



**Emergency Declarations, Unsafe Building court-ordered precepts,
and Owner or DOB initiated Emergency Demolitions
for Structurally Compromised Buildings and other similarly unsafe conditions**

The NYC Department of Buildings (“DOB”) may issue an “Immediate Emergency Demolition” (IED), an “Emergency Declaration” (ED) or an Unsafe Buildings (UB) violation requiring owners or HPD to mitigate structurally unsafe building conditions and eliminate hazards or prevent damage to neighboring properties and the public. The prescribed remedy to such emergency orders or court orders is typically partial or full demolition and/ or emergency repair of the building. The DOB may also issue an emergency work order which allows an owner to initiate emergency demolition and/or repair, without an IED, ED or UB violation in place.

IEDs, EDs, UBs, and emergency work orders issued by DOB can require many different types of work; these include the installation of protective sidewalk sheds, the sealing of a vacant, open or otherwise unguarded buildings, shoring, full demolition and removal, or the partial demolition to a safe level of structurally-compromised buildings.

Immediate Emergency Declaration (IED)

Building owners issued an IED are required to initiate specified remedial work immediately. Typically, IED buildings are unsafe for a NYCDEP Certified Asbestos Investigator (CAI) to sample in place suspect asbestos containing material (ACM) and thereby make an assessment regarding the presence of ACM and / or unsafe for a certified asbestos abatement contractor to abate the ACM prior to demolition and/or other specified emergency repair work. In such cases, once the demolition is complete employing the procedures in accordance with RCNY Title 15 Chapter 1 § 1-110 for Controlled Demolition with Asbestos In-Place, all the debris can be assumed to be ACM and disposed of as ACM; alternatively, the debris must be continually assessed by a NYC Certified Asbestos Investigator, hired by the building owner and sorted for disposal. All debris must be disposed of in accordance with NYC Department of Environmental Protection (“DEP”) rules and regulations, the New York State Department of Environmental Conservation (DEC) and the United States Environmental Protection Agency National Emission Standards for Hazardous Substances (USEPA NESHAPS).

On occasion, when a third party, registered design professional (RDP), either hired by the building owner or selected in accordance with BC3306.5 Exception 1 may determine that a CAI may safely sample suspect ACM and/or that a certified asbestos abatement contractor may safely abate ACM prior to all, or any portion, of the demolition or repair work. Such RDP must submit a signed and sealed letter certifying the areas to be safe for inspection and sample collection and submit such letter with the emergency filing.

In accordance with BC 3306.5 Exception 1 when HPD is involved, having expertise in both demolition and structural stability work, HPD will designate in writing to DEP and DOB the HPD demolition specialist who is responsible to prepare such letter, certifying the areas to be safe for inspection and sample collection



and submit such letter with the emergency filing. The HPD CAI will either assume or perform sampling of suspect friable and non-friable ACM to confirm and quantify the ACM to be abated and or disposed of.

All such IED related demolition work shall be monitored by an RDP or equally qualified HPD demolition specialist or other relevant city agency person, per BC 3306.5 Exception 1, having experience in demolition operations. Such RDP or equally qualified person must be on-site during the demolition or alternatively, supervise while not being on-site, but only if such person prepares a written structural assessment and safety plan and submits it to DOB for review. DOB shall only evaluate such plan to be thorough and reasonable and accordingly, email review comments to the applicant; the RDP or equivalent is still responsible for carrying out such plan, maintaining safety and complying with all DEP and DOB requirements. The written structural assessment and safety plan, and copies of the DOB review comments, must be uploaded to DEP ARTS with the emergency filing prior to the start of an asbestos investigation and asbestos abatement work. When the DOB application for permit is filed by the applicant for such emergency demolition work, as required by AC §28-105.4.1, in addition to drawings such application must also include the aforementioned applicant structural assessment and safety plan, including all associated emails of DOB review comments.

Building owners issued an Emergency Declaration (ED) are required to initiate specified remedial work within 60 days of the order. An asbestos abatement contractor conducting any work under an ED must follow all the provisions of the DEP Asbestos Rules and Regulations unless the building is deemed to have unsafe work conditions for either an abatement contractor or CAI, and verified as such by a registered design professional (RDP) hired by the building owner.

If a building owner fails to initiate the specified work in an ED, within the performance period required by the type of emergency declaration, the City, through HPD, can retain a private contractor to conduct the designated emergency work.

Lastly, in the case of a NYC Housing, Preservation and Development (“HPD”) owned buildings, the HPD CAI will assume or perform sampling of all suspect friable and non-friable ACM to confirm and quantify the ACM to be abated and /or disposed of.

Procedures

I. Immediate Emergency Declaration (“IED”)

- A. A DOB professional will initially determine a Building to be structurally unsafe, in whole or part, and will provide details regarding the unsafe conditions and remedy.**
- B. The HPD or owner representative must notify DEP (an Emergency Asbestos Notification) pursuant to Section 1-27 of Title 15, Chapter 1, of the Rules of the City of New York (cited as 15 RCNY §1-27) by calling 311 and subsequently submit a scope of work.
 1. Follow the work procedures set forth In Section 1-110 Controlled Demolition with Asbestos in Place. File an Asbestos Project Notification (“ACP7”) within 48 hours of the

actual start of demolition. Along with the ACP7, the HPD or owner representative must provide DEP with a signed copy of the condemnation determination (IED) along with the abatement project Scope-of-Work.

2. On occasion a third party registered design professional, either hired by the building owner or selected in accordance with BC 3306.5 Exception 1 if HPD is involved, having expertise in both demolition and structural stability work, may determine that a CAI may safely sample suspect ACM and/or that a certified abatement contractor may safely abate ACM prior to all, or any portion, of the demolition or repair work.
3. Pursuant to 2014 Building Code (BC) section 3306.5 Exception 1 and Administrative Code (AC) section 28-215.1, permits and construction plans are not mandatory prior to performing a IED related emergency demolition work because such demolition work must be performed in an expeditious manner to ensure safety. Follow procedures set forth earlier in this document for demolition.
4. In such cases the building owner's RDP must upload in ARTS, a signed and sealed letter identifying the locations within the structure deemed to be safe for asbestos investigation and asbestos abatement work to be performed. When HPD is the City agency responsible for the execution of the demolition this letter must be uploaded in ARTS on HPD letterhead, identifying the locations within the structure is safe for asbestos investigation and asbestos abatement work to be performed in ARTS.

II. Emergency Declaration (ED)

- A. A DOB professional will initially determine a building to be structurally unsafe, in whole or in part, **and will provide details regarding the unsafe conditions** and remedy.
- B. The HPD or owner representative shall follow standard procedures per Asbestos Control Program ("ACP") Regulations and adhere to all DOB requirements as outlined in BC 3306 and its subsections for demolition work. DEP may suggest modifications to their standard procedures, with respect to asbestos abatement, as dictated by the particular unsafe conditions present.

III. Unsafe Building Violations and court orders for Demolition

- A. DEP shall receive either a copy of the Unsafe Building Court Order or a copy of the Unsafe Building Violation issued by DOB which mandates/authorizes work on a structurally unsafe building.
- B. Alternatively, DEP shall receive a report, etc., from an owner hired RDP indicating unsafe building conditions in whole or part and the proposed remedy.
- C. Same procedure as II.B above

Minimum Requirements for Controlled Demolition with Asbestos in Place (SCOPE OF WORK)

Each Controlled Demolition project will have unique site specific asbestos requirements. The minimum requirements set forth below are to be utilized as a base guideline for the asbestos abatement contractor to follow. Reference Title 15, Chapter 1 of RCNY for subsections listed below.

1. Air monitoring procedures

- a) Transmission electron microscopy (TEM) air sampling and analysis must be performed in accordance with Subchapter D, Monitoring and Analysis Procedures as in Title 15, Chapter 1 of RCNY. In addition, air monitoring within the work areas shall be conducted daily during abatement and cleaning activities. Results must be transmitted to DEP accordingly. When TEM results are found to be consistently under the regulatory clearance threshold during the first three days of active demolition activities, DEP may allow PCM sampling and analysis to commence.

2. Restricted abatement work area preparation

- a) The entire demolition area shall be considered the restricted abatement work area.
- b) This area shall be enclosed by an 8' high construction fence approved by the Department of Buildings to prevent unauthorized entry.
- c) Signage on this barrier shall be in accordance with §1-51(g) & §1-81(v).
- d) The restricted work area shall be established in accordance with 1-109(a).
- e) Dikes shall be established around the perimeter of the work area to contain any water runoff for collection.

3. Regulated Entrance / Exit

- a) Entry or exit of all persons and equipment shall be through one designated and controlled access way through the enclosed barrier, which shall provide a means of egress from the regulated abatement work area.
- b) Signs clearly indicating the direction of exits shall be maintained and prominently displayed in accordance with §1-81(u).
- c) Exits shall be maintained in accordance with §1-81(t).
- d) All personnel shall wear PPE and an additional layer of disposable suit prior to entering the work area.
- e) Prior to exiting the work area for decontamination, the workers shall strip off the outer protective suit at the perimeter of the restricted abatement work area and then proceed directly to the Remote Decontamination Enclosure Systems.

4. Secure Decontamination Enclosure Systems

- a) The worker and waste decontamination enclosure systems shall be immediately adjacent to the restricted abatement work area and shall be constructed and maintained in accordance with §1-82 and §1-83.



5. Wet Removal/Abatement procedures

- a) No dry disturbance or removal of ACM or PACM shall be permitted as required in §1-102(a) & (b).
- b) The demolition waste shall be wetted on a continuous basis, that is, prior to, during and subsequent to its actual collection and removal. Fog nozzles or similar type of equipment shall be used to perform the wetting.
- c) Wetted piles of waste left over extended periods of time shall be covered with at least one layer of six (6) mil fire retardant plastic sheeting to retain its moisture level and secured from wind to prevent fiber release.
- d) All debris generated by the demolition shall be considered to be asbestos contaminated waste (to be disposed of as RACM), except for structural members, steel components and similar suspect non-porous items which shall be fully decontaminated onsite or otherwise properly bagged as ACM for off-site processing/disposal in accordance with all applicable Federal, state, and local regulations.
- e) Frequent visual inspections shall be conducted by the asbestos handler supervisor to ensure that the perimeter sidewalks and adjacent street gutters are free of suspect debris. These inspections shall be noted in the project log.

6. Mechanical Equipment Decontamination & cleaning procedures

- a) Equipment shall be decontaminated prior to exiting the regulated abatement work area HEPA vacuuming and wet wiping first and then wash utilizing a low pressure wash system within the specially constructed bermed decontamination area.

7. Waste water collection /disposal

- a) Waste water shall be confined within the restricted abatement work area.
- b) Waste water in the worker and waste decontamination enclosure systems shall be properly filtered and disposed as per §1-82 & §1-83.
- c) Disposal of waste water shall be in accordance with all applicable Federal, state, and local regulations.

8. Final visual inspections

- a) After the removal of all ACM waste, the work area shall be HEPA Vacuumed and wet cleaned prior to final visual inspection as required in §1-109(c)

All other applicable provisions of Title 15, Chapter 1 of RCNY, New York City, New York State and Federal Regulations shall be complied with.