

**SUPERSEDED BY BUILDINGS
BULLETINS 2009-031**



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

Issuance # 28

STEWART D. O'BRIEN
Deputy Commissioner
Administration & Operations
312-8001

Operations
Policy and Procedure Notice #10/87

To: Distribution
From: Stewart D. O'Brien, Deputy Commissioner
Date: July 6, 1987 *7/6/87 SDO*
Subject: Asbestos Procedure

Reference: Operations Policy and Procedure Notice # 1/87

Specifics

Effective immediately the above referenced procedure is amended to include the following supplemental information.

The list of work exempt from filing asbestos forms ACP 5 and ACP 7 has been expanded. Building Notice and/or Alteration applications filed solely for the following reasons have been added to the list of work defined as exceptions.

- Sidewalk cafes
- Kiosks
- Swimming pools (outdoors)
- Awnings
- Erecting temporary structures (trailers, shanties etc.), supplied with electric and water lines only
- Demolition of 1 story garages, maximum capacity 2 cars, not supplied with water lines
- Legalization of demolition work which occurred prior to 4/1/87
- Debris chutes
Note: specification sheets must stipulate chute will not be used for asbestos containing materials
- Emergency power not involving hard wiring (i.e. battery packs)
- Flagpoles
- The erection of interior non-bearing partitions involving no penetration of hung ceiling
- Detached Greenhouses

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- Vaults
- Replacement of roof top air conditioning unit not involving modification/or removal of duct work
- Radio antennas (towers)
- Roof decks not anchored to building structure

One item, erecting of interior non-bearing partitions, has been deleted from the original list of 23 items, and replaced by the item above which includes a qualifying statement (no penetration of hung ceiling).

A complete list of all exempt items is attached.

Reinstated applications filed prior to 4/1/87 will be considered as new applications vis-a-vis the submission of the appropriate asbestos form before acceptance and/or approval can be given.

Major alteration applications filing asbestos reports for buildings which indicate the entire building or specific parts thereof have been inspected and certified as free of asbestos containing materials, may have additional applications filed and accepted against this report for up to a maximum of two years, from the date of the report. After the two year limit is reached, a statement from the owner certifying that no asbestos material has been introduced, plus a copy of the original report would be required. These accessory applications must include a copy of the original asbestos report filed, which certifies the building or specific part thereof, as free of asbestos containing materials when filing. Examiners reviewing these applications must check the date of the asbestos report to determine its validity. Asbestos reports over the two year limit are not acceptable without the owner's certification.

All applications filed in relation to an active New Building Application (accessory applications, i.e., construction shed, foundations, HVAC sprinklers, etc.) will be considered as part of the NB application and therefore no asbestos forms need be filed.

For emergency demolitions, the Borough Superintendent must notify Fred Sachs, Director of the Asbestos Control Program, directly. The filing of asbestos forms will not be required.

It is the responsibility of the Examiner reviewing applications under Directive 14 to check the work specified on the top sheet of the application against the list of exempt work when an ASB 4 form is filed. If the work specified is not on the list, it is not exempt. There is no discretion in this.

To assist with the above review, the ASB 4 form has been re-designed to include the description and location of work filed as exempt. A copy of the revised form is attached for your information. The revised form will be distributed and supplies maintained in central supply.

The policy on whether to collect Asbestos filing fees from certain applicants (namely city agencies) will duplicate the Department's existing policy on collecting regular filing fees.

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The question regarding the \$800 maximum asbestos filing fee in relation to amendments filed has been clarified by the Department of Environmental Protection. If the amendment is for areas not covered in the original ACP 5 or ACP 7 application form, then a new asbestos filing form (ACP 5 or ACP 7) is required with applicable fees.

The ASB 4 form must bear the stamp of an architect or engineer if the attached application requires that stamp. In the rare case where the applicant does not need to be a registered architect or professional engineer, the Borough Superintendent must approve the ASB 4 form.

Finally, a reminder: copies of all asbestos forms filed must be kept in the application folder.



Stewart D. O'Brien
Deputy Commissioner

SDO:mh