



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

CITY COUNCIL

HEARINGS

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON THURSDAY, SEPTEMBER 17, 2009, AT 11:00 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:

APPOINTMENT

● **Preconsidered M**, Arva R. Rice, candidate for appointment by the Council to the New York City Equal Employment Practices Commission pursuant to Section 830 of the *New York City Charter*. If Ms. Rice is appointed, she will fill a vacancy and be eligible to serve for the remainder of a four-year term expiring on June 30, 2011.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
City Clerk, Clerk of the Council

s10-17

CITY PLANNING COMMISSION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, September 23, 2009, commencing at 10:00 A.M.

BOROUGH OF BROOKLYN No. 1

131-7 BERRY STREET ZONING CHANGE

CD 1 C 090096 ZMK
IN THE MATTER OF an application submitted by Tibetan LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by establishing within an existing R6B District a C2-4 District bounded by North 7th Street, a line 100 feet

southeasterly of Berry Street, a line midway between North 6th Street and North 7th Street, and Berry Street, as shown on a diagram (for illustrative purposes only) dated June 1, 2009.

No. 2 CYPRESS VILLAGE

CD 5 C 100014 HAK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
 - the designation of property located at 371 Van Siclen Avenue (Block 4026, Lot 2), as an Urban Development Action Area; and
 - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a four-story building, tentatively known as Cypress Village, with approximately 8 residential units, to be developed under the Department of Housing Preservation and Development New Foundations Program.

BOROUGH OF MANHATTAN No. 3

WEST 129TH STREET ZONING CHANGE

CD 9 C 080039 ZMM
IN THE MATTER OF of an application submitted by West 129th Street Realty I LLC and West 129th Street Realty II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6a:

- changing from an R7-2 District to an R7A District property bounded by:
 - West 130th Street, a line 100 feet easterly of Amsterdam Avenue, West 129th Street, and Amsterdam Avenue; and;
 - West 130th Street, Convent Avenue, West 129th Street, a line 100 feet westerly of Convent Avenue; and;
- changing from an M1-1 District to an R7A District property bounded by West 130th Street, a line 100 feet westerly of Convent Avenue, West 129th Street; and a line 100 feet easterly of Amsterdam Avenue.

as shown on a diagram (for illustrative purposes only) dated June 1, 2009 and subject to the conditions of CEQR Declaration E-239.

No. 4 48-50 WALKER STREET

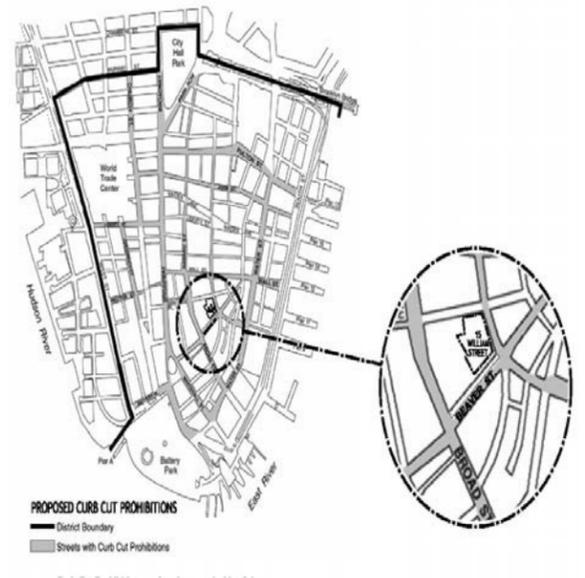
CD 1 C 090439 ZSM
IN THE MATTER OF an application submitted by Walker Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 111-50 of the Zoning Resolution to modify the use regulations of Section 111-101 (Location of Permitted Uses in Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists) to allow two loft dwellings on the 2nd

floor level of an existing 6-story building that was designed for non-residential use and erected prior to December 15, 1961, on property located at 48-50 Walker Street (Block 194, Lots 1001, 1002, 1003 & 1004), in an M1-5 District, within the Special Tribeca Mixed Use District (Area B1).

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

Nos. 5 & 6 15 WILLIAM STREET GARAGE No. 5

CD 1 N 090293 ZRM
IN THE MATTER OF an application submitted by SDS 15 William Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the Zoning Resolution of the City of New York, concerning the Special Lower Manhattan District (Article IX, Chapter 1), Appendix A, Map 5, relating to curb cut prohibitions in Community District 1, Borough of Manhattan.



CD 1 C 090294 ZSM
IN THE MATTER OF an application submitted by SDS 15 William Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 91-50, 13-562 and 74-52 of the Zoning Resolution to allow for a public parking garage with a maximum capacity of 195 spaces on portions of the ground floor, cellar 1, cellar 2 and cellar 3 levels of an existing mixed use building on property located at 15 William Street (Block 25, Lots 35 and 27), in a C5-5 District, within the Special Lower Manhattan District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 7 12-18 EAST 62ND STREET

CD 8 C 090440 ZSM
IN THE MATTER OF an application submitted by 14-62 Realty Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 23-691 (Limited Height Districts), to facilitate the 1-story enlargement of two existing 5-story buildings at 12 and 14 East 62nd Street (Block 1376, Lots 63 and 62, respectively), on property located at 12-18 East 62nd Street (Block 1376, Lots 60, 61, 62 and 63), in R8B and C5-1 Districts, partially within the Special Limited Height District (LH-1A) and the Special Madison Avenue Preservation District (MP), within the Upper East Side Historic District. Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370

s10-23

COMMUNITY BOARDS

■ PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 11 - Monday, September 14, 2009 at 7:30 P.M., M.S. 158, 46-35 Oceania Street, Bayside, NY

Cal. No. 297-99

An application has been submitted to the NYC Board of Standards and Appeals for the extension of a special permit to continue to operate the existing Mobil Service Station for a period of ten (10) years at 45-05 Bell Boulevard, Bayside, Queens.

A proposal has been received to rename 28th Avenue between 203rd and 206th Street in Bayside, Queens in honor of Ron Carey.

A proposal has been received from the NYC Department of Transportation to convert the flow of traffic from a two-story operation to a one-way operation southbound on 203rd Street between 26th and 28th Avenues in Bayside, Queens.

A proposal has been received to rename 215th Street between 43rd Avenue and Northern Boulevard in Bayside, Queens in honor of Sol Soskin.

s8-14

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

ENVIRONMENTAL PROTECTION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Title 5, Chapter 3, Subchapter 3 of the Administrative Code of the City of New York, a public hearing will be held at 22 Reade Street, Borough of Manhattan on Wednesday, September 23, 2009, at 10:00 A.M. on the following:

REAL PROPERTY PUBLIC HEARING in the matter of the acquisition by the City of New York of fee simple (Fee) and conservation easement (CE) interests on the following real estate in the Counties of Delaware, Greene, Putnam, Schoharie, Ulster and Westchester for the purposes of preserving and preventing the contamination or pollution of the water supply of the City of New York:

NYC ID	County	Municipality	Type	Tax Lot ID	Acres (+/-)	
5469	Delaware	Andes	CE	257.-1-28.32 & 29.2	35.07	
5469		Andes	CE	279.-1-26 & 27	103.15	
7026		Andes	Fee	364.-1-4	15.17	
7027		Andes	Fee	363.-1-21.2	23.57	
7028		Andes	Fee	381.-3-4, 5.1, 6.1, 27.1 & 27.5	36.71	
7028		Andes	Fee	381.-3-27.6, 27.7, 27.9 & 32	41.56	
5041		Bovina	Fee	p/o 152.-2-9	295.78	
5774		Bovina	Fee	197.-1-2.1	263.61	
7560		Bovina	Fee	198.-1-27	16.49	
7407		Delhi	Fee	150.-1-65.3 & 150.-1-66	160.59	
5469		Hamden	CE	256.-1-11.2	35.39	
5992		Masonville	Fee	p/o 205.-1-8	47.30	
7057		Middletown	Fee	263.-3-40.1 & 263.-3-40.2	63.20	
7057		Middletown	Fee	285.-2-55 & p/o 285.-2-1	202.00	
7215		Middletown	Fee	p/o 285.-1-39.1	201.00	
7390		Middletown	Fee	264.-1-22.1, 22.2 & 22.3	121.87	
3511		Roxbury	Fee	114.-1-7	98.18	
5564		Tompkins	Fee	p/o 269.-1-2	72.00	
7093		Walton	Fee	p/o 275.-2-30.11 & p/o 275.-2-30.12	43.75	
7347		Walton	Fee	228.-1-20.3	40.29	
4435	Greene	Ashland	Fee	59.00-1-8.111	63.19	
7089		Ashland	Fee	76.00-2-10, 29 & 30	28.40	
7148		Ashland	Fee	59.00-2-11 & p/o 59.00-2-10	27.80	
3557		Halcott	CE	142.00-2-28	55.64	
4954		Halcott	CE	142.00-2-27 & 142.00-2-32	46.60	
7408		Jewett	Fee	p/o 111.00-1-62	39.86	
3511		Prattsville	Fee	57.00-1-1 & p/o 57.00-1-19	307.13	
7490		Prattsville	Fee	58.00-3-27	30.00	
587		Windham	Fee	p/o 62.00-1-4.11	327.50	
5095		Windham	Fee	61.00-4-13	5.58	
7208	Windham	Fee	78.00-2-7, 80 thru 86	27.25		
7090	Putnam	Kent	Fee	11.8-1-22	7.68	
7099		Kent	Fee	43.-2-63	20.72	
4737	Schoharie	Conesville	Fee	210.-2-5.1 & p/o 210.-2-5.3	149.70	
5458	Ulster	Denning	Fee	58.-1-23	70.00	
7195		Denning	Fee	p/o 58.-1-27.120	34.87	
5316		Hurley	Fee	46.2-1-13	1.00	
51		Olive	CE	p/o 53.2-2-28	21.80	
282		Olive	Fee	p/o 44.4-1-12	46.73	
783		Olive	Fee	p/o 36.1-3-28 & 36.1-3-29	10.48	
5304		Olive	Fee	36.1-1-21.111	71.33	
7084		Olive	Fee	p/o 36.3-3-6	8.44	
1523		Woodstock	Fee	37.2-1-13.200 & 37.2-3-16	59.82	
7079		Westchester	Bedford	Fee	p/o 49.13-2-29	13.15

A copy of the Mayor's Preliminary Certificates of Adoption and maps of the real estate to be acquired are available for public inspection upon request. Please call (845) 340-7810.

BOROUGH OF MANHATTAN

COMMUNITY BOARD NO. 7 - Wednesday, September 16, 2009 at 7:00 P.M., 250 West 87th Street, New York, NY

#C 100012ZSM

IN THE MATTER OF an application submitted by 161 West 78th Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height regulations of Section 23-692, to facilitate the construction of a 1-story rooftop addition of an existing 5-story building located at 161 West 78th Street, within the Upper West Side/Central Park West Historic District.

s10-16

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

BOROUGH OF QUEENS

COMMUNITY BOARD NO. 7 - Monday, September 14, 2009, 7:00 P.M., Union Plaza Care Center, 33-23 Union Street, Flushing, NY

#221-08-BZ

Location - 34-08 Collins Place (a.k.a. 34-07 College Point Boulevard)

Application to request a variance to allow the construction of a Use Group 5 Hotel, in an M2-1 manufacturing district and the construction of a supermarket over 10,000 square feet, which is not permitted as per zoning resolution #42-12.

#174-09 BZY and 175-09-A

Location - 25-50 Francis Lewis Boulevard (a.k.a. 165-43 168th Street)

Application pursuant to Section 11-331 of the Zoning Resolution for a six month extension of time to permit the completion of foundation. Application to appeal the decision of The Department of Buildings revoking approvals and permits for construction of alteration to existing building, due to change in zoning.

Input on the Preliminary Budget for FY 2011.

s8-14

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **September 22, 2009 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 09-8955 - Block 77, lot 52 - 21-16 45th Avenue - Hunters Point Historic District
 An Italianate style townhouse designed by Root and Rust and built circa 1871-72. Application is to construct a rear yard addition. Zoned R6B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF THE BRONX 10-0946 - Block 2309, lot 1 - 112 Lincoln Avenue - Estey Piano Factory Building- Individual Landmark

A factory building designed by A.B. Ogden & Son architects and built in 1885-86, with later additions. Application is to construct a rear yard addition, install a ramp, and alter windows. Zoned M1-2/R6A.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF THE BRONX 10-0052 - Block 5821, lot 2865 - 4919 Goodridge Avenue - Fieldston Historic District
 A Dutch Colonial Revival style house designed by Dwight James Baum, and built 1914. Application is to enclose an side porch and alter windows. Zoned R1-2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF STATEN ISLAND 09-8675 - Block 14, lot 21 - 272 Richmond Terrace - St. George- New Brighton Historic District

A vernacular Greek Revival house built c. 1839-45, and altered c. 1910-17. Application is to legalize the installation of a fence.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-2317 - Block 1961, lot 23 - 405 Clinton Avenue - Clinton Hill Historic District

A Romanesque Revival/Queen Anne style house designed by William Tubby and built in 1889. Application is to demolish a rear yard addition.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-9519 - Block 285, lot 10-122 Atlantic Avenue - Cobble Hill Historic District

A building built in the mid-19th century and altered. Application is to install bracket sign.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0509 - Block 1166, lot 29 - 390 Park Place - Prospect Heights Historic District

A Romanesque Revival/Renaissance Revival style rowhouse built by William H. Reynolds in 1896. Application is to alter the rear facade and construct a two-story rear yard addition. Zoned R6B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1969 - Block 101, lot 2 - 41 Park Row - (Former) New York Times Building - Individual Landmark

A Richardsonian Romanesque style office building designed by George B. Post, built in 1888-89, and altered by Robert Maynicke in 1903-05. Application is to install flagpoles and banners.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5327 - Block 196, lot 9 - 416 Broadway - Tribeca East Historic District

A Renaissance Revival style store and office building designed by Jordan & Giller, and built in 1898-99. Application is to legalize the installation of rooftop addition without Landmarks Preservation Commission permits, and the installation of storefront infill in non-compliance with Certificate of Appropriateness 06-3975.

BINDING REPORT

BOROUGH OF MANHATTAN 09-8755 - Block 197, lot 1 - 87 Lafayette Street - Fire House Engine Company 31 - Individual Landmark

A French Renaissance Eclectic style fire house built in 1895. Application is to install doors and a marquee.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0301 - Block 530, lot 56 - 24 Bond Street - NoHo Historic District Extension

A Renaissance Revival style store and loft building designed by Buchman & Deisler, and built in 1893. Application is to legalize the installation of sculpture and painting the storefront and facade without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1601 - Block 573, lot 23 - 38 West 10th Street - Greenwich Village Historic District

An Anglo-Italianate style rowhouse, attributed to the architect James Renwick Jr., and built in 1856. Application is to install ironwork at the areaway.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1847 - Block 645, lot 44 - 21-27 9th Avenue - Gansevort Market Historic District

A row of four Greek Revival rowhouses, built circa 1844-1846 and altered in the 1880's and 1920's. Application is to construct a rooftop addition, alter a canopy, and install new storefront infill and signage. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-2175 - Block 474, lot 60 - 74 Grand Street - SoHo-Cast Iron Historic District
A neo-Grec style loft building designed by George DaCunha, and built in 1886-86. Application is to demolish the building and dismantle and store the cast iron facade for future reinstallation. Zoned M1-5B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1595 - Block 717, lot 62-436 West 20th Street - Chelsea Historic District Extension
A Greek revival style townhouse built in 1835. Application is to construct rooftop additions, remove a fire escape, and apply decorative finishes. Zoned R7-B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1612 - Block 1029, lot 27 - 205 West 57th Street - The Osborne Apartments- Individual Landmark

A Romanesque Revival style apartment building designed by James Edward Ware and built in 1883-85, with additions constructed in 1889 and 1906. Application is to alter a penthouse. Zoned C6-6.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-2111 - Block 1028, lot 47 - 244 West 57th Street - A.T. Demarest & Co. and Peerless Motor Car Co Buildings-Individual Landmark

A neo-Gothic and neo-Romanesque style office and showroom building designed by Francis H. Kimball, and built in 1909. Application is to enlarge window openings.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6120 - Block 1121, lot 8 - 61 West 68th Street - Upper West Side/Central Park West Historic District

A Renaissance Revival/Queen Anne style rowhouse designed by Francis A. Minuth, and built in 1891-1892. Application is to legalize the construction of a one-story rooftop addition without Landmarks Preservation Commission permits. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1143 - Block 1141, lot 36 - 104 West 70th Street - Upper West Side/Central Park West Historic District

A Beaux-Arts style hotel building designed by Israels and Harder, and built in 1903-04. Application is to install lot line windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-2211 - Block 1124, lot 5 - 59 West 71st Street - Upper West Side/Central Park West Historic District

A neo-Renaissance style apartment building designed by George F. Pelham, and built in 1924. Application is to enlarge a penthouse. Zoned R8B.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 08-8421 - Block 1126, lot 7502 - 54 West 74th Street aka 289-295 Columbus Avenue - Upper West Side/Central Park West Historic District
A neo-Renaissance style dry-goods building designed by George H. Griebel, and built in 1902-03. Application is to construct a rooftop addition. Zoned C1-8A.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8630 - Block 1146, lot 1002 - 102 West 75th Street - Upper West Side-Central Park West Historic District

A Renaissance/Romanesque Revival style flats building designed by Gilbert A. Schellenger, and built in 1891-92. Application is to install aluminum windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1312 - Block 1389, lot 1 - 930 Fifth Avenue - Upper East Side Historic District
A Classicizing Modern style apartment building designed by Emery Roth & Sons, and built in 1940. Application is to amend a master plan governing the future replacement of windows (Certificate of Appropriateness 85-0080).

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7932 - Block 1400, lot 115 - 872 Lexington Avenue - Upper East Side Historic District
A multiple dwelling built in 1871-72 and later altered. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8756 - Block 1383, lot 1 - 781 Fifth Avenue - The Sherry Netherland Hotel-Individual Landmark
A hotel designed by Schultze & Weaver and built in 1926-27. Application is to amend (Certificate of Appropriateness 90-0014) for a master plan governing the future installation of windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-1229 - Block 2134, lot 8 - 613 West 155th Street - Audubon Terrace Historic District
A neo-Renaissance style building designed by Charles P. Huntington, and built in 1904. Application is to alter the areaway.

s9-22

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, September 15, 2009 at 9:00 A.M.**, at the Landmarks Preservation Commission will conduct a public hearing in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmark, Landmark Site and Historic District. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

ITEMS TO BE HEARD

BOROUGH OF QUEENS

Public Hearing Item No. 1

LP-2348 PROPOSED RIDGEWOOD SOUTH HISTORIC DISTRICT, Borough of Queens**Boundary Description**

The proposed Ridgewood South Historic District consists of the property bounded by a line beginning at the southwest corner of Woodward and Catalpa Avenues, extending south along the western curbline of Catalpa Avenue across Onderdonk Avenue to the southern curbline of Onderdonk Avenue, easterly across Catalpa Avenue and the southern curbline of Onderdonk Avenue to a line extending northerly from the eastern (rear) property line of 57-34 Catalpa Avenue, southerly along said line and the eastern (rear) property lines of 57-34 through 57-14 Catalpa Avenue, westerly along the southern property line of 57-14 Catalpa Avenue to the eastern curbline of Catalpa Avenue, northerly along said eastern curbline of Catalpa Avenue to a line extending easterly across Catalpa Avenue from the southern property line of 57-15 Catalpa Avenue, westerly along said line and the southern property lines of 57-15 Catalpa Avenue and 18-18 Cornelia Street to the western curbline of Cornelia Street, southerly along said western curbline of Cornelia Street to a line extending easterly from the southern property line of 18-11 Cornelia Street, westerly along said line and the southern property line of 18-11 Cornelia Street to the western (rear) property line of 18-11 Cornelia Street, northerly along said western (rear) property line of 18-11 Cornelia Street and the western (rear) property lines of 18-11 through 18-15 Cornelia Street to the southern property line of 18-20 Putnam Avenue, western along said southern property line of 18-20 Putnam Avenue and the southern property lines of 18-19 Putnam Avenue, 18-20 and 18-19 Madison Street, and 18-20 Woodbine Street to the western curbline of Woodbine Street, southerly along said western curbline of Woodbine Street to a line extending easterly from the southern property line of 18-13 Woodbine Street, westerly along said line and the southern property line of 18-13 Woodbine Street, northerly along the western (rear) property line of 18-13 Woodbine Street and the western (rear) property lines 18-15 through 18-29 Woodbine Street to the southern curbline of Onderdonk Avenue, easterly along said southern curbline of Onderdonk Avenue to the eastern curbline of Woodbine Street, northerly across Onderdonk Avenue and along the eastern curbline of Woodbine Street to a line extending westerly from the northern property line of 18-66 Woodbine Street, easterly along said line and the northern property line of 18-66 Woodbine Street to the western (rear) property line of 18-6 Madison Street, northerly along said western (rear) property line of 18-67 Madison Street and the western (rear) property lines of 18-69 through 18-77 Madison Street, northeasterly along the western property lines of 18-79 through 18-85 Madison Street (aka 768 Woodward Avenue) to the southern curbline of Woodward Avenue, and easterly along the southern curblines of Woodward Avenue, to the point or place of beginning.

BOROUGH OF QUEENS

Public Hearing Item No. 2

LP-2386 JAMAICA CHAMBER OF COMMERCE, 89-31 161st Street, Queens
Landmark Site: Borough of Queens Tax Map Block 9760, Lot 27

a26-s14

PUBLIC MEETING

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of Title 25, Chapter 3 of the Administrative Code of the City of New York that on **Tuesday, September 15, 2009**, there will be a Public Meeting of the Landmarks Preservation Commission in the Public Hearing Chamber at 1 Centre Street, 9th Floor North, Borough of Manhattan, City of New York. For information about the Public Meeting agenda, please contact the Public Information Officer at (212) 669-7817.

s10-14

TRANSPORTATION

PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, September 30, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 224 Development LLC to construct, maintain and use a planted area on the south sidewalk of 16th Street, west of Sixth Avenue, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2020, and provides among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Approval Date to June 30, 2020 - \$71/per annum

the maintenance of a security deposit in the sum of \$3,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing St Johns Episcopal Hospital to maintain and use a bridge over and diagonally across Beach 19th Street, south of Brookhaven Avenue, in the Borough of Queens. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$12,845
For the period July 1, 2010 to June 30, 2011 - \$13,219
For the period July 1, 2011 to June 30, 2012 - \$13,593
For the period July 1, 2012 to June 30, 2013 - \$13,967
For the period July 1, 2013 to June 30, 2014 - \$14,341
For the period July 1, 2014 to June 30, 2015 - \$14,715
For the period July 1, 2015 to June 30, 2016 - \$15,089
For the period July 1, 2016 to June 30, 2017 - \$15,463
For the period July 1, 2017 to June 30, 2018 - \$15,837
For the period July 1, 2018 to June 30, 2019 - \$16,211

the maintenance of a security deposit in the sum of \$30,000, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

#3 In the matter of a proposed revocable consent authorizing YMCA of Greater New York to construct, maintain and use a handicap ramp and stairs on the south sidewalk of Catalpa Avenue and on the west sidewalk of 64th Street, in the Borough of Queens. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2020, and provides among other terms and conditions, for compensation payable to the City according to the following schedule:

From the date of approval by the Mayor to June 30, 2020 - \$25/annum

the maintenance of a security deposit in the sum of \$6,000, and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#4 In the matter of a proposed revocable consent authorizing New York Institute of Technology to install, maintain and use cables in the existing facilities of the Empire City Subway Company (Limited) in Broadway, West 61st Street, Columbus Avenue and West 62nd Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2020, and provides among other terms and conditions, for compensation payable to the City according to the following schedule:

From the Date of Approval to June 30, 2010 - \$4,532/annum
For the period July 1, 2010 to June 30, 2011 - \$4,668
For the period July 1, 2011 to June 30, 2012 - \$4,804
For the period July 1, 2012 to June 30, 2013 - \$4,940
For the period July 1, 2013 to June 30, 2014 - \$5,076
For the period July 1, 2014 to June 30, 2015 - \$5,212
For the period July 1, 2015 to June 30, 2016 - \$5,348
For the period July 1, 2016 to June 30, 2017 - \$5,484
For the period July 1, 2017 to June 30, 2018 - \$5,620
For the period July 1, 2018 to June 30, 2019 - \$5,756
For the period July 1, 2019 to June 30, 2020 - \$5,892

the maintenance of a security deposit in the sum of \$6,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing 411-417 West 13th Street Condominium to construct, maintain and use stairs and a wheelchair lift on the north sidewalk of West 13th Street, between Washington Street and Ninth Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the Date of Approval by the Mayor to June 30, 2020, and provides among other terms and conditions, for compensation payable to the City according to the following schedule:

- \$1,591/annum
For the period July 1, 2010 to June 30, 2011 - \$1,638
For the period July 1, 2011 to June 30, 2012 - \$1,685
For the period July 1, 2012 to June 30, 2013 - \$1,732
For the period July 1, 2013 to June 30, 2014 - \$1,779
For the period July 1, 2014 to June 30, 2015 - \$1,826
For the period July 1, 2015 to June 30, 2016 - \$1,873
For the period July 1, 2016 to June 30, 2017 - \$1,920
For the period July 1, 2017 to June 30, 2018 - \$1,967
For the period July 1, 2018 to June 30, 2019 - \$2,014
For the period July 1, 2019 to June 30, 2020 - \$2,061

the maintenance of a security deposit in the sum of \$10,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

s10-30

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

AUCTION

PUBLIC AUCTION SALE NUMBER 10001-F

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, September 16, 2009 (SALE NUMBER 10001-F). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

LOCATION: 570 Kent Avenue, Brooklyn, NY (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our website on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>

Terms and Conditions of Sale can also be viewed at this site. For further information, please call (718) 417-2155 or (718) 625-1313.

s2-16

POLICE

OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.

The following listed property is in the custody of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.
Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

FOR MOTOR VEHICLES

(All Boroughs):

- * College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
- * Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
- * Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

FOR ALL OTHER PROPERTY

- * Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
- * Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
- * Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
- * Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
- * Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

■ AUCTION

PUBLIC AUCTION SALE NUBMER 1167

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is September 21, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on September 22, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

s10-22

PROCUREMENT

"The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence."

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

VESTS, SAFETY – Competitive Sealed Bids – PIN# 8571000123 – DUE 09-29-09 AT 10:30 A.M.
● WAX, FLOOR, RESIN-BASE (RE-AD) – Competitive Sealed Bids – PIN# 8570901330 – DUE 10-02-09 AT 10:30 A.M.
● INSECTICIDE (RE-AD) – Competitive Sealed Bids – PIN# 8571000095 – DUE 10-02-09 AT 10:30 A.M.
● PAPER, BOND, #4 SUB. 16 AND WATERMARK, #1, SUB. 20 – Competitive Sealed Bids – PIN# 8570901155 – DUE 09-28-09 AT 10:30 A.M.

● CLAY MATERIALS FOR BASEBALL FIELDS – Competitive Sealed Bids – PIN# 8570900755 – DUE 10-06-09 AT 10:30 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services
1 Centre Street, Room 1800, New York, NY 10007.
Anna Wong (212) 669-8610.

s11

■ AWARDS

Goods

GRP: CASE TRACTORS, CONSTRUCTION – Competitive Sealed Bids – PIN# 857900381 – AMT: \$3,552,140.00 – TO: Hoffman International, Inc. dba Hoffman Equip., Co., 300 South Randolphville Road, Piscataway, NJ 08855-0669.
● VEHICLES, R.E.P. - NYPD – Competitive Sealed Bids – PIN# 857901083 – AMT: \$3,684,999.00 – TO: Gabrielli Truck Sales Limited, 153-20 South Conduit Avenue, Jamaica, NY 11434.
● GRP; GO 4 SCOOTER PARTS – Competitive Sealed Bids – PIN# 857900916 – AMT: \$98,000.00 – TO: Malvese Equipment Co., Inc., 1 Henrietta Street, Hicksville, NY 11801.
● LEVELER, DOCK – Competitive Sealed Bids – PIN# 857901207 – AMT: \$38,385.00 – TO: Daniel V. Jennings Co., Inc., 40-46 28th Street, Long Island City, NY 11101.

s11

CISCO COMMUNICATIONS EQUIPMENT - FDNY – Intergovernmental Purchase – PIN# 8571000175 – AMT: \$146,669.14 – TO: IP Logic, 17 British American Blvd., Latham, NY 12110. NYS Contract #PT59009.
● INDUSTRIAL AND COMMERCIAL SUPPLIES AND EQUIPMENT – Intergovernmental Purchase – PIN# 8571000169 – AMT: \$100,000.00 – TO: SID Tools D/B/A MSC Industrial Supply Co., 75 Maxess Road, Melville, NY 11747. NYS Contract #PT62989.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

s11

■ VENDOR LISTS

Goods

ACCEPTABLE BRAND LIST – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION – In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:
A. Collection Truck Bodies
B. Collection Truck Cab Chassis
C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

COMPTROLLER

BUREAU OF ASSET MANAGEMENT

■ AWARDS

Services (Other Than Human Services)

INVESTMENT ADVISORY SERVICES – Request for Proposals – PIN# 01507810605QE – AMT: \$12,815,000.00 –

TO: Generation Investment Management US LLP, One Bryant Park, 45th Floor, New York, NY 10036.

s11

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods

BLACKBERRY SERVER SUPPORT – Competitive Sealed Bids – PIN# Z1225040 – DUE 09-23-09 AT 5:00 P.M. – For RIM Blackberry TX2, with a one (1) year subscription. If you cannot download this bid, please send an e-mail to VendorHotline@schools.nyc.gov with the bid number and title in the subject line of your e-mail. For all questions related to this bid, please send an e-mail to NLabetti@schools.nyc.gov with the bid number and title in the subject line of your e-mail.

Bid opening: Thursday, September 24th, 2009 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300, vendorhotline@schools.nyc.gov

s11

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

■ SOLICITATIONS

Goods

BIO-RAD LABORATORY AND MEDICAL SUPPLIES – Sole Source – Available only from a single source - PIN# 231-10-016SS – DUE 09-15-09 AT 10:30 A.M. – The North Brooklyn Health Network intends to enter into a sole source contract for Laboratory and Medical Supplies such as Virotrol, Viroclear, Pylortrol items with Bio-Rad Laboratories, 4000 Alfred Noble Drive, Hercules, CA 94547.

Any other supplier who is capable of providing this service to the North Brooklyn Health Network may express their interest in doing so by writing to Abraham Caban, Procurement Analyst III, 100 North Portland Ave., Room C32, Brooklyn, NY 11205, (718) 260-7593 or by e-mail to Abraham.Caban@nychhc.org

s8-14

PAINT – Competitive Sealed Bids – PIN# 000041210006 – DUE 10-01-09 AT 3:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Coler-Goldwater Memorial Hospital, 1 Main Street, Roosevelt Island, New York, NY 10044. Starr Kollore (212) 318-4260, starr.kollore@nychhc.org

s11

Goods & Services

INSTALLATION OF ELECTRICAL PANIC DEVICES AND TRIM AT ADULT EMERGENCY – Competitive Sealed Bids – PIN# RB10-389905 – DUE 09-24-09 AT 3:00 P.M. – There will be a mandatory pre-bid conference and a walk thru on 9/17/09 and 9/18/09 at 10:00 A.M. Room# E-2216 451 Clarkson Avenue, Brooklyn, NY 11203. Vendors to meet in the Purchasing Dept., 591 Kingston Avenue, Brooklyn, NY 11203, Room 251 on the 2nd Floor at 9:30 A.M. prior to going to the E-Bldg. Contact Person: Chyrrill Nicose (718) 245-2944.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Kings County Hospital Center, 451 Clarkson Avenue, Brooklyn, NY 11201. Rup Bhoumick (718) 245-2122. Support Office Building, 591 Kingston Avenue, Room 251, Brooklyn, NY 11203.

s11

Services (Other Than Human Services)

PREVENTIVE MAINTENANCE OF VARIOUS LEICA SP EQUIPMENT – Sole Source – Available only from a single source - PIN# 231-10-014SS – DUE 09-15-09 AT 9:30 A.M. – The North Brooklyn Health Network intends to enter into a sole source contract for maintenance and repair services of various Leica SP Equipment with Leica Microsystems Inc., 2345 Waukegan Road, Bannockburn, IL 60015.

Any other supplier who is capable of providing this service to the North Brooklyn Health Network may express their interest in doing so by writing to Abraham Caban, Procurement Analyst, 100 North Portland Avenue, Rm. C-32,

Brooklyn, NY 11205 or Abraham.Caban@nychhc.org or before 5:00 P.M. on September 14, 2009.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

North Brooklyn Health Network, 100 North Portland Avenue, Rm. C-32, Brooklyn, NY 11205.

Abraham Caban (718) 260-7593, abraham.caban@nychhc.org

s8-14

HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human/Client Service

TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M. – The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Homeless Services, 33 Beaver Street
13th Floor, New York, NY 10004.

Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

■ SOLICITATIONS

Goods & Services

MAINTENANCE PAINTING OF APARTMENTS

Competitive Sealed Bids – DUE 10-06-09 – PIN# 9000203 - Stuyvesant I and Stuyvesant II Due at 10:00 A.M.

PIN# 9000204 - Taylor St. - Wythe Avenue Due at 10:05 A.M.

PIN# 9000205 - Campos I and Campos II Due at 10:10 A.M.

PIN# 9000206 - Astoria Houses Due at 10:15 A.M.

PIN# 9000207 - Independence Towers Due at 10:20 A.M.

There is a non-refundable fee of \$25.00 payable by certified check or postal money order for each set of contract documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 23-02 49th Avenue, 4th Floor Bid Room,
Long Island City, NY 11101. Joseph Schmidt (718) 707-8921.

s11

Construction/Construction Services

SPRAY FOAM ROOFING AT VARIOUS

DEVELOPMENTS, MANHATTAN – Competitive Sealed Bids – PIN# RF9009123 – DUE 09-23-09 AT 10:00 A.M.

● ELEVATOR REHABILITATION AND MAINTENANCE AND SERVICE FOR EIGHT (8) ELEVATORS AT TWIN PARKS CONSOLIDATED – Competitive Sealed Bids – PIN# EV9004137 – DUE 09-30-09 AT 11:00 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 11th Floor
New York, NY 10007. Gloria Guillo, MPA, CPPO
(718) 306-3121, gloria.guillo@nychc.nyc.gov

s10-16

REPLACEMENT OF RADIATOR VALVES AND TRAPS AT KINGSBOROUGH HOUSES AND EXTENSION – Competitive Sealed Bids – PIN# HE9003852 – DUE 09-30-09 AT 10:00 A.M.

● HOWARD AVENUE ROOF REPLACEMENT – Competitive Sealed Bids – PIN# RF7011789 – DUE 09-30-09 AT 10:30 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M., for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 11th Floor
New York, NY 10007. Gloria Guillo, MPA, CPPO
(212) 306-3121, gloria.guillo@nychc.nyc.gov

s10-16

JUVENILE JUSTICE

■ SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES

– Negotiated Acquisition – Judgment required in

evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Juvenile Justice, 110 William Street
14th Floor, New York, NY 10038.

Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction/Construction Services

CONSTRUCTION OF A COMFORT STATION AND RECONSTRUCTION OF A COMFORT STATION

Competitive Sealed Bids – DUE 10-13-09 AT 10:30 A.M. – PIN# 8462010X126C01 - Construction of a Comfort Station PIN# 8462010X170C01 - Reconstruction of a Comfort Station In Community Park located in Ferry Point Park, and in the Playground (Pearly Gates), The Bronx, known as Contracts #X126-408M and X170-108MA. Vendor Source ID#s: 63259, 63260.

This procurement is subject to participation goals for MBEs and/or WBEs as required by Local Law 129 of 2005.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, Olmsted Center, Room 64
Flushing Meadows Corona Park, Flushing, NY 11368.

Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov

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REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

DEVELOPMENT, MAINTENANCE, AND OPERATION OF AN INDOOR SPORTS FACILITY AND CLUBHOUSE

Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# R30-IT – DUE 11-17-09 AT 3:00 P.M. – At Willowbrook Park in Staten Island.

There will be a recommended on-site proposer meeting and site tour on Wednesday, October 14, 2009 at 1:00 P.M. We will be meeting at the proposed concession site, which is located on the south side of Eaton Place off of Richmond Avenue, Staten Island. We will be meeting in front of the tennis courts. If you are considering responding to this RFP, please make every effort to attend this meeting and site tour.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD)
212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Parks and Recreation, The Arsenal-Central Park
830 Fifth Avenue, Room 407, New York, NY 10021.
Evan George (212) 360-3495, evan.george@parks.nyc.gov

s8-21

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction Related Services

A&E SERVICES FOR GEOTECHNICAL INVESTIGATIONS AND SOIL-BORING SPECIAL INSPECTIONS

Competitive Sealed Proposals – PIN# 10-00005R-1 – DUE 09-25-09 AT 2:00 P.M. – Proposals will be accepted from the following firms:

Aecom USA, Inc.; Carlin-Simpson and Associates; Converso Consultants; Dewberry-Goodkind Inc.; GZA Geo Environmental Tech.; Leonard J. Strandberg and Associates; LIRO Group; Mueser Rutledge Consulting Engineers; Paulus, Sokolowski and Sartor; Pillori Associates, P.A.; STV Inc.; URS Corporation; Yu and Associates Engineers, P.C.; SA Engineering.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, 30-30 Thomson Avenue
1st Floor, Long Island City, NY 11101.

Seema Menon (718) 472-8284, smenon@nycsca.org

s10-16

TRIBOROUGH BRIDGE & TUNNEL AUTHORITY

■ SOLICITATIONS

Services (Other Than Human Services)

ON-SITE DOCUMENTS AND MATERIAL DESTRUCTION AND REMOVAL OF MATERIAL AT VARIOUS TBTA AND LIRR FACILITIES – Competitive Sealed Bids – PIN# 09STS2848000 – DUE 10-16-09 AT 3:00 P.M. – A pre-bid conference is scheduled for 09/30/09 at 10:00 A.M. Reservations must be made with Joi Bell at (646) 252-7066 no later than the preceding work day.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Triborough Bridge and Tunnel Authority, 3 Stone Street
Bid Suite, New York, NY 10004.

Victoria Warren (646) 252-6101, vprocure@mtabt.org

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AGENCY PUBLIC HEARINGS ON CONTRACT AWARDS

“These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv” NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor’s Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

HEALTH AND MENTAL HYGIENE

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, to provide maintenance on various Geographic Information System software located throughout DOHMH. The contract term shall be from July 1, 2008 to June 30, 2011 and will contain three one-year options to renew from July 1, 2011 to June 30, 2012, from July 1, 2012 to June 30, 2013 and from July 1, 2013 to June 30, 2014.

Contractor/Address

ESRI, Inc.
380 New York Street
Redlands, CA 92373-8100

PIN# 09MI141501R0X00

Amount \$141,489.83

The proposed contractor has been selected as a Sole Source Procurement, pursuant to Section 3-05 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of Contracts, 93 Worth Street, Room 812, New York, NY 10013, from September 11, 2009 to September 24, 2009, excluding Weekends and Holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Shamecka Williams, Procurement Analyst at the Department of Health and Mental Hygiene, ACCO’s Office, 93 Worth Street, Room 812, New York, NY 10013 or swillia9@health.nyc.gov. If DOHMH receives no written request to speak within the prescribed time, DOHMH reserves the right not to conduct the public hearing.

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HUMAN RESOURCES ADMINISTRATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Human Resources Administration of the City of New York and the Contractor listed below, for the provision of janitorial services at 30 Thornton Street; 404 Pine Street; 500 Dekalb Avenue; 10 Metrotech; 710 Hendrix Street and 103-00 Foster Avenue in the Borough of Brooklyn. The contract term shall be from December 1, 2009 to November 30, 2012.

Contractor Name/Address

New York State Industries for the Disabled, Inc.
11 Columbia Circle Drive, Albany, NY 12203

PIN# 069-10-310-0003

Amount \$2,952,063.36

The proposed contractor has been selected by means of a Required Method of Source Selection (Preferred Source), pursuant to Section 1-02 (d) (1) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Human Resources Administration of the City of New York, Office of Purchasing and Materials Management, 180 Water Street, 7th floor, New York, NY 10038, on business days, from September 11, 2009 to September 24, 2009, from 10:00 A.M. to 4:00 P.M.

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JUVENILE JUSTICE

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the New York City Department of Juvenile Justice and the Research Foundation of the City University of New York, 230 West 41st Street, 7th floor, New York, New York 10036, for the Collaborative Family Initiative, a discharge planning program for youth released from detention. The contract shall be in an amount not to exceed \$640,000. The contract term shall be from July 1, 2009 to June 30, 2010 with no options to renew. PIN#: 13010DJCFI01.

The proposed contractor is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Juvenile Justice, 110 William Street, 14th floor, New York, NY 10038, on business days, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 10:00 A.M. to 4:00 P.M.

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AGENCY RULES

ENVIRONMENTAL PROTECTION

■ NOTICE

Promulgation of Chapter 1 of Title 15 of the Rules of the City of New York
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 promulgates rules governing the Asbestos Control Program within the City of New York (15 RCNY 1-01 *et seq.*) These amendments were proposed and published on July 30th, 2009 in the City Record. The required hearing was held on August 31st, 2009.

Statement of Basis and Purpose

Section 24-141 of the Administrative Code of the City of New York declares that no person shall cause or permit the emission of air contaminant, including odorous air contaminant ... if the air contaminant ... causes or may cause detriment to the health, safety, welfare or comfort of any person ... or causes or may cause damage to property or business, or if it reacts or is likely to react with any other air contaminant ... which causes or may cause detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or which causes or may cause damage to property or business. Section 1403(c) of the Charter of the City of New York and Section 24-105 of the Administrative Code authorize the Commissioner to regulate and control the emission of harmful air pollutants into the open air.

The New York City Department of Environmental Protection (DEP) promulgated "Asbestos Control Program" (15 RCNY 1-01 *et seq.*) incorporating standards and requirements for performing asbestos abatement activities. The newly enacted Sections 24-146.3 and 24-146.1 of the Administrative Code requires the commissioner to establish a permit requirement for asbestos projects, as defined in the rules of the department, affecting the safety of a building, as well as affecting the means of egress, and further provides that, when the permit requirement takes effect, it shall be unlawful to commence or engage in such a project unless the commissioner has issued an abatement permit for such project. To comply with this legislation and strengthen the Asbestos Control rules, DEP amended Subchapter C regarding permitting, including adding a new Section 1-26 to establish new permitting requirements for asbestos abatement jobs that pose the greatest risk to the safety of workers, first responders and to the general public. Section 1-51(e) strengthens the Citywide smoking ban at work sites with a zero tolerance approach. Section 1-61(k) now includes the requirement that materials used in the construction of temporary enclosures shall be noncombustible or fire-retardant in accordance with NFPA 701 and 255. Section 1-91(f) now requires that a negative air cut off switch be placed at a single location outside the work place and Section 1-112 now contains a requirement that a project monitor's report be submitted to indicate that there has been a review of the air monitor's report and an inspection of the site. Section 1-81 requires the use of fire retardant plastic sheeting and improved work place preparation requirements.

DEP hereby amends the rules "Asbestos Control Program", reflecting technical changes relating to the State's Rules and Regulations, 12 NYCRR 56 as they relate to thresholds and abatement jobs. The amendments also include revisions to the definitions to clarify State requirements.

The amendment to Sections 1-22(b)(1) and 1-23(c) clarify that minor asbestos project requirements must adhere to all abatement rules.

The amendment to Section 1-41 reflects State rules and procedures that require post abatement air monitoring during minor projects.

The text of the Rule follows.

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

Section one. The heading of Chapter 1 of Title 15 of the Rules of the City of New York is amended to read as follows:

Chapter 1 Asbestos Control Program

Subchapter A	Scope, Application, Definitions and Variances
B	Certification Provisions
C	[Reporting and Filing Requirements, Plans and Fees] <u>Notifications, Permitting and Recordkeeping</u>
D	Air and Bulk Sampling, Monitoring and Analysis
E	Personnel Protection and Equipment Specifications
F	[Large] Asbestos Project Procedures
G	Pre-Demolition Abatement Activity Procedures

§2. Subchapters A and B of Chapter 1 of Title 15 of the Rules of the City of New York are amended to read as follows:

Subchapter A

Scope, Application, Definitions and Variances

§ 1-01 Scope and Application § 1-02 Definitions § 1-03 Variances

§ 1-01 Scope and Application. (a) The following asbestos control program [regulations] rules, § 1-01 *et seq.*, shall apply to all asbestos abatement activities occurring within the City of New York.

(b) Every owner of a building where asbestos abatement activity occurs shall be responsible for the performance of the asbestos abatement activities by his/her agent, contractor, employee, or other representative.

(c) Every contractor and worker engaged in asbestos abatement activities shall comply with the provisions of this chapter except as otherwise specified.

(d) Every investigator engaged to identify the presence and evaluate the condition of asbestos in a building or structure shall comply with the provisions of this chapter except as otherwise specified.

(e) No person shall knowingly make a false statement or submit a false document to the Department as to any matter concerning an asbestos project or any document required to be filed under these rules.

(f) The department may inspect at a reasonable time and in a reasonable manner anything which affects or may affect the emission or release of asbestos fibers or the disturbance of asbestos-containing material, including but not limited to the premises where an asbestos project is being conducted, or the premises for which a notification has been filed under § 1-21 – § 1-26 of these Rules, or the premises where an application has been filed with the Department of Buildings for a plan or permit approval.

(g) No person shall interfere with or obstruct any employee of the Department in the performance of their official duties, including but not limited to the performance of inspections.

(h) No person who holds a certificate issued pursuant to these rules shall engage in unprofessional conduct. Unprofessional conduct shall include but is not limited to:

- (1) Failure to comply with provisions of Federal, State or local laws, rules, or regulations.
- (2) Conduct in asbestos inspections, assessment, abatement activities, air sampling, etc. which evidences moral unfitness.
- (3) Making or filing a false report, or failing to file a report required by these rules or impeding or obstructing such filing, or inducing another person to do so.

(i) The size (amount of material to be disturbed or, in the case of cleanups, the dimensions of the area to be cleaned) and scope of the overall project shall control the notification to be filed and work procedures to be followed. The requirements set forth in these rules may not be avoided or lessened through the performance of work in increments or piecemeal fashion.

(j) (1) Any person, including but not limited to contractors, building owners, and air monitoring companies, who is in violation of or fails to comply with any provision of these rules or the terms and conditions of any variance issued pursuant to these rules shall be subject to the issuance of notice(s) of violation and other civil and criminal enforcement actions pursuant to Title 24, Chapter 1, Subchapter 9 of the Administrative Code of the City of New York.

(2) The maximum civil penalty for any violation of a lettered subsection of these rules, pursuant to a notice of violation returnable before the Environmental Control Board, shall be \$10,000, except that a violation of section 1-26 shall carry a maximum penalty of \$15,000.

(3) DEP may deny any application for an asbestos abatement permit pursuant to section 1-26 of these rules, or a variance application pursuant to section 1-03 of these rules, where any party to the asbestos project, including but not limited to the abatement contractor, building owner, and air monitoring company, has docketed, unpaid civil penalties imposed by the Environmental Control Board for violations of these rules, sections 24-146.1 and 24-146.3 of the Administrative Code, or NYSOL ICR 56.

§ 1-02 Definitions.

Abatement. "Abatement" shall mean any and all procedures physically taken to control fiber release from asbestos-containing materials. This includes removal, encapsulation, enclosure, cleanup and repair.

Abatement activities. "Abatement activities" shall mean all activities from the initiation of work area preparation through successful clearance air monitoring performed at the conclusion of an asbestos project or minor project.

Adequately wet. "Adequately wet" shall mean the complete penetration of a material with amended water to prevent the release of particulates. If visible emissions are observed coming from asbestos-containing material, then the material has not been adequately wetted. However, the absence of visible emissions is not evidence of being adequately wet. ACM must be fully penetrated with the wetting agent in order to be considered adequately wet. If the ACM being abated is resistant to amended water penetration, wetting agent shall be applied to the material prior to and during removal as necessary to minimize fiber release.

Aggressive sampling. "Aggressive sampling" shall mean a method of sampling in which the individual collecting the air sample creates activity by the use of mechanical equipment during the sampling period to stir up settled dust and simulate activity in that area of the building.

AHERA. "AHERA" shall mean the Asbestos Hazard Emergency Response Act of 1986.

AIHA. "AIHA" shall mean the American Industrial Hygiene Association.

Airlock. "Airlock" shall mean a system for permitting entrance and exit while restricting air movement between a contaminated area and an uncontaminated area. It consists of two curtained doorways separated by a distance of at least three feet such that one passes through one doorway into the airlock, allowing the doorway sheeting to overlap and close off the opening before proceeding through the second doorway, thereby preventing flow-through contamination.

Air sampling. "Air sampling" shall mean the process of measuring the fiber content of a known volume of air collected during a specific period of time. The procedure utilized for asbestos follows the NIOSH Standard Analytical Method 7400 or the provisional transmission electron microscopy methods developed by the USEPA and/or National Institute of Science and Technology which are utilized for lower detectability and specific fiber identification.

Ambient air monitoring. "Ambient air monitoring" shall mean measurement or determination of airborne asbestos fiber concentrations outside but in the general vicinity of the worksite.

Amended water. "Amended water" shall mean water to which a surfactant has been added.

ANSI. "ANSI" shall mean the American National Standards Institute.

Area air sampling. "Area air sampling" shall mean any form of air sampling or monitoring where the sampling device is placed at some stationary location.

Asbestos. "Asbestos" shall mean any hydrated mineral silicate separable into commercially usable fibers, including but not limited to chrysotile (serpentine), amosite (cumingtonite-grunerite), crocidolite (riebeckite), tremolite, anthrophyllite and actinolite.

Asbestos-containing material. "Asbestos-containing material" (ACM) shall mean asbestos or any material containing more than one percent asbestos.

Asbestos-containing waste material. "Asbestos-containing waste material" shall mean asbestos-containing material or asbestos-contaminated objects requiring disposal.

Asbestos-contaminated objects. "Asbestos-contaminated objects" shall mean any objects which have been contaminated by asbestos or asbestos-containing material.

Asbestos assessment report. "Asbestos assessment report" shall mean the "Form ACP-5" form, as approved by DEP, by which a DEP-certified asbestos investigator certifies that a building or structure (or portion thereof) is free of ACM or the amount of ACM to be abated constitutes a minor project.

Asbestos handler. "Asbestos handler" shall mean an individual certified by the Department who disturbs, removes, encapsulates, repairs, or encloses [friable] asbestos material.

Asbestos handler supervisor. "Asbestos handler supervisor" shall mean an individual certified by the Department who supervises the handlers during an asbestos

project and ensures that proper asbestos abatement procedures as well as individual safety procedures are being adhered to.

[Asbestos Inspection Report]. Asbestos project notification. “Asbestos [Inspection Report] project notification” shall mean [a report on the condition of a building or structure in relation to the presence and condition of asbestos therein] the “Form ACP-7” asbestos project notification form as approved by DEP.

Asbestos investigator. “Asbestos investigator” shall mean an individual certified by the Commissioner as having satisfactorily demonstrated his or her ability to identify the presence and evaluate the condition of asbestos in a building or structure.

Asbestos project. “Asbestos project” shall mean any form of work performed in [connection with the alteration, renovation, modification or demolition of] a building or structure which will disturb (e.g., remove, enclose, encapsulate) more than 25 linear feet or more than 10 square feet of [friable] asbestos-containing material.

ASTM. “ASTM” shall mean the American Society For Testing and Materials.

Authorized visitor. “Authorized visitor” shall mean the building owner and his/her representative, and any representative of a regulatory or other agency having jurisdiction over the project.

[Boiler room equipment. “Boiler room equipment” or “fuel-burning equipment” shall mean equipment designed to burn fuel for the purpose of generating hot water, steam, and/or heat, including all ancillary equipment and associated piping. For boiler rooms other than those located in electric and steam utility generating stations, the ancillary equipment and associated piping shall be limited to that within the room containing the main equipment; or where there is no such room, located on the floor where the main equipment is located.]

Building owner. “Building owner” shall mean the person in whom legal title to the premises is vested unless the premises are held in land trust, in which instance building owner means the person in whom beneficial title is vested.

Building materials. “Building materials” shall mean any and all manmade materials, 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.

Certified industrial hygienist. “Certified industrial hygienist” (CIH) shall mean an individual [with a minimum of five years experience as an industrial hygienist and who has successfully completed both levels of the examination administered by the American Board of Industrial Hygiene and] who is currently certified by [that Board] the American Board of Industrial Hygiene.

Certified safety professional (CSP). “Certified safety professional” (CSP) shall mean an individual having a bachelor’s degree from an accredited college or university and a minimum of four years experience as a safety professional and who has successfully completed both levels of the examination administered by the Board of Certified Safety Professionals and who is currently certified by that Board.

Chain of custody. “Chain of custody” shall mean the form or set of forms that document the collection and transfer of a sample.

Clean room. “Clean room” shall mean an uncontaminated area or room which is part of the worker decontamination enclosure system with provisions for storage of workers’ street clothes and protective equipment.

Clearance air monitoring. “Clearance air monitoring” shall mean the employment of aggressive sampling techniques with a volume of air collected to determine the airborne concentration of residual fibers, and shall be performed as the final abatement activity.

Commissioner. “Commissioner” shall mean the Commissioner of the New York City Department of Environmental Protection.

Contractor. “Contractor” shall mean a public authority or any other governmental agency or instrumentality thereof, self-employed person, company, unincorporated association, firm, partnership or corporation and any owner or operator thereof, which engages in an asbestos project or employs persons engaged in an asbestos project.

Curtained doorway. “Curtained doorway” shall mean a device which consists of at least three overlapping sheets of fire retardant plastic over an existing or temporarily framed doorway. One sheet shall be secured at the top and left side, the second sheet at the top and right side, and the third sheet at the top and left side. All sheets shall have weights attached to the bottom to ensure that the sheets hang straight and maintain a seal over the doorway when not in use.

Decontamination enclosure system. “Decontamination enclosure system” shall mean a series of connected rooms, separated from the work area and from each other by air locks, for the decontamination of workers, materials, waste containers, and equipment.

Demolition. “Demolition” shall mean the dismantling or razing of a building, including all operations incidental thereto (except for asbestos abatement activities), for which a demolition permit from the New York City [Buildings] Department of Buildings is required.

Department or DEP. “Department” or “DEP” shall mean the New York City Department of Environmental Protection.

Disturb. “Disturb” shall mean any action taken which may

alter, change, or stir, such as but not limited to the removal, encapsulation, enclosure or repair of asbestos-containing material.

DOB. “DOB” shall mean the New York City Department of Buildings.

ELAP. “ELAP” shall mean the Environmental Laboratory Approval Program administered by the New York State Department of Health.

Encapsulant (sealant) or encapsulating agent. “Encapsulant (sealant) or encapsulating agent” shall mean [pigmented (non-transparent)] liquid material which can be applied to asbestos-containing material [or the bare surfaces exposed after an abatement] which temporarily controls the possible release of asbestos fibers from the material or surface either by creating a membrane over the surface (bridging encapsulant) or by penetrating into the material and binding its components together (penetrating encapsulant). A thin coat of lockdown encapsulant shall be applied to all surfaces in the work area which were not the subject of removal or abatement, including the cleaned layer of the surface barriers, but excepting sprinklers, standpipes, and other active elements of the fire suppression system.

Encapsulation. “Encapsulation” shall mean the coating or spraying of asbestos-containing material [or the bare surfaces exposed after an abatement] with an [pigmented (non-transparent) sealant] encapsulant. A thin coat of lockdown encapsulant shall be applied to all surfaces in the work area which were not the subject of removal or abatement, including the cleaned layer of the surface barriers, but excepting sprinklers, standpipes, and other active elements of the fire suppression system.

Enclosure. “Enclosure” shall mean the construction of airtight walls and ceilings between the ACM and the facility environment, or around surfaces coated with ACM, or any other appropriate procedure as determined by the Department which prevents the release of asbestos fibers.

EPA. “EPA” or “USEPA” shall mean the United States Environmental Protection Agency.

Equipment room. “Equipment room” shall mean a contaminated area or room which is part of the worker decontamination enclosure system with provisions for the storage of contaminated clothing and equipment.

Exit. “Exit” shall mean that portion of a means of egress system which is separated from other interior spaces of a building or structure by fire-resistance-rated construction to provide a protected path of egress travel between the exit access and the exit discharge.

FDNY. “FDNY” shall mean the Fire Department of the City of New York.

Fiber. “Fiber” shall mean an acicular single crystal or a similarity elongated polycrystalline aggregate which displays some resemblance to organic fibers by having such properties as flexibility, high aspect ratio, silky luster, axial lineation, and others, and which has attained its shape primarily through growth rather than cleavage.

Fixed object. “Fixed object” shall mean a unit of equipment [or], furniture, or other item in the work area which cannot be removed from the work area. Fixed objects shall include equipment, furniture, or other items that are attached, in whole or in part, to a floor, ceiling, wall, or other building structure or system or to another fixed object and cannot be reasonably removed from the work area. Fixed objects shall also include pipes and other equipment inside the work area which are not the subject of the asbestos project. Active fire suppression system components shall not be considered fixed objects.

[Friable asbestos material. “Friable asbestos material” shall mean any asbestos or any ACM that can be crumbled, pulverized or reduced to powder when dry, by hand or other mechanical pressure.]

Glovebag technique. “Glovebag technique” shall mean a method for removing [friable] asbestos-containing material from heating, ventilation and air conditioning (HVAC) ducts, short piping runs, valves, joints, elbows, and other nonplanar surfaces. The glovebag assembly is a manufactured device consisting of a large bag (constructed of at least 6-mil transparent plastic), two inward-projecting long sleeve gloves, one inward-projecting waterwand sleeve, an internal tool pouch, and an attached, labeled receptacle for asbestos waste. The glovebag is constructed and installed in such a manner that it surrounds the object or area to be decontaminated and contains all asbestos fibers released during the removal process.

HEPA filter. “HEPA filter” shall mean a high efficiency particulate air filter capable of trapping and retaining 99.97 percent of particles (asbestos fibers) greater than 0.3 micrometers mass median aerodynamic equivalent diameter.

HEPA vacuum equipment. “HEPA vacuum equipment” shall mean vacuuming equipment with a HEPA filter.

Holding area. “Holding area” shall mean a chamber in the equipment decontamination enclosure located between the washroom and an uncontaminated area.

Homogeneous work area. “Homogeneous work area” shall mean a portion of the work area which contains one type of asbestos-containing material and/or where one type of abatement is used.

Industrial hygiene. “Industrial hygiene” shall mean that science and art devoted to the recognition, evaluation and control of those environmental factors or stresses, arising in or from the work place, which may cause sickness, impaired health and well being, or significant discomfort and inefficiency among workers or among the citizens of the community.

Industrial hygienist. “Industrial hygienist” shall mean an

individual having a college or university degree or degrees in engineering, chemistry, physics, or medicine or related biological sciences who, by virtue of special studies and training, has acquired competence in industrial hygiene. [Such special studies and training must have been sufficient in all of the above cognate sciences to provide the abilities:

- (1) To recognize the environmental factors and to understand their effect on people and their well being; and
- (2) To evaluate, on the basis of experience and with the aid of quantitative measurement techniques, the magnitude of these stresses in terms of ability to impair people’s health and well being; and
- (3) To prescribe methods to eliminate, control or reduce such stresses when necessary to alleviate their effects.]

Isolation barrier. “Isolation barrier” shall mean the construction of partitions, the placement of solid materials, and the plasticizing of apertures to seal off the work place from surrounding areas and to contain asbestos fibers in the work area.

Large asbestos project. “Large asbestos project” shall mean an asbestos project involving the disturbance (e.g., removal, enclosure, encapsulation) of 260 linear feet or more of [friable] asbestos-containing material or 160 square feet or more of [friable] asbestos-containing material.

Log. “Log” shall mean an official record of all activities that occurred during the project [and it]. At a minimum, the log shall identify the building owner, agent, contractor, and workers, and other pertinent information [(e.g., equipment malfunctions, contamination beyond the work area, etc.)] 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.

Means of egress. “Means of egress” shall mean a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. A means of egress consists of three separate and distinct parts: the exit access, the exit and the exit discharge.

Minor project. “Minor project” shall mean a project involving the disturbance (e.g. removal, enclosure, encapsulation, repair) of 25 linear feet or less of [friable] asbestos containing material or 10 square feet or less of [friable] asbestos containing material.

Movable object. “Movable object” shall mean a unit of equipment or furniture in the work area which can be removed from the work area.

Negative air pressure equipment. “Negative air pressure equipment” shall mean a portable local exhaust system equipped with HEPA filtration. The system shall be capable of creating a negative pressure differential between the outside and inside of the work area.

NFPA. “NFPA” shall mean the National Fire Protection Association.

NIOSH. “NIOSH” shall mean the National Institute for Occupational Safety and Health.

NYS DOL. “NYS DOL” shall mean the New York State Department of Labor.

NYS DOL ICR 56. “NYS DOL ICR 56” shall mean Part 56 of the Official Compilation of Codes, Rules and Regulations of the State of New York or 12 NYCRR Part 56.

NYS DOH. “NYS DOH” shall mean the New York State Department of Health.

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 polyethylene sheeting shall not be considered an obstruction when it is prominently marked as an exit with photoluminescent 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.

Occupied Area. “Occupied area” shall mean an area of the worksite where abatement is not taking place and where personnel or occupants normally function or where workers are not required to use personal protective equipment.

OSHA. “OSHA” shall mean the United States Occupational Safety and Health Administration.

Outside air. “Outside air” shall mean the air outside the work place.

Person. “Person” means any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any officer or employee thereof.

Personal air monitoring. “Personal air monitoring” shall mean a method used to determine employees’ exposure to airborne fibers. The sample is collected outside the respirator in the worker’s breathing zone.

Personal protective equipment. “Personal protective equipment” (PPE) shall mean appropriate protective clothing, gloves, eye protection, footwear, head gear.

Phase contrast microscopy. “Phase contrast microscopy” (PCM) shall mean the measurement protocol for the assessment of the fiber content of air. (NIOSH Method 7400).

Physician. “Physician” shall mean an individual licensed or otherwise authorized under Article 131 §65.22 of the New York State Education Law.

Plasticize. “Plasticize” shall mean to cover floors and walls with fire retardant plastic sheeting as herein specified or by using spray plastics as acceptable to the Department.

Polarized light microscopy. “Polarized light microscopy” (PLM) shall mean the measurement protocol for the assessment of the asbestos content of bulk materials. (Interim Method for the Determination of Asbestiform Materials in Bulk Insulation Samples- 40 CFR Part 763, Subpart F, Appendix A as amended on September 1, 1982)

Professional engineer. “Professional engineer” (PE) shall mean an individual licensed or otherwise authorized by the New York State Department of Education, Division of Professional Licensing Services, to practice engineering and use the title Professional Engineer.]

Project designer. “Project designer” shall mean a person who holds a valid Project Designer Certificate issued by the New York State Department of Labor.

Project monitor. “Project monitor” shall mean a person who holds a valid Project Monitor Certificate issued by the New York State Department of Labor.

Qualitative fit test. “Qualitative fit test” shall mean the individual test subject’s responding (either voluntarily or involuntarily) to a chemical challenge outside the respirator face piece. Acceptable methods include irritant smoke test, odorous vapor test, and taste test. [Three of the most popular methods include:

- (1) Irritant smoke test;
- (2) Odorous vapor test;
- (3) Taste test.]

Quantitative fit test. “Quantitative fit test” shall mean exposing the respirator wearer to a test atmosphere containing an easily detectable, nontoxic aerosol, vapor or gas as the test agent. Instrumentation, which samples the test atmosphere and the air inside the face piece of the respirator, is used to measure quantitatively the leakage into the respirator. There are a number of test atmospheres, test agents, and exercises to perform during the tests.

Registered architect. “Registered architect” (RA) shall mean an individual licensed or otherwise authorized by the New York State Department of Education, Division of Professional Licensing Services, to practice architecture and use the title Registered Architect.]

Registered design professional. “Registered design professional” shall mean a person licensed and registered to practice the professions of architecture or engineering under the Education Law of the State of New York.

Removal. “Removal” shall mean the stripping of any asbestos-containing materials from surfaces or components of a facility or taking out structural components in accordance with 40 CFR 61 Subparts A and M.

Renovation. “Renovation” shall mean an addition or alteration or change or modification of a building or the service equipment thereof, that is not classified as an ordinary repair as defined in §27-125 of the Administrative Code of the City of New York.

Repair. “Repair” shall mean corrective action using specified work practices e.g. glovebag, plastic tent procedures, etc. to minimize the likelihood of fiber release from minimally damaged areas of ACM.

Replacement material. “Replacement material” shall mean any material used to replace ACM that contains less than .01 percent asbestos.

Shift. “Shift” shall mean a worker’s, or simultaneous group of workers’, complete daily term of work.

Shower room. “Shower room” shall mean a room between the clean room and the equipment room in the worker decontamination enclosure with hot and cold running water controllable at the tap and arranged for complete showering during decontamination.

Small asbestos project. “Small asbestos project” shall mean an asbestos project involving the disturbance (e.g., removal, enclosure, encapsulation) of more than 25 and less than 260 linear feet of [friable] asbestos-containing material or more than 10 and less than 160 square feet of [friable] asbestos-containing material.

Staging area. “Staging area” shall mean the work area near the waste transfer airlock where containerized asbestos waste has been placed prior to removal from the work area.

Strip. “Strip” shall mean to remove [friable] asbestos materials from any part of the facility.

Structural member. “Structural member” shall mean any load-supporting member of a facility, such as beams and load-supporting walls, or any nonload-supporting member, such as ceiling and nonload-supporting walls.

Surface barriers. “Surface barriers” shall mean the plasticizing of walls, floors, and fixed objects within the work area to prevent contamination from subsequent work.

Surfactant. “Surfactant” shall mean a chemical wetting agent added to water to improve penetration.

Transmission electron microscopy (TEM). “Transmission electron microscopy (TEM)” shall mean the measurement protocol for the assessment of the asbestos fiber content of air. (Interim Transmission Electron Microscopy Analytical Methods-40 CFR Part 763, Subpart E, Appendix A)

Visible emissions. “Visible emissions” shall mean any emissions containing particulate material that are visually detectable without the aid of instruments.

Washroom. “Washroom” shall mean a room between the work area and the holding area in the equipment decontamination enclosure system where equipment and waste containers are wet cleaned and/or HEPA vacuumed prior to disposal.

Waste decontamination enclosure system. “Waste decontamination enclosure system” shall mean the decontamination enclosure system designated for the controlled transfer of materials and equipment, consisting of a washroom and a holding area.

Wet cleaning. “Wet cleaning” shall mean the removal of asbestos fibers from building surfaces and objects by using cloths, mops, or other cleaning tools which have been dampened with water.

Wet methods. “Wet methods” shall mean the use of amended water or removal encapsulants to minimize the generation of fibers during ACM disturbance.

Work area. “Work area” shall mean designated rooms, spaces, or areas of the building or structure where asbestos abatement activities take place. For glovebag procedures, the work area shall also include the areas contiguous to where the procedure takes place

Worker. “Worker” shall mean asbestos handler and/or asbestos handler supervisor.

Worker decontamination enclosure system. “Worker decontamination enclosure system” shall mean that portion of a decontamination enclosure system designed for controlled passage of workers, and other individuals and authorized visitors, consisting of a clean room, a shower room, and an equipment room separated from each other and from the work area by airlocks and curtained doorways.

Work place. “Work place” shall mean the work area and the decontamination enclosure system(s).

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.

Work site. “Work site” shall mean premises where asbestos abatement activity is taking place, and may be composed of one or more work areas.

§1-03 Variances. (a) Application for any variance from these rules or Part 56 of Title 12 of New York Codes, Rules and Regulations (Subparts 56-4 through 56-17) shall be made directly to the Department at least two weeks prior to the commencement of work. Work involving a variance may not commence prior to the receipt of the Department’s approval of the application.

(b) The Department’s “Asbestos Variance Application” (ACP-9) form shall be prepared by a project designer and submitted by the building owner or authorized agent, and shall include the following information:

- (1) Identification of those portions of the rules for which a variance is requested, providing each numbered section and subsection;
- (2) Explanations as to why the procedures required by the rules cannot be used;
- (3) A written proposal setting forth t(T)he alternative procedures the applicant will employ to satisfy each requirement as modified; and
- (4) A copy of any asbestos [inspection report] project notification previously filed. If the applicant has not previously filed an asbestos [inspection report] project notification, such [report] notification shall be filed with the application together with the applicable fee specified in §1-25(c).
- (5) A sketch or drawing illustrating the proposed modification.

(c) For each variance application where the combined amount (total of both square and linear feet on the ACP-7) of ACM is less than 5000 feet, payment of the variance processing fee shall accompany the application and shall conform with the payment schedule as follows:

- [(1)] Request to waive seven day notification requirement: \$300 fee.]
- [(2)](1) Request to modify no more than one lettered [subdivision] subsection in any section category listed in [subdivision] subsection (e) below: \$400 fee.
- [(3)](2) For each additional [subdivision] subsection in any category listed in [subdivision] subsection (e): \$200 fee.
- [(4)](3) The maximum fee: \$1200.

(d) For each variance application where the combined amount (total of both square and linear feet on the ACP-7) of ACM is greater than or equal to 5000 feet, payment of the variance processing fee shall accompany the application and shall conform with the payment schedule as follows:

- [(1)] Request to waive seven day notification requirement: \$400.]

- [(2)] Additional variance requests shall adhere to the following schedule:]
- [(i)](1) Request to modify no more than one lettered [subdivision] subsection in any section category listed in [subdivision] subsection (e): \$600.
- [(ii)](2) For each additional [subdivision] subsection in any category listed in [subdivision] subsection (e): \$300.
- [(iii)](3) The maximum fee: \$1800.

(e) Section categories shall be as follows:

CATEGORY	NYC Asbestos Control Program Section #s	12 NYCRR Part 56 Section #s
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Air Monitoring [71-85]31-45 56-[17] 4,6

Materials and Equipment 61 56-7

Work Place Preparation 81-8[3]4 56-[8]7

Work Place Procedures 91-94 56-[4,5, 6, 9, 10, 11]7

Abatement Procedures 101-1[06]10 56-[12, 13, 14, 16]8

Clean-up Procedures 111-112 56-[15]9

Pre-Demolition Abatement Activity Procedures 120-129 —

[Other unlisted section categories of the New York City Administrative Code and New York State Industrial Rule 56.]

(f) Any violation of the terms of any variance issued under this section shall be considered a violation of the lettered subdivision modified by the variance.

Subchapter B

Certification Provisions

Part 1 Certification Procedures

Part 1
Certification Procedures

- §1-11 Asbestos Handler Certificate
- §1-12 Renewal of Asbestos Handler Certificate
- §1-13 Restricted Asbestos Handler Certificate
- §1-14 Asbestos Handler Supervisor Certificate
- §1-15 Renewal of Asbestos Handler Supervisor Certificate
- §1-16 Asbestos Investigator Certificate
- §1-17 Renewal of Asbestos Investigator Certificate

§1-11 Asbestos Handler Certificate. (a) No individual shall engage in an asbestos project or in asbestos abatement activities on a minor project, for compensation, unless that individual is certified as an asbestos handler by the department and has an “Asbestos Handler Certificate” issued by the department which shall be [posted in the cleanroom] available at the work place.

(b) The department shall issue an asbestos handler certificate in the form of a photo identification card which shall be valid for two years from the date of issuance to applicants who meet the following conditions:

- (1) Applicant shall be at least eighteen (18) years of age at the date of application; and
- (2) Applicant shall submit a completed application provided by the department accompanied by a fee of one hundred dollars (\$100); and
- (3) Applicant shall submit documentation of successful completion within the prior 12 months of a NYSDOH-approved Asbestos Handler training course; and
- (4) Applicant shall achieve a passing grade on a departmental examination.

(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 hearing within ten days of receipt of denial.

§ 1-12 Renewal of Asbestos Handler Certificate. (a) The handler shall apply for renewal of the certificate at least 60 days prior to the date of its expiration.

(b) Application for renewal shall be made on a form approved by the department and shall be accompanied by a fee of one hundred dollars (\$100) and proof of successful completion within the prior 12 months of a NYSDOH-approved Asbestos Handler Refresher training course; and

(c) [Applicant shall achieve a passing grade on a departmental examination.]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 hearing within ten days of receipt of denial.

(d) In the event that an asbestos handler certificate is lost or stolen, the certificate holder must immediately notify the department. An application for a replacement shall be made in writing and shall include a notarized statement that the certificate was lost or stolen, a statement that the applicant understands that submittal of a false statement shall subject him or her to penalties and other remedies under the law, and a fee of \$50.

§1-13 Restricted Asbestos Handler Certificate. (a) This section shall apply to individuals involved in the construction of the containment barriers of a work area (e.g., carpenters), or who otherwise enter the contained work area for a limited period of time to perform certain specialized tasks in preparation for, or ancillary to, the actual abatement (e.g., electricians); and for whom asbestos handler certification would otherwise be required. This section shall not apply to individuals performing abatement handling of ACM.

(b) The department shall issue a restricted asbestos handler certificate, in the form of a photo identification card which shall be valid for two years from the date of issuance to applicants who comply with the requirements of §1-11(b)(1)-(4), except that the fee shall be \$50.

(c) An individual certified as a restricted asbestos handler by the department shall perform only those particular job functions specified by the department in the application for certification.

§1-14 Asbestos Handler Supervisor Certificate. (a) No individual shall supervise asbestos handlers engaged in an asbestos project, for compensation, unless that individual is certified as an asbestos handler supervisor by the department.

(b) The department shall issue an asbestos handler supervisor certificate, in the form of a photo identification card which shall be valid for two years from the date of issuance, to applicants who meet the following conditions:

- (1) Applicant shall be at least twenty-one (21) years of age at the time of application; and
- (2) Applicant shall submit a completed application provided by the department accompanied by a fee of one hundred dollars (\$100); and
- (3) Applicant shall submit documentation of successful completion within the prior 12 months of a NYSDOH approved Asbestos Supervisor training course.
- (4) Applicant shall submit additional credentials as follows:
 - (i) A [professional engineer, registered architect]registered design professional, certified industrial hygienist, or certified safety professional shall submit a copy of the licensing credentials or certification, and documentation of one month post-graduate experience in asbestos abatement activities.
 - (ii) A graduate from an accredited college or university possessing a bachelor's or advanced degree in engineering, architecture, environmental health science, industrial hygiene, occupational health and safety or a related science shall submit a copy of the degree, and documentation of three months post graduate experience in asbestos abatement activities.
 - (iii) A graduate from an accredited college of university possessing an associate's degree in applied science and technology, environmental health science, public health, industrial health or a related science shall submit a copy of the degree, and documentation of six months post-graduate experience in asbestos abatement activities.
 - (iv) All other applicants shall submit documentation of one year of experience in asbestos abatement activities.

The applicant's experience in asbestos abatement activities shall be listed chronologically and shall include each contractor's name/address/phone number; the number of hours worked per week on asbestos abatement activities; the applicant's job title and a brief description of duties; and

(5) Applicant shall achieve a passing grade on a departmental examination.

(c) The department may consider applicants who submit additional credentials which are not identical to the categories specified in subdivision (b)(4) above, but who present an equivalent combination of familiarity with abatement activities and demonstrated competence.

(d) 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 hearing within ten days of receipt of denial.

§1-15 Renewal of Asbestos Handler Supervisor Certificate. (a) The supervisor shall apply for renewal of the certificate at least 60 days prior to the date of its expiration.

(b) The supervisor shall submit the following items for renewal:

- (1) A completed application provided by the department accompanied by a fee of \$100; and

- (2) Documentation of successful completion within the prior 12 months of a NYSDOH-approved Asbestos Handler Supervisor Refresher training course.

(c) [Applicant shall achieve a passing grade on a departmental examination.] 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 hearing within ten days of receipt of denial.

(d) In the event that an asbestos handler supervisor certificate is lost or stolen, the certificate holder must immediately notify the department. An application for a replacement shall be made in writing and shall include a notarized statement that the certificate was lost or stolen, a statement that the applicant understands that submittal of a false statement shall subject him or her to penalties and other remedies under the law, and a fee of \$50.

§1-16 Asbestos Investigator Certificate. (a) (1) No individual shall engage in building survey and hazard assessment for asbestos unless that individual is certified as an asbestos investigator by the department.

- (2) A non-certified individual may participate in an asbestos survey being conducted by a NYC certified investigator only if such individual works in the presence of the investigator and under his/her direct and continuing supervision.
- (3) The investigator shall assume that some or all of the areas investigated contain ACM, and for each area that is not assumed to contain ACM, collect and submit for analysis bulk samples in accordance with §§1-36, 1-37 and 1-44 and EPA publications 560/5-85-024 and [or] 560/5-85-030A, and 40 CFR Part 763.86.

(b) The department shall qualify applicants to be asbestos investigators. The applicant shall satisfy one of the following five sets of conditions:

- (1) A [professional engineer, a registered architect]registered design professional, a certified industrial hygienist or a certified safety professional shall submit a copy of licensing credentials or certification.
- (2) A graduate from an accredited college or university possessing a doctorate or master's degree in architecture, engineering, environmental science, environmental health science, occupational health and safety, industrial hygiene or related environmental science shall submit a copy of the degree and documentation of six months post-graduate experience in building survey/hazard assessment for asbestos.
- (3) A graduate from an accredited college or university possessing a bachelor's degree in architecture, engineering, environmental science, environmental health science, occupational health and safety, industrial hygiene or a related environmental science shall submit a copy of the degree and documentation of one year post-graduate experience in building survey/hazard assessment for asbestos.
- (4) A graduate from an accredited college or university possessing an associate's degree in architecture, engineering technology, environmental health, public health, industrial health, applied science and technology or a related environmental science shall submit a copy of the degree and documentation of one year post-graduate experience in building survey/hazard assessment for asbestos and an additional two years of building survey-related experience.
- (5) An individual with extensive experience in asbestos investigation on a professional level shall submit documentation demonstrating two years of experience in building survey/hazard assessment for asbestos and an additional three years of other building survey-related experience.

(c) The department shall issue an asbestos investigator certificate in the form of a photo identification card which shall be valid for two years from the date of issuance to qualified applicants who submit the following:

- (1) A completed application provided by the Department accompanied by a fee of two hundred fifty dollars (\$250); and
- (2) Documentation of successful completion within the prior 12 months of a New York State Restricted Asbestos Handler-III Inspector Training course, and a passing grade on the required investigator training course; and
- (3) Documentation of a medical examination performed by a physician within the prior 12 months, which shall include at a minimum a pulmonary function test, evaluation of a recent chest x-ray and a physician's recommendation as to whether the applicant is able to wear a respirator in the performance of his/her job; and
- (4) Documentation of a qualitative or quantitative fit test performed within the prior three months, which shall include brand name and type of respirator, date and location of test, and the signature of the industrial hygienist administering the test.
 - (i) Qualitative fit test may be used only for fit testing of half-mask negative pressure respirators.

- (ii) Quantitative fit test shall be performed on all full-face negative pressure respirators.

(d) Applicant shall achieve a passing grade on a departmental examination.

(e) Under special circumstances the department may consider applicants who submit additional credentials which are not identical to the categories specified in subdivision (b)(1) through (5) above.

(f) 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 hearing within ten days of receipt of denial.

(g) A person who possesses an asbestos investigator certificate shall be responsible for the proper execution of his or her duties. Unprofessional conduct is prohibited. Unprofessional conduct shall include but is not limited to:

- (1) Failing to comply with the provisions of Federal, State, or local laws, rules or regulations.
- (2) Making or filing a false report, or failing to file a report required by Federal, State, or local laws, rules, or regulations.
- (3) Delegating professional responsibilities to a person who is not qualified to perform them.

(h) Investigator's seal requirement. (1) No NYC-certified asbestos investigator shall submit any plan or report to any client or any city, state, or federal agency that does not have the investigator's seal and signature affixed to it. Photocopies of the seal and signature are not acceptable.

- (2) Seals used by certified asbestos investigators shall be circular in shape, approximately one and three quarter inches in diameter, with three concentric circles. The inner circle shall contain an accurate representation of the great seal of the City of New York. The legend at the top of the outer band shall read "CITY OF NEW YORK" and at the bottom "CERTIFIED ASBESTOS INVESTIGATOR". In the inner circle above the great seal of the City of New York shall be shown the name of the certified asbestos investigator.
- (3) Any plan or report submitted without the investigator's seal and signature shall be considered invalid.
- (4) Use of personal valid "professional engineer" or "registered architect" seal in lieu of investigators' seal by certified investigators is allowed.

§1-17 Renewal of Asbestos Investigator Certificate. (a) The investigator shall apply for renewal of the certificate at least 60 days prior to the date of its expiration.

(b) The investigator shall submit the following items for renewal:

- (1) A completed application provided by the Department accompanied by a fee of \$250 payable to the Department; and
- (2) Documentation of successful completion within the prior 12 months of a NYSDOH-approved Asbestos Inspector Refresher course; and
- (3) Documentation of a medical examination performed by a physician within the prior 12 months, which shall include at a minimum a pulmonary function test, evaluation of a recent chest x-ray and a physician's recommendation as to whether the applicant is able to wear a respirator in the performance of his/her job; and
- (4) Documentation of a qualitative or quantitative fit test performed within the prior three months, which shall include brand name and type of respirator, date and location of test, and the signature of the industrial hygienist administering the test.
 - (i) Qualitative fit test may be used only for fit testing of half-mask negative pressure respirators.
 - (ii) Quantitative fit test shall be performed on all full-face negative pressure respirators.

(c) [Applicant shall achieve a passing grade on a departmental examination.] 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 hearing within ten days of receipt of denial.

(d) In the event that an asbestos investigator certificate is lost or stolen, the certificate holder must immediately notify the department. An application for a replacement shall be made in writing and shall include a notarized statement that the certificate was lost or stolen, a statement that the applicant understands that submittal of a false statement shall subject him or her to penalties and other remedies under the law, and a fee of \$50.

§3. Subchapter C of Chapter 1 of Title 15 of the Rules of the City of New York are amended to read as follows:

Subchapter C

Reporting and Filing Requirements, Plans and Fees

§1-21 Notifications, Reports, Plans and Fees
§1-22 Permits

§1-23 Alterations/Renovations/Modifications**§1-24 Projects Requiring NYC Buildings Department Plan Amendment****§1-25 Projects Not Requiring Any Buildings Department Plan Approvals or Permits****§1-26 Emergency Asbestos Project Notification****§1-27 Record Keeping Requirements for Investigators**

§ 1-21 Notifications, Reports, Plans, and Fees. (a) For the purpose of determining whether there has been compliance with any reporting or filing requirement established in §§ 1-22 through 1-26, the size and scope of the overall project shall control, with particular reference to the total amount of friable asbestos-containing material which will be disturbed. Such requirements may not lawfully be avoided or lessened through the performance of work in incremental or piecemeal fashion.

(b) When alternative calculations (i.e., linear feet and square feet) of the size and scope of an asbestos project result in that project coming within the definition of more than one sub-classification of asbestos project, the calculation with the higher absolute number shall determine the sub-classification of asbestos project procedures to be followed.

(c) For the purpose of §§ 1-21 through 1-26, the term "work" shall be understood as in the common construction usage, i.e. not specifically related to asbestos abatement activities. §

§ 1-22 Permits. (a) This section shall apply to applications for the following NYC Department of Buildings permits:

- (1) Demolition permits, except that the provisions of this section shall not apply to the demolition of a one-story garage with a 2-car maximum capacity which is not supplied with water lines, or to the legalization of demolition work which occurred prior to April 1, 1987.
- (2) Plumbing permits, except that applications for alteration and repair slips shall be subject to the provisions of this section only when such applications are for the installation, alteration, or removal of fuel-burning equipment.

The installation, alteration or removal of unit heaters, gas ranges, and gas dryers shall be exempt from the provisions of this section.

(b) Each building owner shall be responsible for determining the amount of friable asbestos-containing material which will be disturbed during the course of the permitted activity.

(c) The owner of the building or his/her authorized agent shall comply with the following notification requirements regarding friable asbestos-containing material which will be disturbed during the course of performing work authorized by the permit:

- (1) "Not an Asbestos Project" notification. If the work for which a permit is sought is not an asbestos project, a NYC-certified asbestos investigator shall complete, sign, and affix his or her seal to the "Not an Asbestos Project" form which shall be submitted with an additional fee of \$15.00 together with the permit application to the NYC Buildings Department.
- (2) *Asbestos project notification.*
- (i) *Small asbestos projects.* If the cumulative total of all surfaces affected by the work for which the permit is sought is a small asbestos project, the department's "Asbestos Inspection Report," completed by the building owner or authorized agent, and listing each work area within the building separately, shall be submitted to the NYC Buildings Department, together with the permit application and a department filing fee in the following amounts:
 - (A) For work which will disturb more than 25 linear feet but less than 100 linear feet or more than 10 square feet but less than 50 square feet of friable asbestos-containing material, the fee shall be \$200.
 - (B) For work which will disturb at least 100 linear feet but less than 260 linear feet or at least 50 square feet but less than 160 square feet of friable asbestos-containing material, the fee shall be \$400.
- (ii) *Large asbestos projects.* If the cumulative total of all surfaces affected by the work for which the permit is sought is a large asbestos project, the department's "Asbestos Inspection Report," completed by the building owner or authorized agent, and listing each work area within the building separately, shall be submitted to the NYC Buildings Department, together with the permit application and a department filing fee in the following amounts:
 - (A) For work which will disturb at least 260 linear feet and less than 1,000 linear feet, or at least 160 square feet and less than 1000 square feet, of friable asbestos-containing material, the fee shall be \$800.
 - (B) For work which will disturb 1,000 linear feet or more, or 1,000 square feet or more, of friable asbestos-containing material, the fee shall be \$1,200.

(d) Modification of or deviation from the information provided in any notification submitted to the Department of Buildings under this section shall immediately be reported in writing directly to DEP if the change refers to the identity of the building owner or ACM removal contractor or the air monitoring firm; or the amount of ACM to be removed; or the dates of the project; or the specific project location. A notification may be modified no more than twice. A modification is valid only if it is received by the DEP prior to the previously filed date of completion, except for start date changes which must be received by the original start date.

Thereafter, a new notification submitted directly to the department will be required. A notification to Department of Buildings or DEP shall be valid for one year from the date of original filing.

§ 1-23 Alterations/Renovations/Modifications. As early as possible before an alteration, renovation, or modification takes place, or changes in an alteration, renovation or modification occur, the building owner shall be responsible for determining the absence or presence of friable asbestos-containing material which will be disturbed during the course of the alteration, renovation or modification activities. The owner of the building or the authorized agent shall comply with the notification requirements of this section regarding friable asbestos-containing material.

(a) *Exceptions.* The following activities do not constitute an alteration, renovation or modification of a building or structure; therefore, the filing of a notification shall not be required as a prerequisite for issuance of a Buildings Department plan approval. However, if friable asbestos-containing material is discovered during the course of any of the following activities, an "Asbestos Inspection Report" shall be filed immediately with DEP according to § 1-25 or 1-26.

Accessory Parking
Awnings
Candy or News Stands
Certificate of Occupancy requiring no work
Change of use or legalization requiring no work
Cranes
Curb Cuts
Debris chutes (not to be used for ACM)
Elevator equipment (not including construction & enclosure of shaft)
Emergency power not involving hard wiring (i.e., battery packs)
Erecting of fire escape
Exterior concrete work (e.g., sidewalks)
Exterior Scaffolding
Exterior trenching and drainage
Flagpoles
Kiosks
New finish material
New storefronts in existing masonry openings
Parapet Walls
Radio antenna (towers) free-standing
Relocating parking lot sheds
Replacing exterior water tanks
Replacing roof-top air conditioning unit not involving modification or removal of ductwork
Retaining Walls
Sealing Buildings
Sealing of dumbwaiters
Sidewalk Sheds, Bridges, Fences, Elevators, Hoists, and Cafes Signs
Subdivision of an existing tax lot
Swimming pools (outdoor)
Tents
Erection of Temporary Structures (e.g., trailers, etc.) supplied with electric and water lines only
Underpinning of Buildings
Zoning lot reapportionment

(b) "Not an Asbestos Project" notification. If the cumulative total of all surfaces affected by the work for which plan approval is sought is not an asbestos project, a NYC-certified asbestos investigator shall complete, sign, and affix his or her seal to the "Not an Asbestos Project" form which shall be submitted with an additional fee of \$15.00 together with the appropriate Buildings Department application form(s) to the NYC Buildings Department.

(c) *Asbestos project notification.*

- (1) *Small asbestos projects.* If the cumulative total of all surfaces affected by the work for which plan approval is sought is a small asbestos project, the department's "Asbestos Inspection Report," completed by the building owner or authorized agent, and listing each work area within the building separately, shall be submitted to the NYC Buildings Department, together with the appropriate Buildings Department application form(s) and a department filing fee in the following amounts:
 - (i) For work which will disturb more than 25 linear feet but less than 100 linear feet, or more than 10 square feet but less than 50 square feet of friable asbestos-containing material, the fee shall be \$200.
 - (ii) For work which will disturb at least 100 linear feet and less than 260 linear feet, or at least 50 square feet and less than 160 square feet of friable asbestos-containing material, the fee shall be \$400.
- (2) *Large asbestos projects.* If the cumulative total of all surfaces affected by the work for which plan approval is sought is a large asbestos project, the Department's "Asbestos Inspection Report," completed by the building owner or the authorized agent, and listing each work area within the building separately, shall be submitted to the NYC Buildings Department, together with the appropriate Buildings Department application form(s) and a Department filing fee as follows:
 - (i) For work which will disturb at least 260 linear feet and less than 1000 linear feet, or at least 160 square feet and less than 1000 square feet, of friable asbestos-containing material, the fee shall be \$800.
 - (ii) For work which will disturb 1000 linear feet or more, or 1000 square feet or more, of friable asbestos-containing material, the fee shall be \$1200.

(d) Modification of or deviation from the information provided in any notification submitted to the Department of Buildings under this section shall immediately be reported in

writing directly to DEP if the change refers to the identity of the building owner or ACM removal contractor or the air monitoring firm; or the amount of ACM to be removed; or the dates of the project; or the specific project location. A notification may be modified no more than twice. A modification is valid only if it is received by the DEP prior to the previously filed date of completion, except for start date changes which must be received by the original start date. Thereafter, a new notification submitted directly to the department will be required. A notification to Department of Buildings or DEP shall be valid for one year from the date of original filing.

§ 1-24 Projects Requiring NYC Buildings Department Plan Amendment. (a) If the amendment is for work at the same work area(s) covered in the original application, a copy of the originally-submitted "Not an Asbestos Project" form or "Asbestos Inspection Report" shall be submitted together with the amendment to the NYC Buildings Department.

(b) If the amendment is for work at (a) work area(s) not covered in the original application, the applicant shall file according to the § 1-23 procedures for an original Building Alteration/Renovation/Modification application.

§ 1-25 Projects Not Requiring Any Buildings Department Plan Approvals or Permits. The purpose of this section is to require that notification of asbestos projects be provided directly to the DEP in circumstances where filing for Buildings Department plan approval or permit issuance is not required. This includes instances where filings with the Buildings Department are for other than plan approval or permit issuance; where no filing is required because the Buildings Department has decided not to require it; and where no filing is required because the Buildings Department is without authority to do so.

(a) This section shall apply to the following categories:

- (1) Removal, encapsulation, enclosure or replacement of asbestos-containing materials (including insulation); and
- (2) Work or into plenum spaces of existing buildings (e.g., electrical, ventilation, cable, sheet metal work, etc.); and
- (3) Removal of asbestos-covered structures and equipment such as boilers, pipes, etc.; and
- (4) Other miscellaneous activities not previously exempted.

(b) *Work not constituting an asbestos project.* If the work is not an asbestos project, no notification or fee payable to the department shall be required, unless notification and fees are otherwise required by these regulations.

(c) *Asbestos projects.* If the cumulative total of all surfaces affected by the work is an asbestos project, the department's "Asbestos Inspection Report," completed by the building owner or authorized agent, and listing each work area within the building separately, shall be submitted directly to the Department of Environmental Protection one week in advance of the start of the work along with a filing fee in the following amounts:

- (1) For work which will disturb more than 25 linear feet but less than 100 linear feet, or more than 10 square feet but less than 50 square feet, the fee shall be \$200.
- (2) For work which will disturb at least 100 linear feet and less than 260 linear feet, or at least 50 square feet and less than 160 linear feet, the fee shall be \$400.
- (3) For work which will disturb at least 260 linear feet and less than 1,000 linear feet, or at least 160 square feet and less than 1,000 square feet, of friable asbestos-containing material, the fee shall be \$800.
- (4) For work which will disturb 1000 linear feet or more, or 1000 square feet or more, of friable asbestos-containing material, the fee shall be \$1200.

(d) Modification of or deviation from the information provided in any notification submitted to the Department of Buildings under this section shall immediately be reported in writing directly to DEP if the change refers to the identity of the building owner or ACM removal contractor or the air monitoring firm; or the amount of ACM to be removed; or the dates of the project; or the specific project location. A notification may be modified no more than twice. A modification is valid only if it is received by the DEP prior to the previously filed date of completion, except for start date changes which must be received by the original start date. Thereafter, a new notification submitted directly to the department will be required. A notification to Department of Buildings or DEP shall be valid for one year from the date of original filing.

§ 1-26 Emergency Asbestos Project Notification. (a) An emergency asbestos project involves the removal, enclosure or encapsulation of friable asbestos-containing material that was not planned but is undertaken when sudden unexpected event(s) result in a situation in which any delay in abatement would pose an immediate danger to public safety and health.

(b) When such an emergency asbestos project occurs, immediate telephone notification shall be provided to DEP's Asbestos Control Division. Telephone notification shall include:

- (1) name, affiliation and telephone number of caller;
- (2) nature of the emergency;
- (3) type of asbestos work to be performed;
- (4) exact location of the project including street address and borough;

- (5) name, address, and telephone number of the employer of the workers handling the asbestos-containing material; and
- (6) starting and projected completion dates.

(c) Written notification must be received as soon as possible, but not later than 48 hours after the project begins, at the DEP's Bureau of Air Resources' Asbestos Control Division. Written notification shall be via the Asbestos Inspection Report (Form ACP 7) with a cover letter stating:

- (1) "this is notification for an emergency asbestos project"; and
- (2) The nature of the emergency.

§ 1-27 Record Keeping Requirements for Investigators.

(a) The asbestos investigator shall maintain a permanent record as required under this section for every building survey/hazard assessment for asbestos that is conducted pursuant to or submitted in accordance with §§ 1-22 through 1-26 of this chapter.

(b) For each building survey/hazard assessment conducted prior to preparation of either DEP Forms ACP7 or ACP5, the investigator shall compile a record which shall include at a minimum:

- (1) a detailed written description of procedures employed to detect the presence or absence of ACM; and
- (2) a blueprint, diagram, drawing, or written description of each building or portion thereof inspected by the investigator that identifies clearly each location and approximate linear or square footage of any area where material was sampled for ACM, and the exact locations where bulk samples were collected, the date of collection, and location of any areas assumed to have ACM; and
- (3) the printed name and signature of any and all persons who collect bulk samples for the purpose of determining the presence of ACM, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis and the name and signature of the person performing the analysis; and
- (4) a detailed written description of any proposed demolition, renovation, alteration or modification work to be performed, including the techniques to be used and a description of affected facility components.

(c) The investigator shall indicate in each record all instances in which work was performed by a non-certified individual pursuant to § 1-16(a)(2), and shall include such individual's name, address, telephone number, and a specific description of all activities performed by such individual.

(d) The investigator shall maintain these records for thirty (30) years.

(e) The investigator shall make these records available during normal business hours without cost or restriction for inspection by a representative of the Department.]

Notifications, Permitting and Recordkeeping

§1-21 Size and Scope of Asbestos Project

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

§1-23 Alterations/Renovations/Modifications

§1-24 [Reserved]

§1-25 Asbestos Project Notifications

§1-26 Asbestos Abatement Permits

§1-27 Emergency Asbestos Project Notification

§1-28 Record Keeping Requirements for Investigators

§1-29 Maintenance of Project Record and Project Summary

§1-21 Size and Scope of Asbestos Project. (a) For the purpose of determining whether there has been compliance with any reporting or filing requirement established in §§1-22 through 1-27, the size and scope of the overall project shall control, with particular reference to the total amount of [friable] asbestos-containing material which will be disturbed. Such requirements may not lawfully be avoided or lessened through the performance of work in incremental or piecemeal fashion.

(b) When alternative calculations (i.e., linear feet and square feet) of the size and scope of an asbestos project result in that project coming within the definition of more than one sub-classification of asbestos project, the calculation with the higher absolute number shall determine the sub-classification of asbestos project procedures to be followed.

(c) For the purpose of §§1-21 through 1-27, the term "work" shall be understood as in the common construction usage, i.e., not specifically related to asbestos abatement activities.

§1-22 Projects Requiring Certification to the Department of Buildings. (a) This section shall apply to applications for the following projects requiring permits to be issued by the Department of Buildings:

- (1) Full demolitions.
- (2) Alterations, renovations, or modifications.
- (3) Plumbing work, except that applications for limited plumbing alterations shall be subject to this section only when the application is for the installation, alteration, or removal of fuel-burning equipment.

(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:

(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 \$25.00 shall be submitted to DOB 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.

(2) Asbestos Exemption Certification. If the work is exempt pursuant to section 1-23(b) of these rules, an asbestos exemption certification (Form ASB4) completed, signed, and sealed by the applicant for a DOB permit shall be submitted to DOB 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.

(3) Asbestos Project Completion Form. If an asbestos project has been performed and satisfactorily completed in accordance with these rules, a copy of the asbestos project 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.

(4) An Asbestos Project Conditional Close-out 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 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.

§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 determining 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.

(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 a fee of \$25.00 together with the appropriate Department of Buildings application forms to the Department of Buildings in accordance with section 1-22(b) (1) of these rules.

(d) Asbestos Project Completion Form. Where the work to be performed constitutes an asbestos project, an asbestos project notification (ACP-7 Form) shall be submitted to DEP in accordance with the provisions of section 1-25 of these rules. Upon completion of the asbestos project and submission of all required documentation to DEP, DEP shall issue an asbestos project completion form to the building owner or its authorized representative.

§1-24 [Reserved]

§1-25 Asbestos Project Notifications.

(a) This section shall apply to the following categories:

- (1) Removal, encapsulation, enclosure or replacement of asbestos-containing materials (including insulation); and
- (2) Work in or into plenum spaces of existing buildings (e.g. electrical, ventilation, cable, sheet metal work, etc.); and
- (3) Removal of asbestos-covered structures and equipment such as boilers, pipes, etc.; and
- (4) Other miscellaneous activities not previously exempted.

(b) Work constituting a minor project. If the work is a minor project, no notification or fee payable to the department shall be required, unless notification and fees are otherwise required by these regulations.

(c) Asbestos Projects. If the cumulative total of all surfaces affected by the work is an asbestos project, the department's asbestos project notification (ACP-7 Form) completed by the building owner or authorized agent, and listing each work area within the building separately, shall be submitted

directly to the department one week in advance of the start of the work along with a filing fee in the following amounts:

- (1) For work which will disturb more than 25 linear feet but less than 100 linear feet, or more than 10 square feet but less than 50 square feet, of asbestos-containing material, the fee shall be \$200.
- (2) For work which will disturb at least 100 linear feet and less than 260 linear feet, or at least 50 square feet and less than 160 square feet, of asbestos-containing material, the fee shall be \$400.
- (3) For work which will disturb at least 260 linear feet and less than 1,000 linear feet, or at least 160 square feet and less than 1,000 square feet, of asbestos-containing material, the fee shall be \$800.
- (4) For work which will disturb 1,000 linear feet or more, or 1,000 square feet or more, of asbestos-containing materials, the fee shall be \$1,200.

(d) Modification of or deviation from the information provided in any notification submitted to the DEP under this section shall immediately be reported in writing directly to DEP if the change refers to the identity of the building owner or ACM removal contractor or the air monitoring firm; or the amount of ACM to be removed; or the dates of the project; or the specific project location. A notification may be modified no more than twice, however, a modification related to the extension or reinstatement of an asbestos abatement permit shall not count towards this total. A modification is valid only if it is received by the DEP prior to the previously filed date of completion, except for start date changes which must be received by the original start date. Thereafter, a new notification submitted directly to the department will be required. Additional work, identified after the completion of the work indicated on the asbestos project notification and successful clearance air monitoring, shall require a new notification. A notification to DEP shall be valid for one year from the date of original filing.

§ 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:

- (1) Obstruction of an exit door leading to an exit stair or the exterior of the building;
- (2) Obstruction of an exterior fire escape or access to that fire escape;
- (3) Obstruction of a fire-rated corridor leading to an exit door;
- (4) Removal of handrails in an exit stair or ramp;
- (5) Removal or dismantling of any fire alarm system component including any fire alarm-initiating device (e.g., smoke detectors, manual pull station);
- (6) Removal or dismantling of any exit sign or any component of the exit lighting system, including photoluminescent exit path markings;
- (7) Removal or dismantling of any part of a sprinkler system including piping or sprinkler heads;
- (8) Removal or dismantling of any part of a standpipe system including fire pumps or valves;
- (9) Removal of any non-load bearing / non-fire-rated wall (greater than 45 square feet or 50 per cent of a given wall);
- (10) Any plumbing work other than the repair or replacement of plumbing fixtures;
- (11) Removal of any fire-resistance rated portions of a wall, ceiling, floor, door, corridor, partition, or structural element enclosure including spray-on fire-resistance rated materials;
- (12) Removal of any fire damper, smoke damper, firestopping material, fireblocking, or draft stopping within fire-resistance rated assemblies or within concealed spaces;
- (13) Any work that 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)(1-8) and (a)(13), 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).
- (2) Plan not required. For projects requiring an asbestos abatement permit due to one or more of the activities listed in (a)(9-12), the building owner or its authorized representative shall submit, together with the asbestos project notification, all applicable asbestos abatement permit construction documents, 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 WSPS 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.

(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.

(2) A final inspection shall be performed by a registered design professional after all work authorized by the asbestos abatement permit is completed. The person performing the inspection shall note all failures to comply with the provisions of the Building Code or approved asbestos abatement permit and shall promptly notify the owner in writing. All defects noted in such inspection shall be corrected.

The final inspection report shall either:

- (i) confirm:
 - (A) that the construction work is complete, including the reinstallation or reactivation of any building fire safety or life safety component; and
 - (B) that any defects previously noted have been corrected; and
 - (C) that all required inspections were performed; and
 - (D) that the work is in substantial compliance with the approved asbestos abatement permit construction documents, the Building Code, and other applicable laws and rules; or
- (ii) confirm:
 - (A) that the construction work does not return the building (or portion thereof) affected by the abatement project to a condition compliant with the building code and other applicable laws and rules, but that the registered design professional has reviewed an application for asbestos abatement permit construction documents approval that has been approved by the department of buildings, and the subsequent scope of work as approved will, upon completion, render all areas affected by the asbestos project in full compliance with the building code and all applicable laws and rules; and
 - (B) that any defects previously noted that are not addressed by the subsequent scope of work as approved by the department of buildings, have been corrected; and
 - (C) that all required inspections that are not addressed by the subsequent scope of work as approved by the department of buildings were performed; and
 - (D) that all completed work pursuant to an asbestos abatement permit is in substantial compliance with the approved asbestos abatement permit construction documents.

(3) Final inspection reports shall be filed with DEP on A-TR1 form. Records of final inspections made by registered design professionals shall be maintained by such persons for a period of six years after final

inspection or for such other period as the commissioner shall require and shall be made available to the department upon request.

(d) Duration of Permit. An asbestos abatement permit shall expire upon the earlier of one year from the date of issuance or when terminated pursuant to either of the following:

- (1) The holder of an asbestos abatement permit submits a final inspection report pursuant to (c)(2)(i).
- (2) The holder of an asbestos abatement permit submits a final inspection report pursuant to (c)(2)(ii) and obtains a Department of Buildings permit for work which, when completed, will render all areas affected by the project fully compliant with the building code and all other applicable rules and laws.

(e) Failure to terminate asbestos abatement permit within year. (1) Failure to terminate an asbestos abatement permit pursuant to subsection (d) within a year from the date of issuance of said permit shall be a violation subject to fine unless the applicant obtains a renewal pursuant to paragraph (2) of this subdivision. Each 60-day period during which such violation continues to occur constitutes a separate offense that may be subject to a separate fine.

(2) The holder of an asbestos abatement permit may extend the term of such permit for additional six month periods upon the submission, within 30 days before the expiration of said permit, of an amendment on a form prescribed by DEP and the payment of a fee in the same amount as the fee paid for the original permit.

(3) If the holder of an asbestos abatement permit fails to terminate an asbestos abatement permit within a year from the date of issuance, the holder shall maintain the work area in a safe manner including but not limited to any mitigation measures set forth in the WSPS and shall not perform work unless the holder reinstates the permit upon submission of an amendment on the forms prescribed by the Department and the payment of a new fee in the same amount as the fee paid for the original permit. Such reinstatement shall be valid for a period of six months from issuance. If the asbestos abatement permit is not terminated during a six-month reinstatement period, the holder of a reinstated asbestos abatement permit must submit a subsequent amendment and fee to reinstate the permit for another six-month period.

(f) Insurance. Entities other than NYSDOL-licensed asbestos contractors performing work pursuant to an asbestos abatement permit which does not involve the disturbance of asbestos-containing materials shall maintain insurance of the same type and amount as would be required if the entity were working pursuant to a permit issued by the Department of Buildings.

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

Project Size	Fee
25 to 99 linear feet or 10 to 49 square feet of ACM	\$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

(h) Work covered by the asbestos abatement permit shall not commence until said permit is issued.

§1-27 Emergency Asbestos Project Notification. (a) An emergency asbestos project involves the removal, enclosure or encapsulation of asbestos-containing material that was not planned but is undertaken when sudden unexpected event(s) result in a situation in which any delay in abatement would pose an immediate danger to public safety and health.

(b) When such an emergency asbestos project occurs, immediate telephone notification shall be provided to DEP's asbestos control program. Telephone notification shall include:

- (1) Name, affiliation and telephone number of caller;
- (2) Nature of the emergency;
- (3) Type of asbestos work to be performed and the quantity of ACM to be abated;
- (4) Exact location of the project including street address and borough;
- (5) Name, address, and telephone number of the asbestos abatement contractor and the air monitoring company; and
- (6) Starting and projected completion dates.
- (7) Such other factors as the department may determine are relevant for that project.

(c) An asbestos project notification (ACP-7 Form) shall be submitted to DEP in accordance with the provisions of section 1-25 of these rules as soon as possible, but not later than 48 hours after the project begins. In such cases, the ACP-7 Form shall be accompanied by a cover letter including the following information:

- (1) that the project is an emergency asbestos project;
- (2) the nature of the emergency;
- (3) the DEP emergency control number issued at the time of the telephone notification; and
- (4) a description of the scope of work.

With respect to projects commenced under this section, the department, based on inspection by the department and other relevant agencies, may exempt the emergency project

from the requirements of section 1-26. Any such exemption will be confirmed in writing by the department.

§1-28 Record Keeping Requirements for Investigators.

(a) The asbestos investigator shall maintain a permanent record as required under this section for every building survey/hazard assessment for asbestos that is conducted pursuant to or submitted in accordance with §§1-22 through 1-27 of this chapter.

(b) For each building survey/hazard assessment conducted prior to preparation of either the asbestos project notification (ACP-7) or asbestos assessment report (ACP-5), the investigator shall compile a record which shall include at a minimum:

- (1) A survey report that reflects the condition of the work area at the time of the investigator's inspection. The report is to include, at a minimum, the building's address and the name and address of the building owner, as well as the locations, quantities, and condition of all building materials in the affected portion(s) of the building or structure relative to the ACM contained therein; the building or structure's address; and the name and address of the building owner; and
- (2) A blueprint, diagram, drawing, or written description of each building or portion thereof inspected by the investigator that identifies clearly each location and approximate linear or square footage of any area where material was sampled for ACM, and the exact locations where bulk samples were collected, the date of collection, and location of any areas assumed to have ACM; and
- (3) The printed name and signature of any and all persons who collect bulk samples for the purpose of determining the presence of ACM, a copy of the current DEP asbestos handler certificate and NYSDOL asbestos handler certificate of each such person, the name of the firm performing the survey and a copy of its current NYSDOL asbestos handling license, the name and address of the laboratory analyzing the samples, the date of analysis, the results of the analysis, the method of analysis and the name and signature of the person performing the analysis; and
- (4) A detailed written description of any proposed demolition, renovation, alteration or modification work to be performed, including the techniques to be used and a description of affected facility components ;and
- (5) A chain of custody for all bulk samples collected as part of the survey.

(c) The investigator shall indicate in each record all instances in which work was performed by a non-certified individual pursuant to §1-16(a)(2), and shall include such individual's name, address, telephone number, and a specific description of all activities performed by such individual.

(d) The investigator shall maintain these records for thirty (30) years.

(e) The investigator shall make these records available during normal business hours without cost or restriction for inspection by a representative of the Department.

§1-29 Maintenance of Project Record and Project Summary

(a) A project record shall be maintained for all small and large asbestos projects. During the project, the project record shall be kept on site at all times and may be maintained by the building owner or his authorized representative, which may be the asbestos abatement contractor or the air monitoring company. Upon completion of the project, the project record shall be maintained by the building owner. The project record shall be produced upon verbal or written request by any DEP inspector. Upon transfer of ownership of the building, all project records for past asbestos projects shall be turned over to the new owner. The project record shall consist of:

- (1) Copies of licenses of all contractors involved in the project.
- (2) Copies of DEP and NYSDOL supervisor and handler certificates for all workers engaged in the project;
- (3) Copies of all project notifications and reports filed with DEP and NYSDOL for the project, with any amendments or variances;
- (4) Copies of all asbestos abatement permits, including associated approved plans and work place safety plan;
- (5) A copy of the air sampling log and all air sampling results;
- (6) A copy of the abatement contractor's daily log book;
- (7) All data related to bulk sampling including the results of any asbestos surveys performed by an asbestos investigator;
- (8) Copies of all waste manifests;
- (9) A copy of all project monitor's reports.

(b) In addition to the project record required in subsection (a), the asbestos abatement contractor shall maintain, for at least thirty (30) years after the end of the project, a project summary for each asbestos project in which they engage, consisting of the following:

- (1) Name, address, and DEP certificate number of all individuals who worked on the project;
- (2) Location and general description of the project;

- (3) Amount of ACM abated;
- (4) Start and completion dates;
- (5) Name, address, and NYSDOL asbestos handling license number of the air monitoring company;
- (6) Name, address, and ELAP registration number of the laboratory used for air sample analysis;
- (7) Name and address of the site used for disposal of the ACM waste generated by the project;
- (8) Name and address of the asbestos hauler;
- (9) Copy of the project log.

(c) The building owner or contractor, as applicable, must make the project record or project summary required by this section available for inspection by DEP within 72 hours of request, except that during the project record must be made available immediately upon request.

§4. Subchapters D, E and F of Chapter 1 of Title 15 of the Rules of the City of New York are amended to read as follows:

Subchapter D

Air and Bulk Sampling, Monitoring and Analysis

- Part 1 Applicability**
- 2 Personnel Qualifications and Equipment Specifications**
- 3 Monitoring Procedures**

Part 1
Applicability

§1-31 Performance of Air and Bulk Sampling, Monitoring and Analysis

§1-31 Performance of Air and Bulk Sampling, Monitoring and Analysis. Air sampling, monitoring, and analysis on asbestos projects, and bulk sampling and analysis to determine asbestos content, shall be performed in accordance with the provisions of the following §§1-31 through 1-45 inclusive.

Part 2

Personnel Qualifications and Equipment Specifications

§1-36 Persons Qualified to Perform Sampling and Analysis

§1-37 Sampling Equipment Requirements

§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 New York State Asbestos Project Air Sampling Technician Certificate when performing air sampling; or
- (2) Sampling and analysis staff which may not be independent of the building owner but are independent of the abatement contractor involved in the asbestos project, but only if such staff:
 - (i) performs in conjunction with a third party quality assurance program in which 10 percent of the samples, except for bulk samples initially found to contain ACM, from each project are randomly selected and will be analyzed by both entities; and
 - (ii) in the case of air sampling, possesses valid New York State Asbestos Project Air Sampling Technician Certification.
- (3) Sampling and analysis staff of a public service corporation with respect to asbestos projects that involve electric, steam or gas generation, distribution or transmission facilities provided that the requirements of subparagraphs (i) and (ii) of paragraph 2 of this section are complied with.
- (4) Only persons certified by the Department as asbestos investigators or by New York State Department of Labor as Asbestos Inspectors may select and collect bulk samples for analysis.

(b) An air sampling technician shall be present at the work site to observe and maintain air sampling equipment for the duration of the air sample collection.

[(b)](c) Bulk sample analysis (PLM or gravimetric reduction and TEM analysis) shall be performed by laboratories with the appropriate accreditation in the ELAP.

[(c)](d) Air Sample Analysis (PCM) shall be performed by

laboratories with the following [attributes] qualifications:

- (1) Successful completion by the laboratory's active analysts of the NIOSH 582 training course which outlines the NIOSH 7400 method; and
- (2) [Active a]Analysts with skills in the appropriate methodology and proficiency in the NIOSH PAT Program for PCM analysis; and
- (3) Accreditation in ELAP.

[(d)](e) Air Sample Analysis (TEM) shall be performed by [active] analysts who possess skills in TEM analysis, are accredited in ELAP, and participate in an in-house quality assurance program using the National Institute of Standards and Technology (NIST SRM 1876 b) or traceable standard.

§1-37 Sampling Equipment Requirements.

(a) Bulk sampling requirements. (1) Bulk samples shall be taken by whatever method minimizes the potential for fiber release.

(2) Any material which remains exposed as a result of the sampling procedure shall be sealed.

(b) Area air sampling equipment for Phase Contrast Microscopy (PCM) shall be utilized in accordance with the equipment and sampling procedures specified within the NIOSH 7400 Method modified for area sampling.

(c) Area air sampling equipment for Transmission Electron Microscopy (TEM) shall be utilized in accordance with the sampling procedures specified within 40 CFR Part 763, Subpart E, Appendix A - Section II Mandatory Transmission Electron Microscopy Method, Subsection B- Sampling.

(d) Air sampling pumps shall have a constant controlled flow and shall have the flow rate capacity to perform sampling as specified in these rules. A properly calibrated rotometer shall be used to check the flow rate. A rotometer shall be available at the work place for the duration of air sample collection. Primary and secondary calibration devices shall be calibrated as per NYSDOH ELAP requirements.

(e) Sampling pumps, cassettes, and tubing shall be checked before, during and after use. The sampling assembly shall be checked for leaks and occlusions.

(f) A project air sampling log shall be created and maintained 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) 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) 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.

Part 3

Monitoring Procedures

- §1-41 Air Sampling Schedule**
- §1-42 Monitoring Requirements**
- §1-43 Post-Abatement Clearance Air Monitoring**
- §1-44 Analysis and Reporting Results**
- §1-45 Action Criteria**

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

Abatement Activity	During Abatement		
	Pre-Abatement	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 [and greater than 10 square ft. or 25 linear ft.]	PCM	PCM	PCM
[Exceptions to the above:			
Boiler Rooms		PCM	PCM
Tent and Glovebag Procedures		PCM	PCM ¹
Demolitions		PCM	PCM]

[1. See §1-41(d)]

Pre-Abatement During Abatement Post-Abatement

	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 ^e
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. [Samplers]Samples shall be [located within and at the barriers to the proposed work area]taken at the following locations:

- (1) For large full-containment and interior foam method asbestos projects, a minimum of five samples inside and five samples outside the proposed work area.
- (2) For small full-containment and interior foam method asbestos projects, a minimum of three samples inside and three outside the proposed work area.
- (3) For large or small asbestos projects employing the glovebag procedure within a tent, a minimum of three samples, or two samples per enclosure if more than three enclosures.
- (4) For small asbestos projects solely employing tent procedure, a minimum of three samples inside each proposed work area, or two samples per enclosure if more than three enclosures.
- (5) For all exterior projects (foam or vertical surface), no pre-abatement sampling is required.

(c) During abatement. Frequency and duration of the air sampling during abatement shall be representative of the actual conditions during the abatement. [The size of the asbestos project will be a factor in the number of samples required to monitor the abatement activities.] 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 [daily] during the work shift.

- (1) For large asbestos projects [not solely employing the glovebag and/or tent procedures] employing full containment, area air sampling shall be performed at the following locations:
 - (i) Two area samples outside the asbestos project work area in uncontaminated areas of the building, remote from the decontamination facilities.
 - (A) Primary location selection shall be within 10 feet of isolation barriers.
 - (B) Where negative ventilation exhaust ducting runs through uncontaminated building areas, one [of the] area sample[s] will be required in these areas to monitor any potential fiber release.
 - (C) Where [adjacent non-work areas do not exist, an exterior air sample shall be taken; and] exhaust tubes have been grouped together in banks of up to five (5) tubes, with each tube exhausting separately and the bank of tubes terminating together at the same controlled area, one area air sample shall be taken.
 - (ii) One area sample within the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system; and
 - (iii) One area sample within 5 feet of the

- unobstructed exhaust from a negative pressure ventilation system exhausting indoors but not within a duct.
- (iv) One area sample outside, but within 25 feet of, the building or structure, if the entire building or structure is the work area.
- (2) For large asbestos [abatement] projects [at demolition sites not solely employing glovebag and/or tent procedures] involving interior foam method, area air sampling shall be performed at the following sampling locations:
- (i) One area sample taken outside the work area within 10 feet of isolation barriers[;and].
 - (ii) One area sample taken within the uncontaminated entrance to each worker decontamination and waste decontamination enclosure system.
 - (iii) One area sample within 5 feet of the unobstructed exhaust from a negative pressure ventilation system exhausting indoors but not within a duct, if applicable.
 - (iv) Three area samples inside the work area.
 - (v) One area sample where the negative ventilation exhaust ducting runs through uncontaminated building areas, if applicable.
- (3) For [glovebag and tent procedures] large asbestos projects involving exterior foam method or removal of ACM from vertical surfaces, [one baseline area air sample shall be taken near each entrance to the work area] a minimum of five continuous area samples shall be taken concurrently with the abatement for each work area. [Area air samples shall be taken daily no less than 10 feet nor more than 15 feet from the glovebag(s) or tent actively being used in the abatement or a similar appropriate and representative distance,] using the following [guidelines] minimum requirements:
- (i) For glovebag procedures:
 - (A) For more than 260 linear feet and less than 500 linear feet of pipe lagging to be removed - a minimum of two continuous samples shall be taken concurrently with the abatement.
 - (B) At least 500 linear feet of pipe lagging to be removed - a minimum of three continuous samples shall be taken concurrently with the abatement, for each 1000 linear feet of pipe lagging removal.
 - (C) For more than 25 linear feet and less than 260 linear feet, a minimum of 2 samples (one baseline area air sample and one active abatement area air sample) shall be taken in each homogeneous work area.
 - (ii) For tent procedures where more than 25 linear feet or 10 square feet of ACM is disturbed, a minimum of three continuous samples shall be taken concurrently throughout abatement.]
 - (i) Three area samples inside the work area and remote from the decontamination systems.
 - (ii) One area sample within the uncontaminated entrance to each worker and waste decontamination enclosure system.
 - (iii) One area sample outside the work area within 25 feet of the building or structure, if the entire building or structure is the work area.
 - (iv) One area sample inside the building or structure at the egress point to the work area, if applicable.
- (4) [For boiler room equipment projects not solely employing the glovebag and/or tent procedures and not part of a pre-demolition abatement activity, the procedures outlined in §1-41 (c)(1) shall be followed.] 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.
- (i) Four area samples taken outside the work area within ten feet of tent enclosure(s).
 - (ii) One area sample taken within the uncontaminated entrance to each worker and waste decontamination enclosure system.
 - (iii) One area sample within five feet of the unobstructed exhaust from a negative pressure ventilation system exhausting indoors, but not within a duct, if applicable.

- (iv) One area sample where negative ventilation exhaust ducting runs through uncontaminated building areas, 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:
- (i) Two area samples taken outside the work area within ten feet of the isolation barriers.
 - (ii) One area sample within the uncontaminated entrance to each worker or waste decontamination enclosure system.
 - (iii) One area sample within five feet of the unobstructed exhaust from a negative pressure ventilation system exhausting indoors, but not within a duct, if applicable.
 - (iv) One area sample where negative ventilation exhaust ducting runs through an uncontaminated building area, 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:
- (i) Two area samples inside the work area and remote from the decontamination systems.
 - (ii) One area sample within the uncontaminated entrance to each worker and waste decontamination enclosure system.
 - (iii) One area sample inside the building or structure at the egress point to the work area, 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.
- (i) Two area samples taken outside of the work area within ten feet of the tent.
 - (ii) One area sample within the uncontaminated entrance to each worker and waste decontamination system.
 - (iii) One area sample within five feet of the unobstructed exhaust from a negative pressure ventilation system exhausting indoors, but not within a duct, if applicable.
 - (iv) One area sample where negative ventilation exhaust ducting runs through uncontaminated building areas, 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:
- (i) One area samples taken inside the work area.
 - (ii) One area sample taken within the uncontaminated entrance to each worker and waste decontamination enclosure system.
 - (iii) One area sample taken outside the work area within ten feet of the isolation barriers.
 - (iv) One area sample where negative ventilation exhaust ducting runs through uncontaminated building areas, 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 [inside] for each homogeneous work area.
- (1) For small asbestos projects[, a minimum of three.]:
- (i) involving full containment or interior foam method, three area samples inside and three outside the work area;
 - (ii) involving tent procedure, 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 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,
- (i) a minimum of five area samples inside and five outside the work area, for projects involving full containment or interior foam method. In addition to the 5 sample minimum, one representative area sample shall be collected both inside and outside the work area for every 5,000 square feet above 25,000 square feet of floor space when ACM has been abated.
 - (ii) a minimum of five area samples inside each tent enclosure where glovebag procedures are being used, or two area samples inside each tent where glovebag procedures are being used if there are more than three tents;
 - (iii) involving exterior foam method or removal from vertical surfaces, five area samples inside the work area, only if visible emissions were detected during the project, or abatement area samples exceeded 0.01 f/cc.
- (3) When TEM analysis is employed a minimum of 5 samples from outside the work area shall also be collected.
- (4) For [small asbestos] minor projects [solely employing glovebag procedures,] post-abatement clearance air monitoring is not required, unless [the integrity of the glovebag was compromised or] visible emissions were detected outside the [glovebag] work area and/or levels exceeded 0.01 f/cc during abatement [or 0.05 f/cc for pre-demolition abatement activities], or the project was conducted inside a school, daycare, or healthcare institution. In such cases, [post-abatement clearance air monitoring procedures outlined in the applicable subdivision of §1-41(d) shall be followed.] one area sample shall be taken.

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

- (a) The sampling zone for indoor air samples shall be representative of the building occupants' breathing zone. However, at no time shall the sampling cassette be placed less than 4 feet from the ground. Air samplers shall be placed so that they are not influenced by unusual air circulation patterns or by the configuration of the space or by each other. Air sampling cassettes shall be mounted upon commercially-available aluminum tripods and shall not be placed within two feet of walls or obstructions such as the corners of rooms or furniture.
- (b) If possible, ambient samplers should be placed about 6 feet above the ground surface in reasonable proximity to the building and away from obstructions and drafts that may unduly affect airflow.
- For outdoor samples, if access to electricity and concerns about security dictate a rooftop site, locations near vents and other structures on the roof which would unduly affect airflow shall be avoided.
- (c) Air sampling equipment shall not be placed in corners of rooms or near obstructions such as furniture.
- (d)(c) Samples shall have a chain of custody record. The project air sampling log required pursuant to section 1-37(f) of these rules does not satisfy the chain of custody requirement.
- (e)(1)(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	5 to 15 liters/min.
TEM 25 mm	Liters	1 to 10 liters/min.
TEM 37 mm	560	1 to 10 liters/min.

- (2) For glovebag and tent procedures, the selected pump flow rate shall be consistent with the duration of the procedure; however, area sampling pump flow rates shall not be less than 10 liters per minute for the glovebag or tent procedures expected to be completed within 2 hours. In such cases, sampling shall extend beyond the procedure completion to obtain the minimum volume necessary.]
- (f)(e) For [glovebag and] small projects including tent procedures, sampling shall start with [glovebag/tent] the installation of the containment and shall run concurrently with the procedure.
- §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 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
- (2) Sampling shall not begin until at least 1 hour after the

area is dry from the third cleaning (see §1-112(e)) and no visible pools of water or condensation remain.

For pre-demolition asbestos abatement activity, sampling [may] shall begin [1]2 hours after the area is dry and no visible pools of water or condensation remain.

(b) Samplers shall be placed at random around the work area. If the work area contains the number of rooms equivalent to the number of required samples based on floor area, a sampler shall be placed in each room. When the number of rooms is greater than the required number of samples a representative sample of rooms shall be selected.

(c) The representative samplers placed outside the work area but within the building shall be located to avoid any air that might escape through the isolation barriers and shall be approximately 50 feet from the entrance to the work area, and 25 feet from the isolation barriers.

(d) The following aggressive sampling procedures shall be used within the work area during all clearance air monitoring:

(1) Before starting the sampling pumps, use forced air equipment (such as a 1 horsepower leaf blower) to direct exhaust air against all walls, ceilings, floors, ledges and other surfaces in the work area.

(i) For asbestos projects: this pre-sampling procedure shall take at least 5 minutes per 1,000 sq. ft. of floor area; then install one 20-inch fan per 10,000 cubic feet of room space. Then immediately place the fan on slow speed and point it toward the ceiling.

(ii) For pre-demolition asbestos abatement activity, this pre-sampling procedure shall take at least three minutes, after which the 20-inch fan shall be left running unattended in the work area throughout sampling. This procedure shall be acceptable when the floor area of the work area is less than 500 square feet. At or above 500 square feet of floor area within the work area, the aggressive sampling procedures specified in this subdivision (d) for asbestos projects shall be conducted.

(2) Start the sampling pumps and sample for the required time or volume.

(3) Turn off the pump and then the fan(s) when sampling is completed.

(e) For post-abatement monitoring, area samples shall conform to the following schedule:

Area Samples for Analysis by	Minimum Volume	Flow Rate
PCM	1,800 Liters	5 to 15 liters/min.
TEM	1,250 Liters	1 to 10 liters/min.

(f) Each homogeneous work area which does not meet the clearance criteria shall be thoroughly recleaned using wet methods, with the negative pressure ventilation system in operation. New samples shall be collected in the work area as described above. The process shall be repeated until the work site passes the test.

(g) For an asbestos project with more than one homogenous work area, the release criterion shall be applied independently to each work area.

§1-44 Analysis and Reporting Results. Laboratory analyses and reporting shall be considered evidence of compliance with this chapter only if they conform to the following requirements:

(a) PCM area air samples shall be analyzed and reported in accordance with the NIOSH 7400 method using "A" Counting Rules.

(b) TEM area air samples shall be analyzed and reported in accordance with the mandatory or non-mandatory Electron Microscopy Methods set forth at 40 CFR Part 763, Subpart E, Appendix A.

(c) Bulk samples shall be analyzed and reported in accordance with Interim Method for the Determination of Asbestiform Materials in Bulk Insulation Samples found in 40 CFR Part 763, Subpart F, Appendix A as amended on September 1, 1982, or other methods approved by the National Institute of Standards and Technology, the National Institute of Occupational Safety and Health, the United States Environmental Protection Agency, or New York State Department of Health.

(d) Bulk and air sampling results/reports shall be submitted directly to the Department upon request within five calendar days.

§1-45 Action Criteria. (a) When visible emissions occur outside the work area, [glovebag or tent,] or any area air sample has indicated a determinant level of fiber concentrations greater than the larger of baseline levels or 0.01 f/cc, [or 0.05 f/cc for abatement activities which are part of a pre-demolition abatement activity], work shall stop for inspection.

(1) For large or small asbestos projects, the integrity of barriers, if disturbed, shall be restored. Clean-up of surfaces outside of the work area using HEPA vacuums or wet cleaning techniques shall be

done prior to resuming abatement activities.

(2) For [glovebag and] tent procedures, HVAC systems to or in the work area shall be shut down and the work area shall be wet cleaned or HEPA vacuumed until the area air samples indicate the fiber concentration is below the determinant level. If fiber concentrations remain above the determinant level for longer than 24 hours, isolation barriers and engineering controls shall be installed and maintained.

(b) *Clearance and/or reoccupancy criteria.* (1) The clearance criteria shall be applied to each homogeneous work area independently.

(2) For PCM analysis involved in alteration or renovation projects, the clearance air monitoring shall be considered satisfactory when every sample is less than or equal to 0.01 f/cc or less than the ambient concentration, whichever is larger.

(3) [For PCM analysis involved in pre-demolition abatement activities, the clearance air monitoring shall be considered satisfactory when every sample is less than or equal to 0.05 f/cc or less than the ambient concentration whichever is larger.

(4) [For TEM analysis, the clearance monitoring will be considered satisfactory if conducted in accordance with 40 CFR Part 763, Subpart E, Appendix A Section IV—Mandatory Interpretation of Transmission Electron Microscopy Results to Determine Completion of Response Actions.

[(5)](4) Clearance air monitoring results shall be submitted directly to the Department within 24 hours of request.

Subchapter E

Personnel Protection and Equipment Specifications

Part 1 Worker Protection 2 Equipment Specifications

Part 1

Worker Protection

§1-51 Worker Protection Requirements

§1-51 Worker Protection Requirements. (a) Prior to project initiation, all workers engaged in abatement activities on an asbestos project or minor project must be certified by DEP.

(b) At least one asbestos handler supervisor shall be present at the work site while abatement activities are being conducted on an asbestos project or minor project, except that during minor projects the supervisor does not have to be physically present at all times but must be readily available.

(c) Personal protective equipment shall be worn by all individuals inside the work place during abatement activities, except that gloves need not be worn during those work place preparation activities which do not involve the disturbance of ACM.

Personal protective equipment shall meet the following specifications:

(1) Disposable clothing including head, hand, foot and full body protection shall be provided by the contractor in sufficient quantities and adequate sizes for all workers and authorized visitors.

(2) Hard hats, protective eyewear, gloves, rubber boots and/or other footwear shall be provided by the contractor as required for workers and authorized visitors. Safety shoes and hard hats shall be in accordance with ANSI Z89.1 (1969) and ANSI Z41.1 (1967).

(3) Contaminated clothing shall be sealed in impermeable bags and the bags shall be appropriately labeled.

(d) Personal air monitoring shall be performed in accordance with current OSHA regulations [standards, 29 CFR 1926.58(f)]. Such records shall be made available upon request to [any] authorized Department [inspector] representatives upon request.

(e) Personal Hygiene at the work site shall meet the following requirements:

(1) There shall be no smoking[, eating, drinking or chewing of gum or tobacco or application of cosmetics inside the work place] on any floor of the building where abatement activities are taking place.

(2) Jewelry, watches, and cellular telephones shall not be worn, carried, or kept in contaminated areas.

(3) The contractor shall provide clean change areas for the workers. Change areas shall be equipped with separate storage facilities for protective clothing and street clothing.

(4) If lunch areas are provided, they shall be located outside the work place in an area in which the airborne concentrations are below 0.01 f/cc.

(5) There shall be no eating, drinking, application of cosmetics, or chewing of gum or tobacco inside the work place. There shall be no food or beverages

present in the work place.

(6) There shall be no lighters or matches in the work place.

(f) The contractor shall have available the following information [in the clean room(s) at the work site] at the work place:

(1) A copy of the U.S. Environmental Protection Agency Regulations for Asbestos, 40 CFR 61 Subparts A and M and a copy of OSHA Asbestos Regulations, [29 CFR 1926.58] 29 CFR 1926.1101, and 12 NYCRR Part 56; and

(2) A list of telephone numbers for local hospital, location of hospital and/or emergency squad, local fire department, the building owner (or representative) and the N.Y.C. Asbestos Control Program, and

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

(4) A copy of all Material Safety Data Sheets (MSDS) for [hazardous] chemicals used during the asbestos project, and

(5) New York City Asbestos handler and supervisor certificates of all workers in the work site, and

(6) A copy of the current New York State Department of Labor asbestos handling license of the abatement contractor and air monitoring company.

(7) A copy of any asbestos survey performed in the affected building in accordance with these rules.

(g) The contractor shall post signs during all abatement activities. Signs shall be posted at all approaches to the work place including internal doorways which provide access to the work place. These signs shall bear the following information:

**DANGER
ASBESTOS CANCER AND LUNG DISEASE HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS AND PROTECTIVE CLOTHING
ARE REQUIRED IN THIS AREA**

(h) Warning labels shall be affixed to all waste containers containing asbestos material in and shall bear the following information:

**DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD**

Part 2

Equipment Specifications

§1-61 Materials and Equipment

§1-61 Materials and Equipment.

The materials and equipment used during all abatement activities shall conform with the following:

(a) During abatement activities, replacement materials shall be stored outside the work area in a manner to prevent contamination. Materials required for the asbestos project (i.e. plastic sheeting, replacement filters, duct tape, etc.) shall be stored to prevent damage or contamination.

(b) When asbestos-containing material that has been used for fireproofing or insulation is removed, the replacement material shall comply with all applicable provisions of the New York City Administrative Code and regulations.

(c) For plasticizing, fire-retardant polyethylene sheeting with 6-mil thickness or greater, in sizes to minimize the frequency of joints, shall be employed.

(d) Duct tape and selected adhesive shall be capable of sealing joints of adjacent sheets of polyethylene, facilitating attachment of polyethylene sheets to finished or unfinished surfaces, and of adhering under both dry and wet conditions, including during the use of amended water.

(e) Airtight and watertight containers shall be provided to receive and retain any asbestos-containing waste materials. Plastic bags used for waste storage or disposal shall be a minimum of 6-mil in thickness. All containers shall be labeled in accordance with OSHA Regulation 29 CFR 1926.58K(2)(ii) and (iii).

(f) Materials used to enclose ACM shall be impact resistant and assembled to be airtight Gypsum panels taped at the seams, tongue and groove boards, and boards with spline joints all qualify.

(g) [Hand p]Power tools used to drill, cut into, or otherwise disturb ACM shall be manufacturer-equipped with HEPA filtered local exhaust ventilation. Abrasive removal methods, including the use of beadblasters, are prohibited.

(h) Ladders or scaffolds of sufficient dimension and quantity shall be available so that all work surfaces can be easily and safely reached by inspectors. Scaffold joints and ends shall be sealed with tape to prevent incursion of asbestos fibers.

(i) Electrical equipment shall be Underwriters Laboratory listed and approved.

(j) Surfactants, strippers, sealers, or any other chemicals used during the asbestos project shall be non-carcinogenic

and non-toxic.

(k) Materials used in the construction of temporary enclosures shall be noncombustible or fire-retardant in accordance with NFPA 701 and 255.

(l) Equipment and materials may be substituted for those specified in this chapter only if determined to be equivalent after review by the Department.

Subchapter F

[Large] Asbestos Project Procedures

Part	1	Applicability
	2	Work Place Preparation
	3	Work Place Procedures
	4	Abatement Procedures
	5	Clean-up Procedures

Part 1

§1-71 Applicability

§1-71

Applicability. In addition to §§1-01 through 1-61, the following sections 1-81 through 1-83, 1-91 through 1-94 and 1-111 and 1-112 shall apply to all [abatement activities on large] asbestos projects. Sections 1-101 through 1-106[10] shall apply to all asbestos abatement activities.

Part 2

Work Place Preparation

§1-81 General Work Place Preparation Requirements
§1-82 Worker Decontamination Enclosure System
§1-83 Waste Decontamination Enclosure System
§1-84 Small Asbestos Project Worker and Waste Decontamination Enclosure System

§1-81 General Work Place Preparation Requirements. The following procedures shall be followed during the conduct of abatement activities on [large] asbestos projects. The procedures set forth in this subdivision shall be performed in the order set forth below:

(a) The building owner or designated representative shall provide notification to all occupants of the work place and immediate adjacent areas of the asbestos project. Information provided in the notification shall include contractor, project location and size, amount and type of ACM, abatement procedure, dates of expected occurrence and the [NYC-DEP telephone number] Call Center "311" for government information and services. Postings of this notification shall be in English and Spanish, at eye level, in a conspicuous, well-lit place, at the entrances to the work place and immediate adjacent areas. The notice shall have the following heading: **NOTICE OF ASBESTOS ABATEMENT**, in a minimum of one inch sans serif, gothic or block style lettering, with the balance of the lettering of the notice to be of the same type lettering in a minimum of one quarter inch size. The notices shall be posted 7 calendar days prior to the start of the project and shall remain posted until clearance air monitoring is satisfactorily concluded. A lessee initiating an asbestos project shall give 10 calendar days notice to the owner of the subject building.

(b) A floor plan showing the areas of the building under abatement and the location of all fire exits in said areas shall be prominently posted in the building lobby or comparable location, along with a notice stating the location within the building of the negative air cutoff switch required under section 1-91(f) of these rules, if applicable.

[(b)](c) The work place shall be vacated by the occupants prior to work place preparation and until successful clearance air monitoring.

[(c)](d) Electric power to all work areas shall be shut down and locked out except for electrical equipment that must remain in service. Safe temporary power and lighting shall be provided in accordance with all applicable codes. Existing light sources (e.g. house lights) shall not be utilized. All power to work areas shall be brought in from outside the area through ground-fault circuit interrupter at the source. [Stationary electrical equipment within the work area, which must remain in service shall be adequately enclosed and ventilated.]

(1) If electrical circuits, machinery, and other electrical systems in or passing through the work area must stay in operation due to health and safety requirements, the following precautions must be taken:

(i) All unprotected cables, except low-voltage (less than 24 volts) communication and control system cables, panel boxes of cables and joints in live conduit that run through the work area shall be covered with three (3) independent layers of six (6) mil fire retardant polyethylene. Each layer shall be individually duct taped and sealed. All three (3) layers of polyethylene sheeting shall be left in place until satisfactory clearance air sampling results have been obtained.

(ii) Any energized circuits remaining in the work area shall be posted with a minimum two (2) inch high lettering warning sign which reads: DANGER LIVE ELECTRICAL - KEEP CLEAR. A sign shall be placed on all live covered barriers at a maximum of ten (10) foot intervals. These signs shall be posted in sufficient numbers to warn all persons authorized to enter the work area of the existence of the energized circuits.

[(d)](e) The worker decontamination enclosure system shall be installed or constructed prior to plasticizing the work area

or before disturbing ACM. [The waste decontamination enclosure system shall be installed or constructed prior to commencement of abatement. The area in which these systems are located shall require HVAC system isolation and plasticizing of electrical outlets and equipment that are within 6 inches of floor level.]

[(e)](f) (1) Prior to erection of partitions, ACM that may be disturbed during this activity shall be:

- (i) removed using a tent procedure (including engineering controls); and/or
- (ii) treated via wet methods.

(2) Removal by the above procedures shall be limited to a maximum of a one foot wide strip running the length and/or height of the partition and is allowed only to facilitate erection of the partitions.

[(f)](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)) to prevent contamination and fiber dispersal to other areas of the structure, or
- (2) isolate locally and provide temporary HVAC, or
- (3) positive pressurization of the HVAC system. This procedure shall be applied only under the direction and control of a professional engineer, or other knowledgeable licensed professional[, after approval by the Department].

[(g)](h) Abatement shall not commence until work place preparation has been completed.

[(h)](i) Movable objects within the proposed work areas shall be pre-cleaned (i.e., prior to commencing general abatement) using HEPA filtered vacuum equipment and/or wet cleaning methods and such objects shall be removed from the work area. If carpeting is left in place, it shall be covered with fire retardant 6-mil plastic sheeting, and then 3/8 in. rigid flooring prior to normal plasticizing.

(j) All flammable materials shall be removed from the work area and all sources of ignition (including but not limited to pilot lights) shall be extinguished.

[(i)](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 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 path markings.

[(j)](m) Prior to plasticizing, the proposed work areas shall be pre-cleaned using HEPA filtered vacuum equipment and/or wet cleaning methods. Methods that raise dust, such as sweeping or vacuuming with equipment not equipped with HEPA filters, are prohibited.

[(k)](n) The isolation barriers (i.e., sealing off of all openings, including but not limited to windows, corridors, doorways, barriers, skylights, ducts, grills, diffusers, and any other penetrations of the work place) shall be installed with two layers of fire retardant 6-mil plastic sheeting sealed with tape. All seams of HVAC or other system components that pass through the work place shall also be sealed.

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

- (1) Partitions shall be constructed of conventional 2 x 3 (minimum) wood or metal stud framing, 16"CC maximum, to support barriers in all openings larger than 32ft², except where any one dimension is 1 foot or less, or where openings are exits covered in subdivision (p) below.
- (2) A solid construction material (e.g. fire rated plywood) of at least 3/8" thickness shall be applied to the work side of the framing. In secure interior areas where partitions are not subject to access from the public, an additional layer of fire retardant 6-mil plastic sheeting may be substituted for the solid construction material.
- (3) The partitions shall be caulked/sealed at the floor, ceiling, walls, joints and fixtures to form an airtight seal.
- (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. 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.
- (5) Means of egress shall not be obstructed by hardwall barriers.

[(m)](p) In addition to the isolation barriers, floor and wall

surfaces shall be sealed with a minimum of two layers of fire retardant 6-mil plastic sheeting, except where the only ACM being abated in the project is vinyl asbestos floor tile or other flooring material, in which case the floor need not be sealed; or the only material being abated in the project is wall plaster or other wall material, in which case the walls need not be sealed. The plastic layers on the floor shall extend 6 inches up the walls. Walls shall be covered with plastic sheeting down to the floor level, thus overlapping the floor material by a minimum of 6 inches. There shall be a distance of at least 6 inches between seams of adjacent layers.

[(n)](q) After isolation barriers are in place, ceiling-mounted objects not previously sealed that will interfere with ACM abatement shall be removed and cleaned. Amended water spraying or HEPA filtered vacuum equipment shall be used during fixture removal to reduce fiber dispersal.

[(o)](r) Suspended ceiling tiles and T-grid components, contaminated by 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 shutdown. Suspended ceiling components shall be removed and disposed of as asbestos-containing waste or, if non-porous, retained for reuse after wet cleaning/HEPA vacuuming. Isolation barriers shall be installed in all openings above the ceiling before disturbance of ACM commences.

(p) Emergency and fire exits from the work areas shall be maintained, or alternative exits shall be established in accordance with applicable NYC Code(s) and regulations. Exits shall be checked daily against exterior blockage or impediments to exiting.]

[(q)](s) Entrances to the work place that will not be used for worker entry or emergency exits shall be locked to prevent unauthorized entry.

(t) Exits from the work area shall be maintained, or alternative exits shall be established, in accordance with section 1027 of the New York City Fire Code. Exits shall be checked at the beginning and end of each work shift against blockage or impediments to exiting.

(u) Signs clearly indicating the direction of exits shall be maintained and prominently displayed within the work area.

(v) No smoking signs shall be maintained and prominently displayed within the work place.

[(r)](w) Floor drains shall be sealed individually with two layers of fire retardant 6-mil plastic sheeting and tape, and then covered as all other floor surfaces. Pits, sumps, etc., shall be covered with adequate fire rated plywood sheeting and secured to floor slabs in a manner which prevents a tripping hazard, prior to required plasticizing.

[(s)](x) Elevators running through the work area shall conform to the following:

- (1) The elevator door in the work area shall be enclosed with conventional 2 x 4 stud framing, covered with 3/8" fire rated plywood sheeting and sealed at all edges and seams. The barrier shall be covered and lapped for 8 inches with two layers of fire retardant 6-mil plastic sheeting adhered individually with edges taped for air tightness.
- (2) Elevators not remaining in service shall have the fuses removed and the power switch locked in the open position.
- (3) Elevators that remain in operation shall conform to the following additional procedures to minimize the piston effect that results:
 - (i) Elevator control shall be modified to bypass the work area.
 - (ii) A final larger layer of fire retardant 6-mil plastic sheeting is to be taped airtight but with slack forming a larger perimeter diaphragm. Air leakage across the barrier shall be corrected upon discovery, and the elevator shaft shall be checked for airborne asbestos contamination.
 - (iii) This system shall be smoke tested daily.
- (4) Elevator shafts shall not be used as waste chutes.

[(t)](y) Adequate toilet facilities shall be provided in the vicinity of the clean room external to the work place. Where such facilities so not exist, portable service shall be provided.

(z) At least one 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.

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

(a) Worker decontamination enclosure systems shall be located outside the work area and attached to all locations where workers will enter or exit the work area. One system at a single location for each contained work area is preferred. These systems may consist of existing rooms outside of the work area, that offer direct access to the work area and general egress from the work place. When this situation does not exist, enclosure systems may be constructed or may consist of prefabricated or trailer units. Adequate heat and light shall be safely provided.

(b) The worker decontamination enclosure system shall consist of a clean room, a shower room, and an equipment room, in series, separated from each other by airlocks and from the work area and non-work place by curtained doors (see Illustration[s] I [& II]).

(c) Worker decontamination enclosure systems shall be fully lined utilizing two layers of fire retardant 6-mil opaque plastic sheeting at a minimum, or the equivalent.

(d) When the decontamination enclosure is constructed outdoors or in areas with public access it shall be fully framed and fire retardant plywood sheathed or equivalent to

prevent unauthorized entry. When located outdoors, it shall be waterproof and windproof.

(e) Prefabricated or trailer decontamination units:

- (1) shall at a minimum, have functionality and security equivalent to constructed decontamination enclosure facilities, and
- (2) shall be completely decontaminated prior to removal from the work site.

(f) The clean room:

- (1) shall contain secure crew lockers or shelves, and clean sealable plastic bags for storage of street clothes, and
- (2) shall contain shelves or appropriate facilities for storage of respirators, and
- (3) shall contain clean disposable clothing, replacement filters for respirators, towels and other necessary personal protective equipment, and
- (4) shall not be used for storage of tools, equipment or materials, other than personal protective equipment, nor used as office space, and
- (5) shall be equipped with a lockable door to secure the work place during off-shift hours.

(g) The shower room:

- (1) shall contain a minimum of one (1) shower per [8] 6 workers calculated on the basis of the largest shift, and
- (2) shall have shower heads supplied with hot and cold water adjustable at the shower, and
- (3) shall be constructed to ensure against water leakage, and shall contain a rigid catch basin at least six (6) inches deep, and
- (4) shall contain liquid bath soap, shampoo, and clean dry towels in sufficient quantity for each worker for each showering.

(h) Shower water shall be continuously drained, collected and filtered through a system with a least 5.0 micron particle size collection capability. A system containing a series of several filters with progressively smaller pore sizes shall be used to avoid rapid clogging of the filtration system by large particles. Pumps shall be installed, maintained and utilized in accordance with manufacturer's recommendations.

- (1) Filtered wastewater shall be discharged either to a sewer or drummed and then properly disposed.
- (2) Used filters shall be disposed of as asbestos-containing waste material.

(i) The equipment room:

- (1) shall be used for storage of equipment and tools used on the job that have been cleaned previously in the work area, and
- (2) may contain a limited supply of replacement filters (in sealed containers until used) for HEPA vacuums and pressure ventilation equipment, extra tools, containers of surfactant and other materials and equipment that may be required during the abatement activity, and
- (3) shall contain labeled fire retardant 6-mil plastic bags for collection of disposable clothing, and
- (4) shall be used to store contaminated footwear (e.g. rubber boots and other reusable footwear) and contaminated clothing for reuse for the duration of the abatement activity or until disposed.

§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 [large] 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 doorway to the work area and an airlock doorway to the holding area (see Illustration [III] II); and
- (2) the holding area shall be constructed with an airlock doorway to the washroom and a lockable door to the outside (see Illustration [III] 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 [IV] III). Thus the equipment room alternates as a waste washroom. In this case the waste washroom shall be equipped with a drain, installed to collect water and deliver it to the shower drain 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

- (i) the clean room, in the configuration shown in Illustration I, may not be used for waste storage but [is] may be used for waste transfer to carts, which are stored outside the clean room in a designated holding area.
- [(ii)] the holding area of the waste decontamination enclosure system may branch off from the shower room of the worker decontamination enclosure system (see Illustration II).]

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

§1-84 Small Asbestos Project Worker and Waste Decontamination Enclosure System. The following alternative to §§1-82 and 1-83 shall be applicable for small projects only:

(a) The worker decontamination enclosure system shall consist of, as a minimum, an equipment room, a shower room, and a clean room separated from each other and from the work area by curtained doorways. Equipment storage, personal gross decontamination and removal of disposable clothing shall occur in the equipment room prior to entering the shower. All other requirements set forth in §1-82 and §1-92 shall apply.

(b) For small asbestos projects with only one exit from the work area, the shower room may be used as a waste washroom. The clean room shall not be used for waste storage. All other requirements set forth in §§1-83 and 1-93 shall apply.

Part 3 Work Place Procedures

§1-91 Engineering Controls

§1-92 Work Place Entry and Exit Procedures

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

§1-94 Maintenance of Decontamination Enclosure Systems and Barriers

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

(a) All [large] asbestos projects shall utilize negative pressure ventilation equipment.

(1) On all asbestos projects, a manometer shall be used to document the pressure differential. The manometer shall be installed and made operational once the negative pressure has been established in the work area. Magnahelic manometers shall be calibrated at least every six months, and a copy of the current calibration certification shall be available at the work site.

(b) The negative pressure ventilation equipment shall operate continuously, 24 hours a day, from the establishment of isolation barriers through successful clearance air monitoring. If such equipment shuts off, adjacent areas shall be monitored for asbestos fibers.

(c) A static negative air pressure of 0.02 inches (minimum) water column shall be maintained at all times in the work place during abatement to ensure that contaminated air in the work area does not filter back to uncontaminated areas.

(d) If more than one ventilation unit is installed, units shall be turned on one at a time while checking the integrity of all barriers for secure attachment and the need for additional reinforcement.

(e) A dedicated power supply for the negative pressure ventilating units shall be utilized. The negative air equipment shall be on a ground fault circuit interrupter (GFCI) protected circuit separate from the remainder of the work area temporary power circuits.

(f) If the containment area of an asbestos project covers the entire floor of the affected building, or an area greater than 15,000 square feet on any given floor, the installation of a negative air cut off switch or switches shall be required at a single location outside the work place, such as inside a stairwell, or at a secured location in the ground floor lobby when conditions warrant. The required switch or switches shall be installed by a licensed electrician pursuant to a permit issued by the Department of Buildings. If negative pressure ventilation equipment is used on multiple floors the cut off switch shall be able to turn off the equipment on all floors.

[(f)(g)] On loss of negative pressure or electric power to the negative pressure ventilating units, abatement shall stop immediately and shall not resume until power is restored and negative pressure ventilation equipment is operating again. When power failure or loss of negative pressure equipment lasts or is expected to last longer than one-half hour:

- (1) the make-up air inlets shall be sealed airtight, and
- (2) the decontamination systems shall be sealed airtight after the evacuation of workers and/or authorized visitors from the work area, and
- (3) all adjacent areas shall be monitored for asbestos fiber concentration upon discovery of, and subsequently throughout, the power failure.

[(g)(h)] Negative pressure ventilation equipment shall be installed and operated to provide at least one air change in the work area every 15 minutes[, except during clearance air monitoring when at least one air change in the work area every 30 minutes shall be provided]. Where there are no floor or wall barriers because floor or wall material is being

abated, there shall be at least one air change in the work area every ten minutes.

[(h)(i)] Openings made in the isolation barrier to accommodate these units shall be made airtight. The units shall remain within the work area unless located securely outside the building.

[(i)(j)] Negative air pressure equipment shall be in compliance with ANSI Z9.2 (2006), Local Exhaust Ventilation.

[(j)(k)] Negative air pressure systems shall be operated in accordance with "Specifications and Operating Procedures for the Use of Negative Pressure Systems for Asbestos Abatement, Guidance for Controlling Asbestos-Containing Materials in Buildings", EPA Report Number 560/5-85-024 (1985).

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

(1) [At no time shall the negative pressure ventilation unit exhaust within 40 feet of a receptor or adversely affect the air intake ports, louvers, or entrances for the building or adjacent buildings] 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 a second negative pressure ventilation unit with the primary unit's capacity shall be connected in series prior to exhausting to the outside.

(2) [Heavy duty ducting of equivalent, or larger, shape and dimension as that of the negative pressure ventilation exhaust port shall be used to exhaust to the outside of the structure] Negative pressure ventilation equipment shall exhaust away from areas accessible to the public.

(3) All ducting shall be sealed and braced or supported to maintain airtight joints. Ducts shall be reinforced and shall be installed so as to prevent breakage. Damage to ducts must be repaired immediately.

[(1)(m)] Where ducting to the outside is not possible, a second negative pressure ventilation unit compatible with the primary unit's capacity shall be connected in series. The area receiving the exhaust shall have sufficient, non-recycling exhaust capacity to the outside of the structure, and must be a normally non-occupied area.

[(m)(n)] Careful installation shall be done to ensure that the ducting does not release fibers into uncontaminated building areas.

[(n)(o)] Routine smoke testing, air monitoring and daily inspections shall be performed by the Asbestos Handler Supervisor to ensure that the ducting does not release fibers into uncontaminated building areas.

§1-92 Work Place Entry and Exit Procedures. The following procedures shall be followed during the conduct of abatement activities on [large] asbestos projects:

(a) *Entrance procedures.* (1) All workers and authorized visitors shall enter the work area through the worker decontamination enclosure system.

(2) All individuals who enter the work area shall sign the log located in the clean room, upon each entry and exit. The log shall be permanently bound and shall identify fully the facility, owner, agents, contractor(s), the project, each work area and worker respiratory protection employed. The log shall be available for examination during [general business hours] abatement activities by the Department, the owner and the workers. A copy of the log shall be submitted directly to the Department within 48 hours of request.

(3) All individuals before entering the work area, shall be familiar with all posted regulations, personal protection requirements and emergency procedures. The log headings shall indicate, and the signatures shall be used to acknowledge, that the regulations and procedures have been reviewed and understood by all persons prior to entering the work area. The postings and log headings shall be in English and in the language of the majority of the asbestos handlers.

(4) All individuals shall proceed first to the clean room, remove all street clothing, store these items in clean sealable plastic bags or a locker and don personal protective equipment. Clean personal protective equipment shall be provided and utilized by each individual for each separate entry into the work area.

(b) *Exit procedures.* (1) Before leaving the work area, each individual shall remove the gross contamination from the outside of the respirators and protective clothing by wet cleaning, and/or HEPA vacuuming.

(2) In the equipment room, all personal protective equipment except respirators shall be removed. Disposable clothing shall be deposited into labeled containers for disposal. Reusable contaminated clothing, footwear, and/or head gear shall be stored in the equipment room when not in use.

(3) Still wearing a respirator, each person shall proceed to the shower room, clean the outside of the respirator and the exposed face area under running water prior to removal of the respirator, and then fully and vigorously shower and shampoo to remove residual asbestos contamination. Respirators shall be washed thoroughly with soap and water or a suitable sanitizing agent. Various types of

respirators may require slight modification of these procedures.

- (4) After showering and drying, personnel shall proceed to the clean room and don clean disposable clothing if returning to the work area or street clothing if remaining outside the work area.

§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 [large] asbestos project:

- (a) When the worker decontamination enclosure system shown in Illustration I alternates as a waste decontamination enclosure system, the clean room shall be considered a holding area during the period of active waste transfer only for the purpose of the loading of carts. Storage of waste and carts in the clean room is prohibited.

- (b) Where the waste decontamination enclosure system is part of the worker decontamination enclosure system (see Illustrations II & IV) III, waste removal shall not occur during worker shift changes or when workers are showering or changing. Care shall be taken to prevent short circuiting and cycling of air outward through the shower and clean room.

- (c) Where only one means of egress exists and the shower room is used as a waste washroom, workers are to be stationed in each room/area of the decontamination enclosure to transfer/process (see subdivisions (d), (h) and (l) of this section) the containers and equipment to or from adjacent sections. These workers are not to cross into the adjacent areas/rooms until the waste/equipment transfer is finished for that period and the workers have gone through decontaminations required by §1-92 of this chapter. The clean room/holding area workers shall have entered from uncontaminated areas with appropriate personal protective equipment; or prior to the start of waste transfer, these workers shall have exited the work area, fully decontaminated, and subsequently donned clean personal protective equipment.

- (d) External surfaces of contaminated containers and equipment shall be cleaned by wet cleaning and/or HEPA vacuuming in the work area before transferring such items into the decontamination enclosure system. Contaminated workers shall not enter the washroom during this procedure.

- (e) The cleaned containers of ACM and equipment shall be placed in uncontaminated leak-tight plastic bags or sheeting as the item's physical characteristics demand. Air volume shall be minimized and the bags or sheeting shall be sealed. Items that may puncture or tear the plastic bags or sheeting shall be placed in a hardwall container and sealed.

- (f) The clean recontainerized items shall be moved into the airlock for subsequent transfer to the holding area. The washroom workers shall not enter this airlock or the work area until waste removal is finished for that period.

- (g) Recontainerized items and cleaned equipment shall be removed from the airlock to the holding area by workers who have entered from uncontaminated areas with appropriate personal protective equipment.

- (h) The recontainerized items of ACM and cleaned, bagged equipment shall be placed in open top, watertight plastic carts. These carts shall be held in the holding area pending removal. The carts shall be HEPA vacuumed or wet-cleaned following the removal of the containers of ACM from them.

- (i) The exit from the waste decontamination enclosure system shall be secured to prevent unauthorized entry.

- (j) The carts shall be stored in a holding area of the work site.

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

- (a) All plastic barriers inside the work place and partitions constructed to isolate the work area from occupied areas shall be inspected by the asbestos handler supervisor at least twice per shift.

- (b) Smoke tubes shall be used to test the integrity of the work area barriers and the decontamination enclosure systems daily at a minimum both before abatement activity begins and at the end of each shift. A visual inspection of the barriers, including the use of differential manometers, shall be considered acceptable as a back-up test.

- (c) Damage and defects in the decontamination enclosure system shall be repaired immediately. The decontamination enclosure system shall be maintained in a clean and sanitary condition at all times.

- (d) At any time during the abatement activity, if visible emissions are observed, or elevated asbestos fiber counts outside the work area are measured, or if damage occurs to barriers, abatement shall stop. The source of the contamination shall be located, the integrity of the barriers shall be restored, and visible residue shall be cleaned up using appropriate HEPA vacuuming and wet cleaning procedures immediately.

- (e) Inspections, observations, and unusual incidents (e.g. barrier damage, contamination beyond the work area, etc.) shall be documented in the log by the asbestos handler supervisor.

- (f) The daily inspection to ensure that exits have been checked against exterior blockage or impediments to exiting

as per section 1-81(s) shall be documented in the log book.

- (g) If exits are found blocked, abatement activities shall stop until the blockage is cleared.

Part 4

Abatement Procedures

- §1-101 Applicability**
§1-102 ACM Disturbance, Handling and Removal Procedures
§1-103 Encapsulation Procedures
§1-104 Enclosure Procedures
§1-105 Glovebag Procedures
§1-106 Tent Procedures
§1-107 Foam Procedure for Roof Removal
§1-108 Foam/Viscous Liquid Use in Flooring Removal
§1-109 Abatement from Vertical Exterior Surfaces
§1-110 Controlled Demolition With Asbestos In Place

§1-101 Applicability. The following §§1-102 through 1-106]10 inclusive shall apply to all abatement activities.

§1-102 ACM Disturbance, Handling and Removal Procedures. The following procedures shall be followed during the conduct of abatement activities:

- (a) Abatement of asbestos-containing materials shall be by wet methods. ACM shall not be removed or disturbed without being adequately wet. Dry removal of asbestos-containing material is prohibited, unless EPA approval has been obtained. The EPA-approved alternate removal plan shall be submitted to the Department for approval a minimum of 15 days before work is scheduled to begin or begins. The plan shall explain and justify why ACM must be removed dry and how asbestos fibers will be controlled to prevent their release.

- (b) When amended water is used, the ACM shall be sprayed with sufficient frequency and quantity for enhanced penetration. Sufficient time shall be allowed for penetration to occur prior to removal action or other disturbance taking place. Accumulation of standing or free water is prohibited. Fluffy [friable] materials shall be saturated. Non-hygroscopic materials, such as tremolite or amosite, shall be thoroughly wetted on all surfaces while work is being conducted.

- (c) When used, removal encapsulants that minimize fiber generation and enhance penetration, shall be applied per manufacturer's specifications and in accordance with federal guidelines.

- (d) ACM on detachment from the substrate is to be bagged directly or dropped onto a flexible catch basin and promptly bagged. Detached ACM is not permitted to lie on the floor for any period of time. Excess air in the bag shall be minimized and the bag shall be sealed. Non-hygroscopic materials shall not be dropped. ACM shall not be dropped from a height greater than 10 feet. Above 10 feet in height dust-free enclosed inclined chutes may be used. Vertical [or near vertical] chutes are prohibited. Maximum inclination from horizontal shall be 60 degrees.

- (e) Large components removed intact that cannot be containerized shall be maintained wet, wrapped (minimizing excess air) in at least one layer of fire retardant 6-mil polyethylene sheeting, and secured by sealing with tape.

- (f) After completion of all stripping work, surfaces from which asbestos-containing materials have been removed shall be cleaned (e.g. wet-brushed and/or wet-cleaned) to remove all visible residue.

- (g) After the work area has been rendered free of visible residues, a thin coat of a pigmented (non-transparent) encapsulating agent shall be applied to all surfaces in the work area from which ACM was removed, to seal in nonvisible residue.]

§1-103 Encapsulation Procedures. The following procedures shall be followed for the encapsulation of ACM:

- (a) [Damaged and/or missing areas of existing fireproofing or insulation materials shall be repaired with appropriate replacement materials. The replacement material shall adhere to existing surfaces and provide a base for application of encapsulating agents.] All material used for repair or encapsulation of asbestos-containing material shall have a flame spread rating, fireproofing, and smoke characteristics similar to the material being encapsulated. The encapsulate shall not alter the insulating characteristics of the material subject to encapsulation, and shall comply with current fire proofing standards and the encapsulate shall not add excess weight to the material increasing the potential that the material may lose cohesion or adhesion.

- (b) Loose or hanging asbestos-containing materials shall be removed in accordance with the requirements of §1-102: "Disturbance, Handling, and Removal."

- (c) Only pigmented (non-transparent) encapsulants shown to be ratable as acceptable or marginally acceptable on the basis of Battelle Columbus Laboratory test procedures and rating requirements developed under the 1978 USEPA contract shall be used for encapsulation.

- (d) The encapsulant solvent or vehicle shall not contain a volatile hydrocarbon.

- (e) Latex Paint with solids content greater than 15 percent may be used as an encapsulant only as follows:

- (1) as a lockdown sealant for coating all non-metallic surfaces, or
- (2) for sealing of cementitious ACM.

- (f) Encapsulants shall be field tested prior to use by

applying each to a small area to determine suitability of the material to be encapsulated.

- (1) Testing is to occur only after the isolation barriers are in place.
- (2) Testing shall be by the USEPA method specified in the appendix of "Guidelines for the Use of Encapsulants on Asbestos-Containing Materials" (June, 1981) or ASTM Standard Test Method E736-80. The encapsulated materials shall achieve a cohesive/adhesive strength of 100 lb/ft perpendicular to the surface.

- (g) Application of bridging encapsulants over ACM shall provide the manufacturer's specified number of inches or minimum dry film thickness.

- (h) A different color for each coat of encapsulant (per manufacturer's specifications) shall be used.

- (i) Penetrating encapsulants shall be applied to penetrate existing asbestos-containing materials to the substrate. During treatment with a penetrating encapsulant, selected random core samples of the asbestos-containing materials shall be removed to check the depth of penetration. The resulting space shall be treated as outlined (in subdivision (a)) above and re-encapsulated.

- (j) Encapsulants shall be applied using airless spray equipment.

- (1) Spraying shall occur at the lowest pressure range possible to minimize fiber release from encapsulant impact at the surface. It shall be applied with a consistent horizontal or vertical motion.

- (2) Each subsequent coat of encapsulant shall be applied at a right angle to the preceding coat application or per manufacturer's specifications.

- (k) Encapsulated asbestos-containing materials shall be identified (e.g. using labels, signs or color coding) in order to warn building maintenance personnel in the event encapsulated materials must be disturbed.

- (l) The following maintenance procedures are recommended:

- (1) A periodic inspection and maintenance program, consisting of an inspection at least annually to check for damage to all encapsulated surfaces. Recoating and repairs are to be performed according to procedures in this section.

- (2) Maintenance of records by the building owner, on the locations and condition of the encapsulated material and on alteration, renovation, modification, or other procedures that resulted in disturbance of the encapsulated material.

- (3) When conditions change and encapsulation is no longer an appropriate method, additional abatement methods should be conducted.

§1-104 Enclosure Procedures. The following procedures shall be followed for the enclosure of ACM:

- (a) Loose and hanging asbestos-containing materials that may be disturbed during the installation of hangers or other support/framing materials for the enclosure shall be removed by wet methods in accordance with §1-102: "Disturbance, Handling, and Removal".

- (b) After installation of hangers, brackets or other enclosure supports and before installation of enclosure materials, damaged areas of fireproofing/thermal insulation shall be repaired using a replacement material.

- (c) Utilities' service components shall be lowered or removed as necessary and reinstalled in a manner which permits proper utilization and does not disturb the integrity of the enclosures.

- (d) Enclosed asbestos-containing materials shall be identified (e.g., using a sign, label, or color coding) in order to warn building maintenance personnel in the event that the enclosure must be disturbed.

- (e) The following maintenance procedures are recommended:

- (1) A periodic inspection and maintenance program, consisting of an inspection at least annually to check for damage to all enclosed surfaces. Re-enclosure and repairs are to be performed according to NYC Work Site Procedure regulations.

- (2) Maintenance of records by the building owner, on the locations and condition of the enclosed material and on alteration, renovation, modification, or other procedures resulting in disturbance of the enclosed material.

- (3) When conditions change and enclosure is no longer an appropriate method of asbestos abatement, additional abatement methods should be conducted.

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

- (a) Glovebag procedures shall be done using commercially available glovebags of 6-mil clear plastic, appropriately sized for the project. Glovebag procedures may only be used in conjunction with the full containment of the work area (see §1-8[2]1) or the tent procedure (see §1-106). Glovebags may not be shifted and shall not be moved from the initial surface to another surface, or reinstalled on the initial surface once removed.

(b) The glovebag procedure shall be performed in accordance with the following:

- (1) All necessary tools and materials shall be brought into the work area before the glovebag procedure begins.
- (2) Air monitoring shall be conducted in accordance with §§1-31 through 1-45.
- (3) Glovebag procedures shall be conducted by workers specifically trained in glovebag procedures and equipped with appropriate personal protective equipment.
- (4) The insulation diameter worked shall not exceed one half the bag working length above the attached gloves.
- (5) The ACM within the secured glovebag shall be wetted with amended water prior to stripping.
- (6) The bag shall be attached over duct tape which has been placed securely around the insulation, forming a smooth seal. The bag shall be securely attached to the insulation in a manner to prevent air transfer.
- (7) [The integrity of the glovebag seal shall be smoke tested. The contents of the smoke tube shall be aspirated through the water port access sleeve of the bag. After twist sealing the access sleeve, the bag shall be squeezed gently to check for leakage points which are then taped airtight.] After placement, each glovebag must pass a smoke test. The glovebag shall be placed under negative pressure utilizing a HEPA vacuum, and a smoke tube shall then be aspirated to direct smoke at all seams and seals from outside the glovebag. Any leaks detected by the smoke test shall be duct taped airtight.
- (8) If the insulation adjacent to the section which will be worked on is damaged, or if the insulation terminates or is jointed or contains an elbow adjacent to the work section, the adjacent insulation shall be wrapped in fire retardant 6-mil polyethylene sheeting and sealed airtight with duct tape.
- (9) After the insulation has been removed, the surface shall be sprayed with amended water and brush-scrubbed to remove all visible ACM. The surface, the interior of the bag, the insulation and the tools shall then be sprayed with amended water. The enclosed volume shall be misted and time allowed for the mist to settle out before breaking the seal to remove the glovebag.
- (10) Any insulation ends created by this procedure shall be:
 - (i) sealed with encapsulant prior to bag removal, or
 - (ii) thoroughly wetted before bag removal and sealed with wettable cloth end caps and spray glue or any combination of these materials immediately following bag removal.
- (11) The tool pouch shall be separated from the bag prior to disposal by twisting it and the wall to which it is attached several times, and taping the twist to hold it in place, thus sealing the bag and the pouch which are severed at the midpoint of the twist. Alternatively, the tools can be pulled through with one or both glove inserts, thus turning the gloves inside out. The glove(s) is/are then twist sealed forming a new pouch, taped and several mid-seal forming two separate bags.
- (12) A HEPA vacuum shall be used for evacuation of the glovebag in preparation for removal of the bag from the surface for clean-up in the event of a spill, and for post project clean-up.
- (13) With the glovebag collapsed and the ACM in the bottom of the bag, the bag shall be twisted several times and taped to seal that section during bag removal.
- (14) A 6-mil plastic bag shall be slipped around the glovebag while it is still attached to the surface. The bag shall be detached from the surface by removing the tape or cutting the top with blunt scissors.
- (15) The asbestos-containing waste, the clean-up materials, and protective clothing shall be wetted sufficiently, double-bagged minimizing air content, sealed separately, and disposed of in conformance with §§1-93 and 1-102 of this chapter.

(c) Reserved.

(d) [Glovebag procedures which are large asbestos projects or part of a large asbestos project shall be conducted in accordance with all large asbestos project procedures.] Glovebag procedures may only be utilized as part of a large or small asbestos project within full containment as set forth in section 1-82 of this chapter, or inside a tent constructed in accordance with section 1-106 of this chapter.

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

- (a) Tent procedures shall be limited to the removal [at any

one time] 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 [not] be used as part of a large asbestos project [except] as provided for in section 1-81(e)(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 in conjunction with the use of the glovebag procedure.

(b) Tent procedures shall be accomplished in a constructed or commercially available fire retardant plastic tent, plasticizing and sealing all surfaces not being abated within the tent periphery forming an enclosure. The tent shall be of fire retardant 6-mil [PVC]plastic at a minimum, with seams heat-sealed, or double-folded, stapled and taped airtight and then taped flush with the adjacent tent wall. This is a single use barrier that shall not be reused once dismantled or collapsed.

(c) There shall be an airlock at the entrance to the tent, unless there is an attached worker or waste decontamination system.

[(c)](d) Asbestos handlers involved in the tent procedure shall wear personal protective equipment as specified in §1-51(c), plus a second disposable suit. All street clothes shall be removed and stored in a clean room within the work site. The personal protective equipment with two disposable suits shall be used for installation of the tent and throughout the procedure if a decontamination unit with a shower is not contiguous to the work area. If a decontamination unit (with shower and clean room at a minimum) is contiguous to the work area, only one disposable suit shall be required; in this case, prior to exiting the tent the worker shall HEPA vacuum and wet clean the disposable suit.

[(d)](e) The tent shall be attached to the surface to produce an airtight seal except for an appropriate section to allow for make-up air into the tent.

[(e)](f) Negative pressure ventilation equipment shall be used to continuously exhaust the enclosed area as specified under §1-91, Engineering Controls[, except that the negative air pressure in §1-91(c) shall be demonstrated by smoke testing. The hose shall be attached securely and airtight through the tent wall at the most remote location possible from the ACM to be disturbed. A minimum of two volume changes per hour is required].

[(f)](g) Removal of ACM shall be by wet methods in accordance with §1-102.

[(g)](h) ACM removed shall be placed in a leak-tight container without dropping it.

[(h)](i) Upon completion of abatement, and prior to tent collapse, the enclosed surfaces shall:

- (1) be wet cleaned using rags, mops or sponges; and
- (2) be permitted sufficient time to dry, prior to HEPA vacuuming all substrates; and
- (3) be lightly encapsulated to lockdown residual asbestos.

[(i)](j) Upon barrier disturbance, loss of engineering controls, or termination of tent usage, the tent and the enclosed surfaces shall be treated according to subdivision [(h)](i) above.

[(j)](k) The bagged waste shall be wet cleaned or HEPA vacuumed and then transferred outside the tent, double bagged, and appropriately handled prior to disposal.

[(k)](l) The outer disposable suit (if 2 suits are worn) shall be [removed and remain in the tent upon] HEPA vacuumed in the tent prior to exiting. The outer disposable suit shall be removed in the airlock and a clean suit shall be worn over the inner suit. [Following tent disposal and work site cleanup t] The workers shall immediately proceed to a shower at the work site. The inner disposable suit and respirator shall be removed in the shower after appropriate wetting. The disposable clothing shall be disposed of as asbestos-containing waste material. The workers shall then fully and vigorously shower with supplied liquid bath soap, shampoo, and clean dry towels.

[(l)](m) The negative pressure ventilation equipment shall be used to filter a minimum of [6] 4 volume changes through the tent after completion of abatement but prior to collapse of the tent/barrier. All required air monitoring must be successfully completed before the tent/barrier is collapsed.

[(m)](n) The tent shall be collapsed inward, enclosing the contaminated clothing. This contaminated material shall be disposed of in another plastic bag. The HEPA vacuum shall be decontaminated and sealed.

[(n)](o) Glovebag procedures for removal of material within the tent for any sized project shall follow the rules set forth in §1-105.

§ 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).

(b) The foam or viscous liquid shall be non-toxic, shall not require special respiratory protection for handling, and shall not affect the handling and disposal of the waste.

(c) The foam or viscous liquid shall coat and maintain a stable blanket (minimum 1" thickness) for the duration of the removal process and shall leave an identifiable colored residue when it dissipates.

(d) The foam or viscous liquid shall wet the ACRM. The ACRM shall be kept wet through the bagging process.

(e) Persons entering the work area shall wear correctly-fitting, good traction rubber boots.

(f) Abatement shall not be carried out during adverse weather conditions (e.g. precipitation, high winds, ambient temperature below 32 degrees Fahrenheit, etc.).

(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 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.)

(h) Movable objects shall be removed from the work area, or kept in place and wrapped in one sheet of fire retardant 6 mil plastic sheeting.

(i) Provisions shall be made to ensure a safe and adequate air supply to affected building(s). All vents, skylights, air intakes, windows and doors opening onto the roof, and all other openings shall be sealed with 2 layers of fire retardant 6 mil plastic or fitting with HEPA- filters when appropriate. Temporary extensions may be installed to a height of 10 feet to ensure adequate air exchange instead of sealing vents, air intakes, etc. with 2 layers of plastic or HEPA-filters. Drains may be equipped with 5 micron filtering system in lieu of being sealed.

(j) Fixed objects including perimeter walls, bulkheads, cooling towers, ducts and other rooftop appurtenances shall be covered in one sheet of fire retardant 6 mil plastic up to a height of at least six feet.

(k) Prior to actual removal, the built-up roofing shall be blanketed and wetted with a minimum 1" coating of the acceptable foam or viscous liquid which shall be maintained for the duration of the removal until the material is bagged. The foam or viscous liquid shall be confined to the work area.

(l) Hand-held 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.

(m) Clean-up procedures shall include the removal and bagging of ACRM, the removal of all visible accumulations of asbestos containing waste, and the removal of all excess foam or similar viscous liquids. Following the removal of all debris, the work area shall be thoroughly wet cleaned.

(n) The work area shall be allowed to dry completely before the visual inspection is conducted. The project monitor and asbestos handler supervisor shall confirm the absence in the work area of ACM, asbestos-containing waste or debris, and foam or other viscous liquid.

(o) Upon successful visual inspection, all installed plastic sheeting shall be removed.

(p) Air monitoring shall be conducted in accordance with the relevant provisions of subchapter D of these rules.

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

(a) These procedures only apply to the removal of 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).

(b) The foam or viscous liquid shall be non-toxic, shall not require special respiratory protection for handling, and shall not affect the handling and disposal of the waste.

(c) The foam or viscous liquid shall coat and maintain a stable blanket (minimum 1" thickness) for the duration of the removal process and shall leave an identifiable colored residue when it dissipates. The acceptable foam or viscous liquid shall be maintained for the duration of the removal until the material is bagged.

(d) The foam or viscous liquid shall coat and wet the ACRM. The ACRM shall be kept wet through the bagging process.

(e) Persons entering the work area shall wear correctly-fitting, good-traction rubber boots.

(f) Baseboards and wall surfaces up to a minimum height of four feet above the floor shall be covered with a layer of fire retardant 6-mil plastic sheeting. If hand power tools are used during the abatement, wall surfaces shall be covered with a layer of 6-mil polyethylene sheeting to a minimum height of six feet.

(g) Negative air pressure ventilation shall be provided to allow make-up air into the work area, and the air outlet from the work area shall be at or near the floor level.

(h) Clean-up procedures shall involve removal and bagging

of the ACM, of visible accumulations of asbestos containing waste, and of all traces of foam or similar viscous liquid. Following the removal of all debris, the work area shall be thoroughly wet cleaned and HEPA-vacuumed.

(i) The work area shall be allowed to dry completely before the visual inspection is conducted. The project monitor and asbestos handler supervisor shall confirm the absence in the work area of ACM, asbestos-containing waste or debris, and foam or other viscous liquid.

(j) Upon successful visual inspection, plastic sheeting shall be removed from baseboards and wall surfaces. Isolation barriers shall remain in place.

(k) Air monitoring shall be conducted in accordance with the relevant provisions of subchapter D of these rules.

§ 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 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)
[Texturized] [p]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.

(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.
- (2) A restricted area shall be established using warning tape extending at least 25 feet from the affected areas of the building or to the nearest vertical obstruction or the curb.
- (3) The restricted area may be entered only by certified workers or authorized visitors.
- (4) Before plasticizing, the restricted area shall be inspected for ACM debris and, if necessary, pre-cleaned using HEPA vacuums and wet methods.
- (5) All openings to the building or structure's interior which are within 25 feet of the affected ACM shall be closed and sealed.
- (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) 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 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) 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.

(b) A worker/waste decontamination system shall be constructed within the restricted area.

(c) Cleanup Procedure

- (1) The stripped substrate shall be HEPA vacuumed and wet-wiped.
- (2) A visual clearance inspection shall be conducted by the asbestos handler supervisor and project monitor after the work area dries, to ensure the absence of ACM residue or debris in the work area.
- (3) After the inspection is completed, the warning tapes and barriers may be removed.
- (4) The clearance inspection shall be documented in the log and the project air sampling log.

(d) Air monitoring shall be conducted in accordance with the relevant provisions of subchapter D of these rules.

§1-110 Controlled Demolition with Asbestos in Place.

(a) A building or structure may be demolished with asbestos in place only if the building is in imminent danger of collapse as set forth in section 28-215.1 of Title 28 of the Administrative Code and/or 56 NYCRR 11.5(c).

(b) A copy of the condemnation letter shall be provided to DEP.

(c) The demolition shall be performed in accordance with

section 28-215.1 of Title 28 of the Administrative Code and/or 56 NYCRR 11.5 (c).

Part 5 *Clean-up Procedures*

§1-111 Preliminary Clean-up Procedures

§1-112 Additional Clean-up Procedures (Final)

§1-111 Preliminary Clean-up Procedures. The following clean-up requirements shall be followed during the conduct of abatement activities on [large] asbestos projects:

(a) (1) [Visible accumulations of loose asbestos-containing waste material shall be cleaned up:

- (i) whenever sufficient asbestos-containing waste material to fill a single leak-tight container of the type commensurate with the properties of asbestos-containing waste material has been removed, or
- (ii) at the end of each work shift, whichever shall occur first. Visible material shall be maintained wet until cleaned up.] All waste generated shall be bagged, wrapped or containerized immediately upon removal. The personal and waste decontamination enclosure systems and floor and scaffold surfaces shall be HEPA vacuumed and wet cleaned at the end of each work shift at a minimum.

- (2) Visible accumulations of asbestos-containing waste material shall be containerized utilizing non-metallic dust pans and non-metallic squeegees or HEPA vacuums.
- (3) Metal shovels shall not be used to pick up or move accumulated asbestos-containing waste material or any other debris in the vicinity of isolation or surface barriers.

[(b) Accumulations of dust shall be cleaned off all surfaces of the work area on a daily basis, using HEPA vacuum or wet cleaning methods.]

[(c)](b) The waste decontamination enclosure system shall be wet cleaned twice using wet cleaning methods upon completion of waste removal. When the worker decontamination enclosure shower room alternates as a waste container wash room, the shower room shall be washed immediately with cloths or mops saturated with a detergent solution prior to wet cleaning.

[(d)](c) The worker decontamination enclosure system shall be wet cleaned/HEPA vacuumed, as appropriate, after each shift change and meal break.

[(e)](d) Excessive water accumulation or flooding in the work area shall require work to stop until the water is collected and disposed of properly.

[(f) Spillage of asbestos-containing waste material in an elevator shaft shall require:

- (1) immediate evacuation, shut down and isolation of all elevators in the affected elevator bank, and
- (2) containerization of all spilled visible accumulations of asbestos-containing waste material from within the elevator car and shaft, and
- (3) HEPA vacuuming/wet cleaning of the contaminated surfaces in the elevator car and shaft in repetitive cycles until clearance air levels are achieved, and
- (4) one air sample to be taken at each terminus of the shaft to be analyzed by PCM on a continuing basis until clearance air levels are achieved.]

§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.

(a) After removal of visible accumulations of asbestos-containing waste material, a HEPA vacuuming shall be performed on all surfaces. To pick up excess water and gross saturated debris, a wet-dry shop HEPA vacuum, dedicated to asbestos abatement, may be used.

(b) All surfaces in the work area shall be wet cleaned (first cleaning).

(c) [The cleaned layer of the surface barriers shall be removed from walls and floors. The isolation barriers shall remain in place throughout cleanup. Decontamination enclosure systems shall remain in place and be utilized.] A thin coat of lockdown encapsulant shall be applied to all surfaces in the work area which were not the subject of removal or abatement, including the cleaned layer of the surface barriers, but excepting sprinklers, standpipes, and other active elements of the fire suppression system.

(d) After the first cleaning, the work area shall be vacated for 12 hours to allow fibers to settle. [Then, all objects and surfaces in the work area shall be HEPA vacuumed and wet cleaned a second time. The remaining plastic surface barriers shall be removed, while the isolation barriers shall remain in position.]

(e) The cleaned and encapsulated layer of the surface barriers shall be removed from the walls and floors.

(f) All objects and surfaces in the work area shall be HEPA vacuumed and wet cleaned a second time.

[(e)] (g) After the second cleaning, the work area shall be

vacated for 4 hours before wet cleaning and/or HEPA vacuuming all surfaces in the work area for a third cleaning.

(h) The remaining plastic barriers shall be removed from the walls and floors.

[(f)](i) As a prerequisite to commencement of clearance air monitoring, a thorough visual inspection shall verify the absence of asbestos-containing waste material (e.g. dust).

[(g)](j) All containerized waste shall be removed from the work area through the decontamination enclosures and the holding area.

[(h)](k) All tools and equipment shall be removed from the work area and decontaminated in the waste decontamination enclosure system. Cloths, mops, and other cleaning aids shall be disposed of as asbestos-containing waste material.

[(i)](l) After successful clearance air monitoring (see §1-31 et seq.), the isolation barriers shall be removed in conjunction with the use of a HEPA vacuum.

(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 on a DEP-approved form. 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.

§5. Section 1-120 of Chapter 1 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-120 Applicability of Regulations to Pre-Demolition Abatement Activities]

§1-120 Applicability of Regulations to Pre-Demolition Abatement Activities. The following regulations shall apply to pre-demolition abatement activities:

§§1-01 through	1-61	General Regulations
	1-82	Worker Decontamination Enclosure System
	1-83	Waste Decontamination Enclosure System
1-91 through	1-94	Work Place Procedures
	1-102	ACM Disturbance, Handling and Removal Procedures
	1-105	Glovebag Procedure
	1-106	Tent Procedure
	1-107	Foam Procedure for Roof Removal
	1-108	Foam/Viscous Liquid Use in Flooring Removal
	1-109	Abatement from Vertical Exterior Surfaces
1-120 through	1-12[9]8	Pre-Demolition Abatement Activity Procedures

§6. Subdivisions (a), (c), (h), (i), (j), (m) and (o) of Section 1-125 of Chapter 1 of Title 15 of the Rules of the City of New York is amended to read as follows:

(a) Prior to the start of abatement activities, the building owner or designated representative shall post a general notification at all main entrances to the structure. Postings of this notification shall be in English and Spanish, at eye level in a conspicuous well-lit place that can be viewed by the public without obstruction. Information provided in the notification shall include contractor, project location, that the project is regulated by NYC DEP, and the [NYCDEP Asbestos Control Program telephone number] Call Center "311" for government information and services. The notice shall have the following heading: NOTICE OF ASBESTOS ABATEMENT, in a minimum of 2 inches sans serif, gothic or block style lettering, with the balance of the lettering of the notice to be of the same type lettering in a minimum of 1 inch size. The notification shall be posted throughout all abatement activities.

(c) Electric power to all work areas shall be shut down and locked out. Safe temporary power and lighting shall be provided in accordance with all applicable NYC Code(s) and Regulations. Existing light sources (e.g., house lights) shall not be utilized. All power to a work area shall be brought in from outside the area through ground-fault interrupter at the source.

(h) Objects which can be removed from the work area prior to abatement without disturbing [friable] ACM shall be pre-cleaned using HEPA-filtered vacuum equipment and/or wet cleaning.

(i) The isolation barriers (i.e. sealing off of all openings, including but not limited to windows, corridors, doorways, barriers, skylights, ducts, grills, diffusers, and any other penetrations of the work areas) shall be installed with 2 layers of fire retardant 6-mil plastic sheeting separately sealed with tape. All seams of HVAC or other system components that pass through the work area shall also be sealed. Chimney effects in stacks, columns, flues, shafts, double-walled enclosures, etc., that impact the work area, shall be eliminated by sealing the accesses with solid material covered with a double layer of 6-mil plastic sealed with tape.

(j) Cinderblock and porous construction materials shall be covered with one layer of fire retardant 6-mil plastic sheeting, sealed at edges and seams.

(m) [Emergency and fire exits from the work areas shall be maintained, or alternative exits shall be established in accordance with applicable NYC Code(s) and regulations.] Required means of egress, including emergency and fire exits, shall be maintained at all times during abatement activities except as otherwise provided pursuant to section

3303 of the New York City Building Code. Exits shall be checked daily against [exterior] blockage or impediments to exiting.

(o) Elevators running through the work area shall conform to the following:

- (1) The elevator door in the work area shall be enclosed with conventional 2 x 4 stud framing, covered with 3/8" fire rated plywood sheeting and sealed at all edges and seams. The barrier shall be covered and lapped for 8 inches with two layers of fire retardant 6-mil plastic sheeting adhered individually with edges taped for airtightness.
- (2) Elevators not remaining in service shall have the fuses removed and the power switch locked in the open position.
- (3) Elevators that remain in service shall conform to the following additional procedures to minimize the piston effect that results:
 - (i) Elevator control shall be modified to bypass the work area.
 - (ii) A final larger layer of fire retardant 6-mil plastic sheeting is to be taped airtight but with slack forming a larger perimeter diaphragm. Air leakage across the barrier shall be corrected upon discovery, and the elevator shaft shall be checked for airborne asbestos contamination.
 - (iii) This system shall be smoke tested daily.

§7. Section 1-127 of Chapter 1 of Title 15 of the Rules of the City of New York relating to lockdown encapsulation procedures is REPEALED.

§8. Section 1-128 of Chapter 1 of Title 15 of the Rules of the City of New York is amended to read as follows:

§1-12[8]7 Clean-up Procedures during Abatement. The following clean-up procedures shall be followed during conduct of pre-demolition abatement:

- (a) (1) [Visible accumulations of loose asbestos-containing waste material shall be cleaned up:
 - (i) Whenever sufficient asbestos-containing waste material to fill a single leak-tight container of the type commensurate with the properties of asbestos-containing waste material has been removed, or
 - (ii) At the end of each work shift whichever shall occur first. Visible material shall be maintained wet until cleaned up.] All waste generated shall be bagged, wrapped, or containerized immediately upon removal. The personal and waste decontamination enclosure systems shall be HEPA vacuumed and wet cleaned at the end of each work shift at a minimum.
- (2) Visible accumulations of asbestos-containing waste material may be containerized utilizing rubber dust pans and rubber squeegees or HEPA vacuums. Metal shovels may also be used EXCEPT in the vicinity of isolation or surface barriers which could be perforated by these tools.

[(b) Accumulations of dust shall be cleaned off all surfaces of the work area on a daily basis, using HEPA vacuum or wet cleaning methods.]

[(c)](b) The waste decontamination enclosure system shall be wet cleaned twice using wet cleaning methods upon completion of waste removal. When the worker decontamination enclosure shower room alternates as a waste container wash room, the shower room shall be washed immediately with cloths or mops saturated with a detergent solution prior to wet cleaning.

[(d)](c) The worker decontamination enclosure system shall be wet cleaned/HEPA vacuumed, as appropriate, after each shift change and meal break.

[(e)](d) Excessive water accumulation or flooding in the area shall require work to stop until the water is collected and disposed of properly.

[(f) Spillage of asbestos-containing waste material in an operating elevator shaft shall require:

- (1) immediate evacuation, shut down and isolation of all elevators in the affected elevator bank, and
- (2) containerization of all spilled visible accumulation of asbestos-containing waste material from within the elevator car and shaft, and
- (3) HEPA vacuuming/wet cleaning of the contaminated surfaces in the elevator car and shaft in repetitive cycles until clearance air levels are achieved, and
- (4) one air sample to be taken at each terminus of the shaft to be analyzed by PCM on a continuing basis until clearance air levels are achieved.]

§9. Section 1-129 of Chapter 1 of Title 15 of the Rules of

the City of New York is renumbered as Section 1-128, subdivisions (d), (e) and (g) of the newly renumbered Section 1-129 are amended, and a new subdivision (h) is added to read as follows:

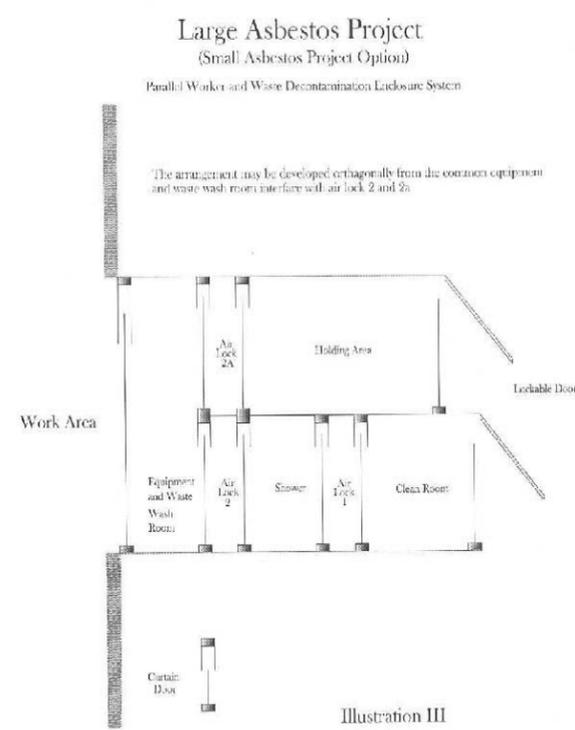
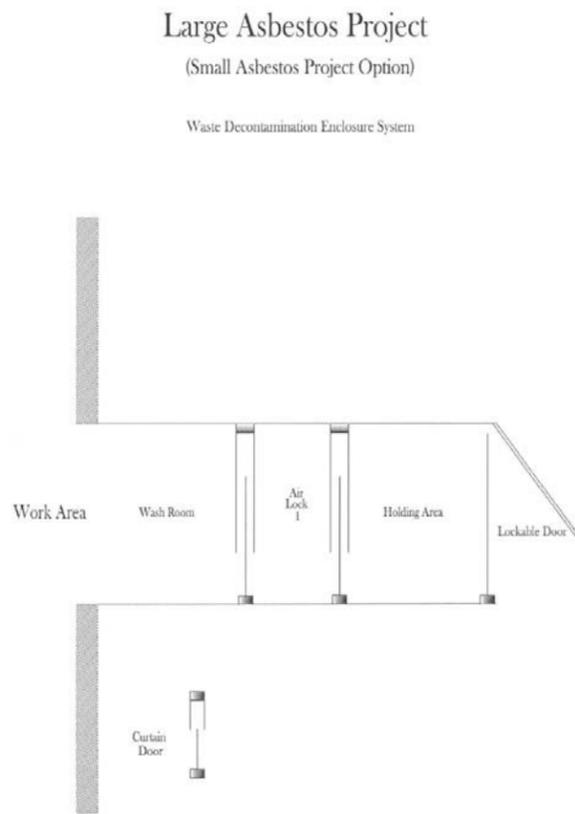
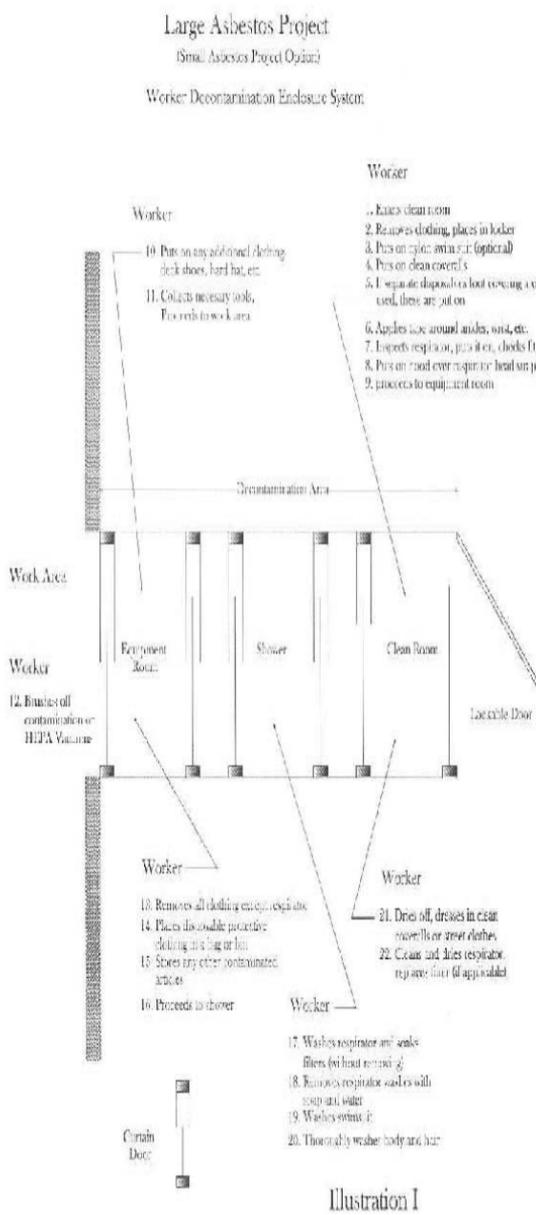
(d) Where porous construction materials or cinder block-like materials have been plasticized for surface barrier containment, the plastic sheeting shall be cleaned as in subdivision (c) above, then sprayed with a[n] lockdown encapsulant and removed when dry.

(e) All surfaces in the work area which were not the subject of removal or abatement shall be sprayed with a[n] lockdown encapsulant, which upon drying will not dissolve upon rewetting. Sufficient time for drying shall be allowed.

(g) After successful clearance air monitoring (see §1-[7]31 et seq.) the isolation barriers shall be removed in conjunction with the use of a HEPA vacuum.

(h) 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 on a DEP-approved form. If a project is being performed on multiple floors of a building, a separate project monitor's report may be filed as each floor is completed.

§10. 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:



§11. Effective date. These rules, with the exception of section three of these rules amending Subchapter C, shall become effective November 13, 2009. The amendments to Subchapter C pursuant to section three of these rules shall take effect on October 13, 2009 for asbestos abatement projects involving the abatement of 1000 or more linear or square feet of asbestos-containing material on a single floor of a building and on January 13, 2010 for asbestos projects involving the abatement of less than 1000 linear or square feet of asbestos-containing material on a single floor of a building. The changes to Subchapter C shall not affect applications for construction document approval filed with the Department of Buildings prior to October 13, 2009 for projects involving the abatement of 1000 or more linear or square feet of asbestos-containing material on a single floor of a building nor those filed prior to January 13, 2010 for asbestos projects involving the abatement of less than 1000 linear or square feet of asbestos-containing material on a single floor of a building.

SPECIAL MATERIALS

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

NOTICE

OFFICIAL FUEL PRICE SCHEDULE NO. 6325 FUEL OIL AND KEROSENE

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/7/2009
2887105	2.0	#1DULS	MANH	SPRAGUE ENERGY CORP -1330 GAL.	2.2193 GAL.
2887105	3.0	#1DULS	BRONX	SPRAGUE ENERGY CORP -1330 GAL.	2.2193 GAL.
2887105	4.0	#1DULS	BROOKLYN	SPRAGUE ENERGY CORP -1330 GAL.	2.2543 GAL.
2887105	5.0	#1DULS	QUEENS	SPRAGUE ENERGY CORP -1330 GAL.	2.2543 GAL.
2887105	6.0	#1DULS	S.I.	SPRAGUE ENERGY CORP -1330 GAL.	2.3193 GAL.
2887105	7.0	#1DULS	P/U	SPRAGUE ENERGY CORP -1330 GAL.	2.1311 GAL.
2887086	3.0	#1DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP -1434 GAL.	2.1706 GAL.
2887086	7.0	#1DULSB20	P/U	SPRAGUE ENERGY CORP -1434 GAL.	2.1009 GAL.
2887086	1.0	#1DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP -1356 GAL.	2.1457 GAL.

2887086	5.0	#1DULSB5	P/U	SPRAGUE ENERGY CORP	-1356 GAL.	2.0637 GAL.
2887052	1.0	#2	MANH	RAPID PETROLEUM	-1395 GAL.	1.7961 GAL.
2887052	4.0	#2	BRONX	RAPID PETROLEUM	-1395 GAL.	1.7959 GAL.
2887052	7.0	#2	BROOKLYN	RAPID PETROLEUM	-1395 GAL.	1.7855 GAL.
2887052	13.0	#2	S.I.	RAPID PETROLEUM	-1395 GAL.	1.8290 GAL.
2887053	10.0	#2	QUEENS	METRO FUEL OIL CORP.	-1395 GAL.	1.8188 GAL.
2887169	1.0	#2B5	CITY WIDE BY TW	METRO FUEL OIL CORP.	-1417 GAL.	2.1953 GAL.
2887105	8.0	#2DHS	BARGE M.T.F. 111	SPRAGUE ENERGY CORP	-1395 GAL.	2.0716 GAL.
2887106	9.0	#2DHS	BARGE WI	METRO FUEL OIL CORP.	-1395 GAL.	1.9830 GAL.
2887301	1.0	#2DLS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	-1320 GAL.	2.0982 GAL.
2887301	3.0	#2DLS	P/U	METRO FUEL OIL CORP.	-1320 GAL.	1.9610 GAL.
2887302	4.0	#2DLS	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-1320 GAL.	2.0827 GAL.
2887105	1.0	#2DULS	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-1269 GAL.	1.9594 GAL.
2887105	1.1	#2DULS	P/U	SPRAGUE ENERGY CORP.	-1269 GAL.	1.9244 GAL.
2887301	2.0	#2DULS	BARGE ST. GEORGE	METRO FUEL OIL CORP.	-1269 GAL.	2.0391 GAL.
2887086	4.0	#2DULSB20	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-1385 GAL.	2.0514 GAL.
2887087	8.0	#2DULSB20	P/U	METRO FUEL OIL CORP.	-1385 GAL.	2.4022 GAL.
2887086	2.0	#2DULSB5	CITY WIDE BY TW	SPRAGUE ENERGY CORP	-1298 GAL.	2.0067 GAL.
2887105	10.0	#2DULSB5	BARGE ST. GEORGE	SPRAGUE ENERGY CORP	-1298 GAL.	2.5420 GAL.
2887159	6.0	#2DULSB5	P/U	METRO FUEL OIL CORP.	-1298 GAL.	2.0544 GAL.
2887274	7.0	#2DULSDISP	DISPENSED	SPRAGUE ENERGY CORP.	-1269 GAL.	2.2863 GAL.
2887052	2.0	#4	MANH	RAPID PETROLEUM	-1171 GAL.	1.6725 GAL.
2887052	5.0	#4	BRONX	RAPID PETROLEUM	-1171 GAL.	1.6759 GAL.
2887052	8.0	#4	BROOKLYN	RAPID PETROLEUM	-1171 GAL.	1.6867 GAL.
2887052	14.0	#4	S.I.	RAPID PETROLEUM	-1171 GAL.	1.7197 GAL.
2887053	11.0	#4	QUEENS	METRO FUEL OIL CORP.	-1171 GAL.	1.6915 GAL.
2887052	3.0	#6	MANH	RAPID PETROLEUM	-1023 GAL.	1.6057 GAL.
2887052	6.0	#6	BRONX	RAPID PETROLEUM	-1023 GAL.	1.6057 GAL.
2887052	9.0	#6	BROOKLYN	RAPID PETROLEUM	-1023 GAL.	1.6207 GAL.
2887052	15.0	#6	S.I.	RAPID PETROLEUM	-1023 GAL.	1.6567 GAL.
2887054	12.0	#6	QUEENS	CASTLE OIL CORPORATION	-1023 GAL.	1.6248 GAL.
2787347	1.0	JETA	FLOYD BENNETT	SPRAGUE ENERGY CORP	-1545 GAL.	2.5107 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6326
FUEL OIL, PRIME AND START**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/7/2009
2787117	1.0	#2	MANH	PACIFIC ENERGY	-1395 GAL. 1.8754 GAL.
2787117	79.0	#2	BRONX	PACIFIC ENERGY	-1395 GAL. 1.8754 GAL.
2787117	157.0	#2	QNS., BROOKLYN & S.I.	PACIFIC ENERGY	-1395 GAL. 1.8744 GAL.
2787118	235.0	#4	CITY WIDE BY TW	EAST COAST PETROLEUM	-1171 GAL. 1.8645 GAL.
2787118	236.0	#6	CITY WIDE BY TW	EAST COAST PETROLEUM	-1023 GAL. 1.8507 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6327
FUEL OIL AND REPAIRS**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/7/2009
2787112	1.0	#2	MANH	SJ FUEL CO. INC.	-1395 GAL. 1.7534 GAL.
2787113	79.0	#2	BRONX	PACIFIC ENERGY	-1395 GAL. 1.6980 GAL.
2787114	157.0	#2	QNS., BROOKLYN & S.I.	NU WAY FUEL OIL	-1395 GAL. 1.8690 GAL.
2787115	234.0	#4	CITY WIDE BY TW	EAST COAST PETROLEUM	-1171 GAL. 1.8205 GAL.

**OFFICIAL FUEL PRICE SCHEDULE NO. 6328
GASOLINE**

CONTRACT NO.	ITEM NO.	FUEL/OIL TYPE	VENDOR	CHANGE	PRICE EFF. 9/7/2009
2687312	2.0	E85	CITY WIDE BY TW	SPRAGUE ENERGY CORP.	-0473 GAL. 2.1635 GAL.
2787192	7.0	PREM	CITY WIDE BY TW	METRO TERMINALS	-0996 GAL. 2.2716 GAL.
2887274	6.0	PREM	CITY WIDE BY VEHICLE	SPRAGUE ENERGY CORP.	-0996 GAL. 2.5051 GAL.
2787192	1.0	U.L.	CITY WIDE BY TW	METRO TERMINALS	-0875 GAL. 2.0900 GAL.
2887274	1.0	U.L.	MANH P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0875 GAL. 2.4611 GAL.
2887274	2.0	U.L.	BX P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0875 GAL. 2.3611 GAL.
2887274	3.0	U.L.	BR P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0875 GAL. 2.3611 GAL.
2887274	4.0	U.L.	QNS P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0875 GAL. 2.3611 GAL.
2887274	5.0	U.L.	S.I. P/U BY VEHICLE	SPRAGUE ENERGY CORP.	-0875 GAL. 2.3611 GAL.

COMPTROLLER

NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on September 24, 2009 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
35,35A	3665	12
36,36A,36B,37,37A	3665	1,25
38,38A,39,39A	3665	20,22

Acquired in the proceeding, entitled: NEW CREEK BLUEBELT, PHASE 4, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

s10-24

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on September 17, 2009, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	lot
1	2448	60

Acquired in the proceeding, entitled: THIRD WATER TUNNEL SHAFT 18B subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

s2-17

HOUSING PRESERVATION & DEVELOPMENT

NOTICE

**OFFICE OF PRESERVATION SERVICES
CERTIFICATION OF NO HARASSMENT UNIT**

**REQUEST FOR COMMENT ON APPLICATION FOR
CERTIFICATION OF NO HARASSMENT PURSUANT**

TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: September 9, 2009

**TO: OCCUPANTS, FORMER OCCUPANTS AND
OTHER INTERESTED PARTIES OF**

Address	Application #	Inquiry Period
16 East 10th Street-Manhattan	77/09	August 4, 2006 to Present
14 West 123rd Street, Manhattan	81/09	August 19, 2006 to Present
70 West 126th Street, Manhattan	84/09	August 25, 2006 to Present
221 Washington Avenue-Brooklyn	79/09	August 12, 2006 to Present
110 Lefferts Place-Brooklyn	80/09	August 14, 2006 to Present
90-51 51st Avenue, Queens	82/09	August 21, 2006 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement please call (212) 863-8272.

s9-17

SCHOOL CONSTRUCTION AUTHORITY

NOTICE

NOTICE OF FILING

Pursuant to §1731 of the New York City School Construction Authority Act, notice has been filed for the proposed site selection of Block 1073, Lot 1 (portion), located in the Borough of the Manhattan, for the development of a new, approximately 630-seat replacement facility for P.S. 51 in Community School District No. 2.

The proposed site is located on the north side of West 44th Street between Tenth and Eleventh avenues on the West Side of Manhattan. The project site is an approximately 31,266 square foot (0.73 acres) portion of an approximately 135,805-square-foot (3.12-acre) parcel of land (Lot 1) that is currently owned by the City of New York. The site is currently occupied by the playground of the existing P.S. 51 building, a parking lot, a single-story vacant building, and the southern portion of a single-story building containing stables. Site plans and a summary thereof for the proposed action are available at:

New York City School Construction Authority
30-30 Thomson Avenue
Long Island City, New York 11101

Attention: Ross J. Holden

Comments on the proposed actions are to be sent to the New York City School Construction Authority at the above address and will be accepted until October 26, 2009.

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LATE NOTICES

CITYWIDE ADMINISTRATIVE SERVICES

CONTRACTS

SOLICITATIONS

Services (Other Than Human Services)

SOLAR ELECTRICITY - REQUEST FOR INFORMATION - Other - PIN# 85610000349 - DUE 09-25-09 AT 5:00 P.M. - The City of New York's Department of Citywide Administrative Services ("DCAS") is issuing this Request for Information (RFI) seeking information from the solar industry to assist the agency in its development of a Request for Proposals (RFP) for a Long-Term Power Purchase Agreement for Design, Installation, and Maintenance services for two (2) Megawatts of Rooftop Solar Photovoltaic Installations on City-owned buildings.

Interested parties may download the RFI from the City Record On-Line, at www.nyc.gov/cityrecord.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Department of Citywide Administrative Services
One Centre Street, 18th Floor North, New York, NY 10007.
Corrine Campbell (212) 669-2777, ccampbell@dcas.nyc.gov

s11

ENVIRONMENTAL CONTROL BOARD

NOTICE

**OFFICE OF ADMINISTRATIVE TRIALS AND
HEARINGS/ENVIRONMENTAL CONTROL BOARD**

The Access to the Justice Subcommittee session of the Environmental Control Board (ECB) will take place on September 17, 2009 at the Office of Administrative Trials and Hearings (OATH), at 40 Rector Street, 6th Floor Conference Room, New York, N.Y 10006 at 10:00 a.m., at the call of the Chief Administrative Law Judge of OATH and Chairman of ECB.

s11-15

**AGENCY PUBLIC HEARINGS ON
CONTRACT AWARDS**

"These Hearings may be cablecast on NYC TV Channel 74 on Sundays, from 5:00 p.m. to 7:00 p.m. For more information, visit: www.nyc.gov/tv" NOTE: Individuals requesting Sign Language Interpreters should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, N.Y. 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay services.

CRIMINAL JUSTICE COORDINATOR

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Criminal Justice Coordinator's Office and the Center for Community Alternatives, 115 East Jefferson St., Suite 300, Syracuse, NY 13202, for the provision of services related to case assessment, case planning, court advocacy and case management for juveniles Citywide. The contract shall be in an amount not to exceed \$275,435. The contract term shall be from July 1, 2009 to June 30, 2010 with no option to renew. PIN#: 00210DMPS234.

The proposed contractor is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Criminal Justice Coordinator, One Centre Street, 10th Floor North, New York, NY 10007, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 12:00 P.M. and from 2:00 P.M. to 4:00 P.M.

IN THE MATTER of a proposed contract between the Criminal Justice Coordinator's Office and the Center for Alternative Sentencing and Employment Services (CASES), 346 Broadway, 3rd Floor West, New York, NY 10013, for the provision of treatment readiness and referral services for misdemeanor drug offenders in the Borough of Manhattan. The contract shall be in an amount not to exceed \$139,570. The contract term shall be from July 1, 2009 to June 30, 2010 with no option to renew. PIN#: 00210DMPS236.

The proposed contractor is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Criminal Justice Coordinator, One Centre Street, 10th Floor North, New York, NY 10007, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 12:00 P.M. and from 2:00 P.M. to 4:00 P.M.

IN THE MATTER of a proposed contract between the Criminal Justice Coordinator's Office and The Osborne Association, 809 Westchester Avenue, Bronx, NY 10455, for the provision of advocacy, assessment, referral, and monitoring services to 18-B panel represented defendants Citywide. The contract shall be in an amount not to exceed \$371,629. The contract term shall be from July 1, 2009 to June 30, 2010 with no option to renew. PIN#: 00210DMPS240.

The proposed contractor is being funded through City Council Discretionary Funds Appropriation, pursuant to Section 1-02 (e) of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Office of the Criminal Justice Coordinator, One Centre Street, 10th Floor North, New York, NY 10007, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 12:00 P.M. and from 2:00 P.M. to 4:00 P.M.

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DESIGN AND CONSTRUCTION

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and Asymptote Architecture, 1145 46th Avenue, Long Island City, NY 11101, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0037P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Kareem Alibocas at (718) 391-3038.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and BKSK Architects, LLP, 28 West 25th Street, New York, NY 10010, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0033P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Kareem Alibocas at (718) 391-3038.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and Grimshaw, 100 Reade Street, New York, NY 10013, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0032P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Kareem Alibocas at (718) 391-3038.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and Rogers Marvel Architects, 145 Hudson Street, 3rd Floor, New York, NY 10013, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0035P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00

P.M. Contact Kareem Alibocas at (718) 391-3038.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and Selldorf Architects, LLC, 860 Broadway, New York, NY 10003, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0036P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Kareem Alibocas at (718) 391-3038.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and Snohetta, 25 Broadway, 2nd Floor, New York, NY 10004, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0031P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Kareem Alibocas at (718) 391-3038.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and TEN Arquitectos, 22 West 19th Street, 7th Floor, New York, NY 10011, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0030P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Kareem Alibocas at (718) 391-3038.

IN THE MATTER of a proposed contract between the Department of Design and Construction of the City of New York and Thomas Phifer and Partners, 180 Varick Street, New York, NY 10014, for RQ_A & E, Eight Architectural and Engineering Design Requirements Contracts for Large Projects, Citywide. The contract amount shall be \$10,000,000. The contract term shall be 730 Consecutive Calendar Days from the date of written notice to proceed. PIN #: 8502009VP0034P.

The proposed consultant has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the Department of Design and Construction, Professional Contracts Section, 30-30 Thomson Avenue, Fourth Floor, Long Island City, New York 11101, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 9:00 A.M. to 4:00 P.M. Contact Kareem Alibocas at (718) 391-3038.

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HEALTH AND MENTAL HYGIENE

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of a proposed contract between the Department of Health and Mental Hygiene and the Contractor listed below, for a Child and Adolescent Functional Family Therapy Program in the Borough of Brooklyn. The contract term shall be from November 1, 2009 to June 30, 2012 and will contain two three-year options to renew from July 1, 2012 to June 30, 2015 and from July 1, 2015 to June 30, 2018.

Contractor/Address	PIN #	Amount
Jewish Child Care Association of New York, 120 Wall Street New York, NY 10005	10AO001401R0X00	\$1,600,000

The proposed contractor has been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

A draft copy of the proposed contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of the Agency Chief Contracting Officer, 93 Worth Street, Room 812, New York, NY 10013, from September 11, 2009 to September 24, 2009, excluding Saturdays, Sundays and Holidays, from 10:00 A.M. to 4:00 P.M.

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NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of the proposed renewal contract between the Department of Health and Mental Hygiene and the Contractor listed below, to provide Spoligotyping DNA

Analysis Testing. The contract term shall be from July 1, 2009 to June 30, 2012.

Contractor/Address	PIN #	Amount
Health Research Inc. (Wadsworth Center) 1 University Place Rensselaer, NY 12144	06TB016001R1X00	\$133,946.00

The proposed contractor is being renewed, pursuant to Section 4-04 of the Procurement Policy Board Rules.

A draft copy of the renewal contract is available for public inspection at the New York City Department of Health and Mental Hygiene, Office of Contracts, 93 Worth Street, Room 812, New York, NY 10013, from September 11, 2009 to September 24, 2009, excluding Weekends and Holidays, from 10:00 A.M. to 4:00 P.M.

Anyone who wishes to speak at this public hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written requests to speak should be sent to Shamecka Williams, Procurement Analyst at the Department of Health and Mental Hygiene, ACCO's Office, 93 Worth Street, Room 812, New York, NY 10013 or swillia9@health.nyc.gov. If DOHMH receives no written request to speak within the prescribed time, DOHMH reserves the right not to conduct the public hearing.

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HUMAN RESOURCES ADMINISTRATION

PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Thursday, September 24, 2009, in Spector Hall, 22 Reade Street, Main Floor, Borough of Manhattan, commencing at 10:00 A.M. on the following:

IN THE MATTER of three (3) proposed contracts between the Human Resources Administration of the City of New York and the Contractors listed below, for the Provision of Transitional Supportive Congregate Housing for Persons with AIDS or Advanced HIV Illness & their Families with Children. The contract term shall be for four years from October 1, 2009 to September 30, 2013 and will contain one five-year renewal option from October 1, 2013 to September 30, 2018.

Contractor/Address	PIN #	Amount	Service Area
1. CAMBA, Inc. 1720 Church Avenue, 2nd Floor, Brooklyn New York 11226	06910H040613	\$1,008,000.00	Brooklyn
2. Services For The Underserved, Inc. 305 Seventh Avenue, 10th Floor, New York New York 10001	06910H040620	\$6,734,092.00	Brooklyn
3. Housing Options & Geriatric, Association Resources, Inc. 751 Dawson Street, Suite 1A Bronx, New York 10455	06910H040616	\$5,752,208.00	Bronx

The proposed contractors have been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

Draft copies of the proposed contracts are available for public inspection at the Human Resources Administration of the City of New York, 180 Water Street, Room 1420, New York, NY 10038, on business days, from September 11, 2009 to September 24, 2009, excluding Holidays, from 10:00 A.M. to 5:00 P.M.

IN THE MATTER of four proposed contracts between the Human Resources Administration of the City of New York and the Contractors listed below, for the Provision of Permanent Supportive Congregate Housing for Persons with AIDS or Advanced HIV Illness & their Families with Children. The contract term shall be for four years from October 1, 2009 to September 30, 2013 and will contain one five-year renewal option from October 1, 2013 to September 30, 2018.

Contractor/Address	PIN #	Amount	Service Area
1. Housing Works, Inc. 57 Willoughby Street 2nd Floor, Brooklyn New York 11201	06910H040617	\$1,407,716.00	Brooklyn
2. Harlem United Community AIDS Center, Inc. 306 Lenox Avenue, 3rd Floor New York, New York 10027	06910H040615	\$2,544,400.00	Manhattan
3. Lantern Community Services, Inc. 690 Eighth Avenue, 5th Floor New York, New York 10036	06910H040618	\$1,380,800.00	Bronx
4. Promesa, Inc. 1776 Clay Avenue Bronx, New York 10457	06910H040619	\$2,951,040.00	Bronx

The proposed contractors have been selected by means of the Competitive Sealed Proposal Method, pursuant to Section 3-03 of the Procurement Policy Board Rules.

Draft copies of the proposed contracts are available for public inspection at the Human Resources Administration of the City of New York, 180 Water Street, Room 1420, New York, NY 10038, on business days, from September 11, 2009 to September 24, 2009, excluding Holidays, from 10:00 A.M. to 5:00 P.M.

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READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE Date Intent to Negotiate Notice was published in CR
- OLB Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS Source required by state/federal law or grant
- SCE Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/only one source**
- RS Procurement from a Required Source/ST/FED
- NA Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9 New contractor needed for changed/additional work
- NA/10 Change in scope, essential to solicit one or limited number of contractors
- NA/11 Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12 Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 Prevent loss of sudden outside funding
- WA2 Existing contractor unavailable/immediate need
- WA3 Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F Federal
- IG/S State
- IG/O Other
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A Life
- EM/B Safety
- EM/C Property
- EM/D A necessary service
- AC **Accelerated Procurement/markets with** significant short-term price fluctuations
- SCE **Service Contract Extension/insufficient time;** necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a anti-apartheid preference
- OLB/b local vendor preference
- OLB/c recycled preference
- OLB/d other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.