

1 RCNY §5-04

CHAPTER 5 CONCRETE

§5-04 Approval of Concrete Production Facilities.

(a) The scope of these rules relating to facilities for the production of concrete under Article 5 of Subchapter 10 of Chapter 1 of Title 27 of the Administrative Code shall be applicable to batch plant installations of either a permanent or temporary nature, located on or off the site of construction.

(b) Application for approval of a batch plant shall be made on behalf of the owner by an engineer on department forms filed with the Commissioner of Buildings at the address provided in the City's website, <http://www.nyc.gov>. No off-site batch plants will be acceptable unless the legal use of the premises as a batch plant has been previously approved by either the Department of Buildings or the Department of Small Business Services.

(c) The concrete producer shall supply a list of all plant equipment to be used in the batching of concrete on forms furnished by the department.

(d) The concrete producer shall engage a Licensed Professional Engineer, not in his regular employ, to inspect the batching facilities. This inspection shall be made at the cost and expense of the concrete producer seeking plant approval. A copy of the verification of the inspection shall be submitted with the application for plant approval on forms furnished by the department.

(e) The applicant shall follow inspection procedures and complete the check list on forms furnished by the department which shall accompany the application for plant approval.

(f) The concrete producer shall promptly correct any objection made by the department which in its judgment it deems may adversely affect the quality of the concrete being placed. Should the department find any objection because of the producer's failure to meet the necessary standards for plant approval, corrections shall be made within 30 working days after the receipt, by the producer, of a written notice from the department.

(g) Approval of plant facilities shall be fully reviewed every two years upon a renewal submission for approval by the concrete producer provided the plant is not relocated during the two-year period.

(h) If a concrete plant is relocated from the location as filed on the original application form after initial approval is received, a new submission shall be required.

(i) During the two-year approval period, if any equipment is changed, added to, modified or moved within the same premises as originally filed, notification will be sent to the Commissioner of Buildings, Materials and Equipment Acceptance Division at the address provided in the City's website, <http://www.nyc.gov>.

Accompanying said notification shall be an amendment to the application verified by an affidavit from a professional engineer not in the regular employ of the concrete producer stating that the modification meets all requirements of the check list.

(j) The concrete producer shall be required to produce concrete in accordance with all applicable provisions of the Building Code and all pertinent reference standards referred to therein.

(k) The concrete producer shall be required to submit attestations and certifications specified in §§27-605 and 27-606 promptly for the appropriate type of concrete for each construction project. Where automated batching equipment is used, the tapes recording the batched weights shall be available for inspection for a period of two years.

(l) Concrete produced for the construction of buildings subject to controlled inspection of concrete shall not be batched and delivered to the construction site unless a person designated for batch plant inspection is present at the plant. However, it shall be permissible to deliver the concrete in the absence of the person designated for inspection when there are extenuating circumstances, provided the design architect or engineer and the architect or engineer designated for control inspections are notified promptly by phone with a `circumstances under which the uninspected concrete was shipped and shall supply all necessary facts such as the times and dates and volume of concrete batched and delivered, the design strength and mix proportions, and the application number, location, and contractor that the concrete is being delivered to. Similarly, the appropriate Borough Superintendent's office is to be promptly notified by phone with a follow-up letter together with copies of the other required notification letters.

(m) Approval shall be for a period of two years. However, temporary approval of batch plants may be authorized at the discretion of the Commissioner for a period of ninety days, provided an application for approval with necessary information furnished on appropriate forms is filed, and provided the application is otherwise acceptable in other respects. Temporary approvals may be renewed for additional ninety day periods, at the discretion of the Commissioner.

(n) Concrete producers shall be required to permit complete plant inspections by department personnel periodically.

(o) A copy of the batch plant approval will be forwarded to the owner of each facility and shall be posted in a conspicuous place at the plant.

(p) A violation of any of these rules or the falsifying or misrepresentation of any fact in the application or in any report shall constitute cause for revocation or suspension of any approval by the Commissioner, after a hearing upon prior notice of at least ten calendar days. For temporary approvals, the falsifying or misrepresentation of any fact in the application or in any report shall be cause for immediate revocation of such temporary approval by the Commissioner. However, notwithstanding the foregoing, when the public safety may be imminently jeopardized, or when a false report has been made, the Commissioner shall have the power, pending a hearing and determination of charges, to forthwith suspend any approval for a period not exceeding five calendar days.