivision (i) of Section 1-82 of title 15 of the Rules of the City of New York is amended to read as follows:

§1-82 Worker Decontamination Enclosure System. The following procedures shall be followed during the conduct of abatement activities on asbestos projects:

(i) The equipment room:

(3) shall contain labeled [fire retardant] 6-mil plastic bags for collection of disposable clothing, and

§16. Paragraphs one and two of subdivision (a) and subdivisions (b) and (c) of Section 1-83 of Title 15 of the Rules of the City of New York are amended to read as follows:

§1-83 Waste Decontamination Enclosure System. The following procedures shall be followed for removal of asbestos-containing waste material and equipment during the conduct of abatement activities on asbestos projects:

(a) The waste decontamination enclosure system shall be located outside the work area and attached to all locations through which ACM waste will be removed from the work area. A waste decontamination enclosure system shall consist of two totally enclosed chambers and shall also comply with the following requirements:

(1) the washroom shall be constructed with [an airlock] a curtained doorway to the work area and an airlock doorway to the holding area (see Illustration II); and be equipped with a catch basin and a drain installed to collect and deliver wastewater to

either the shower drain or to a separate holding vessel where it is filtered;

- (2) the holding area shall be constructed with an [airlock] curtained doorway to the washroom and a lockable door to the outside (see Illustration II); if remote from the washroom, it shall comply with all applicable NYC Department of Sanitation regulations pursuant to Local Laws 70 of 1985 and 21 of 1987.

(b) Where there is only one means of egress from the work area:

- (1) the holding area of the waste decontamination enclosure system may branch off from the equipment/decontamination room (see Illustration III). Thus constructed, the equipment room alternates as a waste washroom. In this case the waste washroom shall be equipped with a catch basin and a drain, installed to collect [water] and deliver [it] waste water to either the shower drain or a separate holding vessel from where it is filtered, or
- (2) where total asbestos-containing material disturbed in the asbestos project is less than 1,000 linear feet or 1,000 square feet, the shower room may be used as a waste washroom and shall be equipped as set forth in section 1-83(b)(1), and
 - (i) the clean room, in the configuration shown in Illustration I, may not be used for waste storage but may be used for waste transfer to carts, which are stored outside the clean room in a designated holding area.

(c) The waste decontamination enclosure system shall be constructed to meet the requirements of §§1-82 (a), (c), (d), (e), [(f)](g)(3) and (h).

§17. Paragraph one of Subdivision (l) of Section 1-91 of Title 15 of the Rules of City of New York is amended to read as follows:

§1-91 Engineering Controls. The following procedures shall be followed during the conduct of abatement activities on asbestos projects:

(l) Negative pressure ventilation equipment shall be exhausted to the outside of the building away from occupied areas.

- (1) All openings (including but not limited to operable windows, doors, vents, air intakes or exhausts of any mechanical devices) less than 15 feet from the exterior exhaust duct termination location shall be plasticized [with two layers of fire retardant 6-mil polyethylene sheeting] or made airtight, or a second negative pressure ventilation unit with the primary unit's capacity shall be connected in series prior to exhausting to the outside.

§18. Subdivision (e) of Section 1-93 of Title 15 of the Rules of the City of New York is amended to read as follow:

§1-93 Equipment and Waste Container Decontamination and Removal Procedures.

The following procedures shall be followed whenever equipment or containers are removed from the work area during an asbestos project:

(e) The cleaned containers of ACM and equipment shall be recontainerized (double-bagged) by either plac[ed]ing them in uncontaminated leak-tight plastic bags or sheeting as the item's physical characteristics demand while in the washroom of the waste decontamination enclosure system. Air volume shall be minimized and the bags of sheeting shall be sealed. Items that may puncture or tear the plastic bags or sheeting shall be placed in a hardwall container and sealed.

§19. Subdivision (f) of Section 1-94 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-94 Maintenance of Decontamination Enclosure Systems and Barriers. The following procedures shall be followed during the conduct of abatement activities on asbestos projects:

(f) The daily inspection to ensure that exits have been checked against exterior blockage or impediments to exiting as per section 1-81[(s)] (t) shall be documented in the log book.

§20. Subdivision (d) of Section 1-105 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-105 Glovebag Procedures. The following procedures shall be followed during the conduct of abatement activities:

(d) Glovebag procedures may only be utilized as part of a large or small asbestos project within full containment as set forth in section 1-8[2]1 of this chapter, or inside a tent constructed in accordance with section 1-106 of this chapter.

§21. Subdivision (a) of Section 1-106 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-106 Tent Procedures. Tent Procedures shall be conducted as follows:

(a) Tent procedures shall be limited to the removal of less than 260 linear feet and 160 square feet of ACM and shall not result in disturbance of ACM during tent erection. Tent

procedures may be used as part of a large asbestos project only as provided for in section 1-81(f) or in conjunction with the glovebag procedure set forth in section 1-105 of these rules. Multiple tent enclosures may be used as part of a large asbestos project only in conjunction with the use of the glovebag procedure.

§22. Subdivisions (a), (g), and (l) of Section 1-107 of Title 15 of the Rules of the City of New York are amended to read as follows:

§ 1-107 Foam Procedure for Roof Removal

(a) These procedures apply only to the removal of asbestos-containing roofing material (ACRM) from exterior roof surfaces. The work area on the roof shall be cordoned off with clearly visible barriers such as caution tape, and only authorized persons shall have access. All sections of these rules shall be followed in conjunction with this section with the exception of [§1-41(c), §1-41(d)], §1-81(m), §1-81(p), §1-91, §1-102(b), §1-112(d), and §1-112(e).

(g) The worker decontamination unit may be attached to each work area at an entry/exit from each work area in accordance with section 1-82, or may be remote, in which case [it] the work area shall be equipped with an airlock at the entrance. In addition to the shower head(s), the shower room shall be equipped with a flexible hose for waste decontamination for removal of less than 1,000 square feet of ACRM. For 1,000 square feet or more of ACRM removal, a separate waste decontamination facility as per section 1-83 shall be located at an entry/exit from each work area. Remote holding areas for the asbestos containing waste shall comply with Title 16, Chapter 8, Rules of the City of New York (16 RCNY 8 et seq.)

(l) [Hand-held p] Power tools used to drill, cut into, or otherwise disturb the ACRM shall be equipped with [the] HEPA-filtered local exhaust ventilation and operated to prevent potential fiber release.

§23. Subdivision (a) of Section 1-108 of Title 15 of the Rules of the City of New York is amended to read as follow:

§1-108 Foam/Viscous Liquid Use in Flooring Removal

(a) These procedures only apply to the removal of surface flooring material including vinyl asbestos floor tiles (VAT), ACM floor coverings (e.g., linoleum) and associated mastics and adhesives, where the only ACM being abated in the work area is flooring material. All sections of these rules shall be followed in conjunction with this section with the exception of [§1-41(c), §1-41(d),] §1-81(m), §1-81(p), §1-91(c), §1-91(h), §1-102(b), §1-112(d), and §1-112(e).

§24. The initial paragraphs of Section 1-109 and subdivisions (a) of Section 1-109 of Title 15 of the Rules of the City of New York are amended and subdivisions, (e), and (f) are added to read as follows:

§ 1-109 Abatement from Vertical Exterior Surfaces

This section shall apply to projects involving the abatement of asbestos-containing materials from the vertical exterior surfaces (and associated horizontal surfaces, e.g. coping stones on top of a parapet wall) of a building or structure, including but not limited to the following materials:

Caulking or glazing compounds
Asphaltic mastic or tar (e.g., flashing on parapet walls)
Cement siding or shingles (including Transite)
Paints
Sealants for coping stone caps or clay roofing tiles

All applicable sections of these rules shall be followed in conjunction with this section except sections [1-41(c), 1-41(d),] 1-81(p), [1-82(a), 1-83(b), and] 1-91, and 1-112(d, e, g, and h).

(a) The work area shall be prepared as follows:

- (1) The entire surface to be abated and ground-level perimeter shall be considered the work area unless partitions and warning tape are used to define the work area[.], except that if the horizontal surface below the surface to be abated is not the ground (e.g., surface to be abated is inside parapet wall on roof), the horizontal surface underneath the abatement shall be considered the work area, not the ground.
- (5) All openings to the building or structure's interior which are within 25 feet of the affected ACM shall be closed and [sealed] made airtight.
- (6) Scaffolding erected to access the ACM shall be constructed, maintained, and used in accordance with applicable federal, state, and city laws.
- (7) [Horizontal surfaces beneath the affected ACM shall be covered with two layers of fire-retardant 6-mil plastic to a width of six feet.
- (8)] Elevated platforms being used to access the affected ACM shall be plasticized with two layers of fire-retardant 6-mil plastic, which shall extend up from the platform to at least the height of the mid-rail on three sides, and shall be attached directly to the building just below the surfaces under abatement.
- [(9)] (8) The ground-level restricted area shall be cleared of all moveable objects and plasticized with two sheets of fire-retardant 6-mil plastic, which shall be extended one foot up the side of the building. The plasticized area shall be [ten] twenty-five feet wide [for every floor up to a maximum width of thirty feet], or to the curb. This plastic shall be cleaned, replaced, and disposed of as asbestos waste at the end of each shift.
- [(10)] (9) Sidewalk bridges in the restricted area shall be covered with two layers of fire-retardant 6-mil plastic, placed over and secured to the bridge, spread across the full width, draped over the side to ground level, and extended to a width of at least thirty feet.

(e) Abatement shall not be performed under this section during adverse weather conditions (e.g. precipitation, high winds, ambient temperatures below 32 degrees Fahrenheit, etc.).

(f) Power tools used to drill, cut into, or otherwise disturb ACM shall be equipped with HEPA-filtered local exhaust ventilation and operated to prevent potential fiber release.

§25. Subdivision (m) of Section 1-112 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-112 Additional Clean-up Procedures (Final). Additional clean-up procedures shall be performed in the order set forth below prior to commencement of clearance air monitoring.

(m) Within 21 days of the completion of all steps set forth above, including successful clearance air monitoring, a project monitor's report shall be submitted to DEP by the building owner on a DEP-approved form. This report shall be based on an inspection performed after the completion of all steps listed in this section, and shall not be based on the visual inspection performed prior to the commencement of clearance air monitoring. The project monitor who prepares the report shall be independent of the abatement contractor. If a project is being performed on multiple floors of a building, a separate project monitor's report may be submitted as each floor is completed.

§26. Subdivision (l) of Section 1-125 of Title 15 of the Rules of the City of New York is amended to read as follows:

§ 1-125 Work Area Preparation. The following work area preparation shall be followed during the conduct of pre-demolition abatement activities:

(l) Suspended ceiling tiles and T-grid components in proximity to [friable] ACM shall remain in place until the work area has been fully prepared as outlined in this section and electrical and HVAC systems have been shut down. Contaminated suspended ceiling components shall be removed prior to abatement and treated with a penetrating encapsulant.

§27. All existing illustrations for Chapter 1 of Title 15 of the Rules of the City of New York are deleted and replaced with the following illustrations which shall be inserted following Subchapter G:

Large Asbestos Project (Small Asbestos Project Option) Worker Decontamination Enclosure System

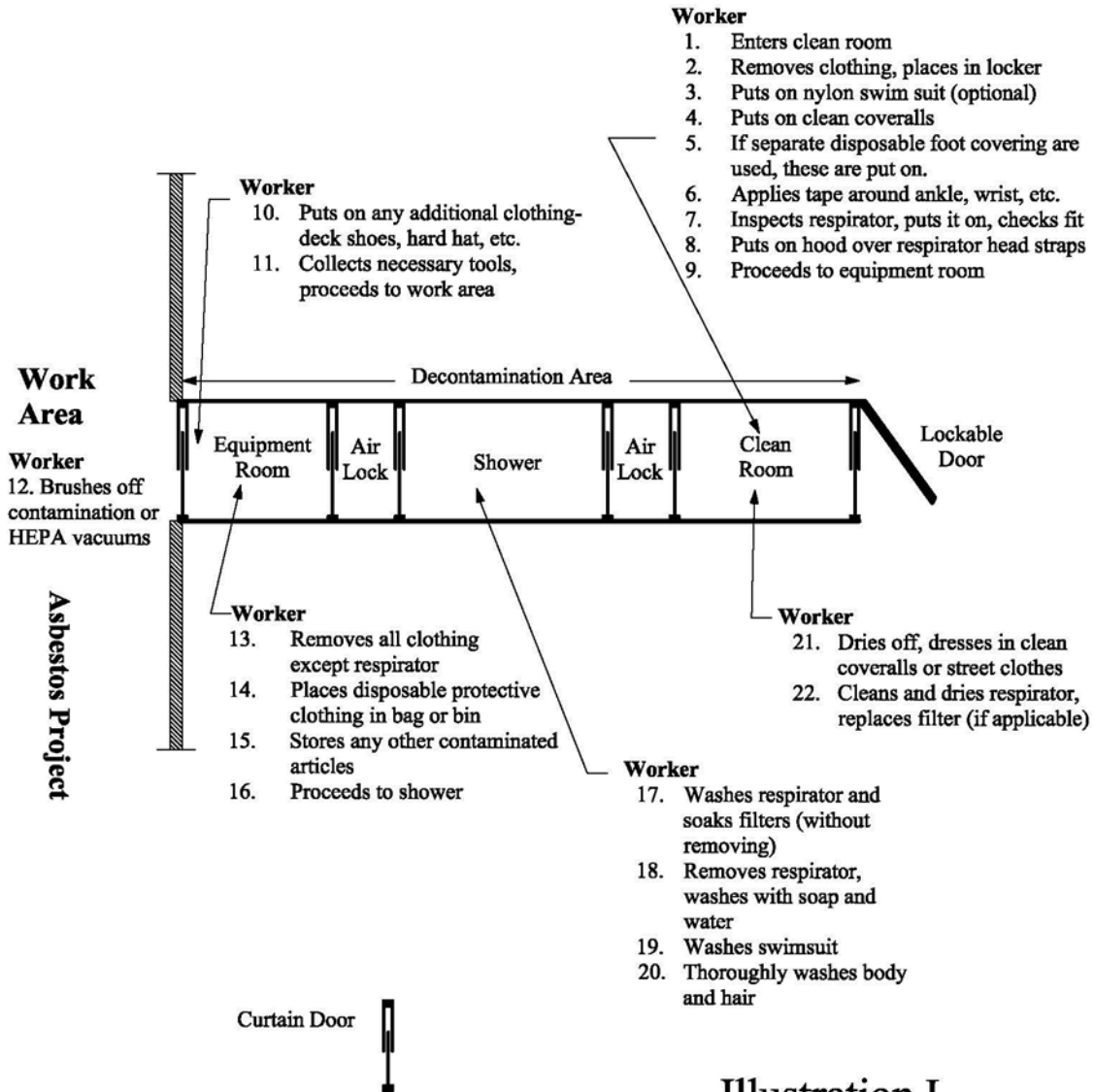


Illustration I

Large Asbestos Project (Small Asbestos Project Option)

Parallel Worker and Waste Decontamination Enclosure Systems

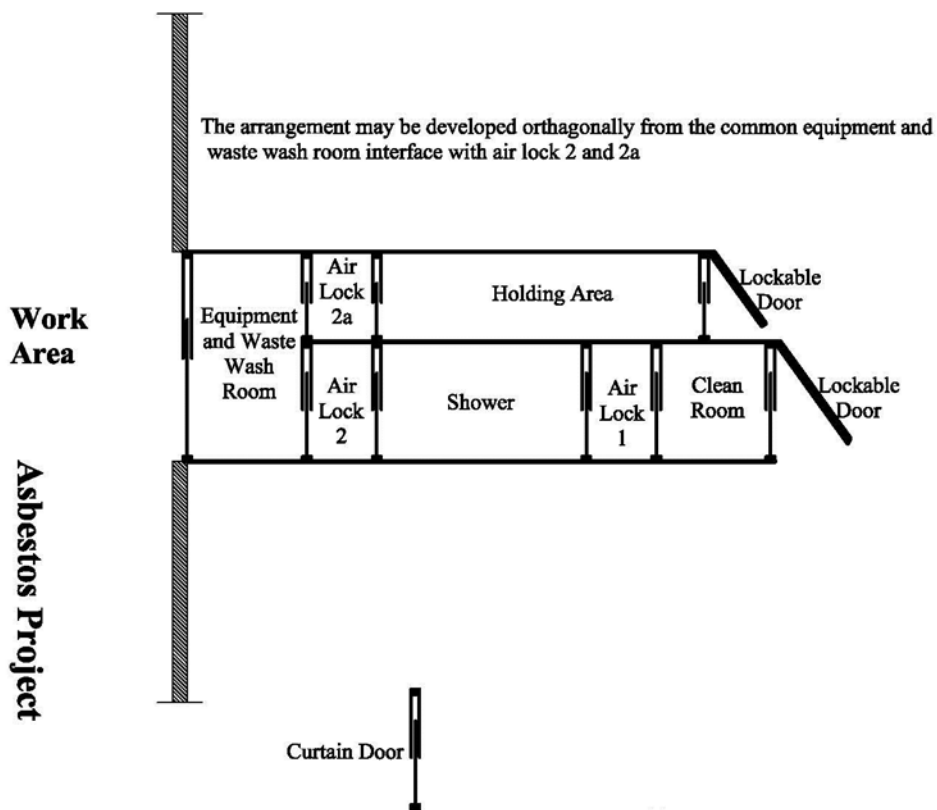


Illustration III

Large Asbestos Project
(Small Asbestos Project Option)
Waste Decontamination Enclosure System

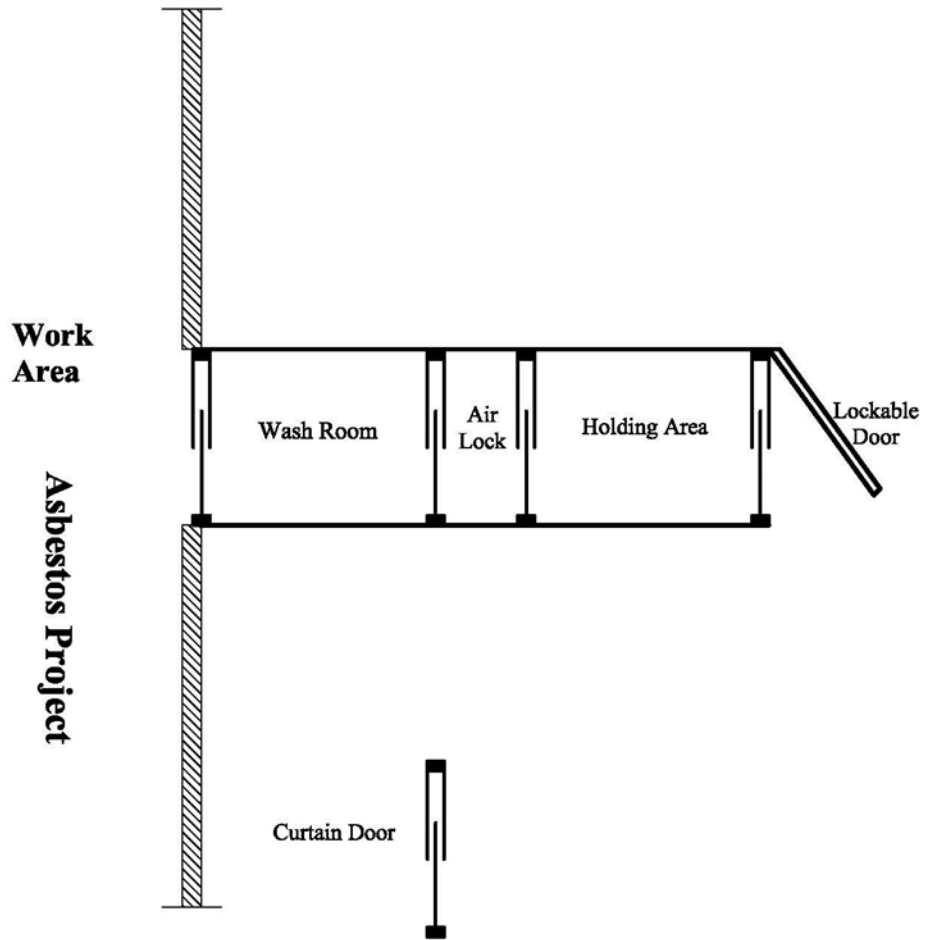


Illustration II

