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|  | <p>Division of Construction Code Compliance Department</p> | <p>Applicable Asbestos Regulations for DASNY Projects in New York City</p> <p>1/8/2021</p> |
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This document provides guidance as to the applicability of either New York State Department of Labor (DOL) or New York City Department of Environmental Protection (DEP) asbestos regulations to projects in New York City.

Contact the Code Compliance Department if there is a question as to the applicability of a specific regulation or provision.

A. CUNY & SUNY FIT


1. Primary enforcement agency/ asbestos regulation: New York State Department of Labor/ 12 NYCRR Part 56 (Industrial Code Rule 56). The Asbestos Project Designer should discuss and confirm the legal ownership of the building in reference during the survey/design process. Contact the DASNY Project Manager
2. The Asbestos Project Designer should request necessary work practice variances from DOL. The approved variances should be identified in section 1.02 of the Asbestos Specification and included in the appropriate specification appendix. DASNY Code Compliance review and approval is required for all Variance Petitions, prior to submission to DOL.
3. Although DOL regulations are applicable, the Asbestos Project Designer must address specific safety related provisions of DEP regulations as follows:
 - a. For all asbestos abatement projects in design, the Asbestos Project Designer should review ACP7 questions 27-30 in consultation with the project Design Professional, if applicable. If the answer to any question is yes, the Designer should prepare a Work Place Safety Plan and/or applicable construction documents, as required, for submission to DEP. In Construction, the signed and sealed WSPS shall be forwarded by the Asbestos Project Designer to the Asbestos Contractor prior to filing the ACP7, NYC DEP Notification. DASNY Code Compliance review and approval is required for all Work Place Safety Plan documents, prior to NYC DEP submission.
 - b. If the project involves multiple phases or construction work is required in conjunction with or prior to completion of asbestos abatement, the Asbestos Project Designer shall specify in Section 1.02 that an ACP9, 1-22b variance proposal and supporting documentation is developed by the Asbestos Contractor for submission to DEP requesting that DEP allow the issuance of NYC Department of Buildings permits prior to completion of abatement activities (the provisions of the applicable DEP Service Notice should be followed).
 - c. The Asbestos Project Designer should obtain preliminary approval of the Work Place Safety Plan, by the DEP, if required. Work Place Safety Plan documents should be referenced in Section 1.02 of the Asbestos Specification and shall be included in the appropriate construction drawing set. The specifications will require the Contractor to file an ACP7 and obtain a DEP issued Asbestos Abatement Permit. The Contractor will electronically submit the previously approved/ reviewed/finalized documents as required by DEP.

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- d. For any asbestos project that has an ACP-7 filed, ACP-15 submission is required followed by obtaining an ACP-21 to closeout the project with the DEP.

B. HHC, NYC Courts, NYCHA, OCME, DCAS, Other NYC Owned Buildings (New York City agencies)

1. Primary enforcement agency/ asbestos regulation: New York City Department of Environmental Protection/ 15 RCNY Chapter 1. The Asbestos Project Designer should discuss and confirm the legal ownership of the building in reference during the survey/design process. Contact the DASNY Project Manager as necessary.
2. The Asbestos Project Designer shall utilize, where applicable, the existing citywide variance decision issued by NYS DOL granting permission to follow DEP asbestos regulations for these types of asbestos projects. The citywide variance decision and extensions are attached to this guidance.
3. The Asbestos Project Designer shall review the abatement scope of work and determine if any part of the abatement project will require a procedural variance from the DEP. Notes related to this variance requirement should be identified in section 1.02 of the asbestos specification.
4. The Asbestos Project Designer must address specific safety related provisions of DEP regulations as follows:
 - a. For all asbestos abatement projects in design, the Asbestos Project Designer should review ACP7 questions 27-30 in consultation with the project Design Professional, if applicable. If the answer to any question is yes, the Designer should prepare a Work Place Safety Plan and/or applicable construction documents, as required, for submission to DEP.
 - b. If the project involves multiple phases or construction work is required in conjunction with or prior to completion of asbestos abatement, the Asbestos Project Designer shall specify in Section 1.02 that an ACP9, 1-22b variance proposal and supporting documentation is developed by the Asbestos Contractor for submission to DEP requesting that DEP allow the issuance of NYC Department of Buildings permits prior to completion of abatement activities (the provisions of the applicable DEP Service Notice should be followed).
 - c. The Asbestos Project Designer should obtain preliminary approval of the Work Place Safety Plan, by the DEP, if required. Work Place Safety Plan documents should be referenced in Section 1.02 of the Asbestos Specification and shall be included in the appropriate construction drawing set. The specifications will require the Contractor to file an ACP7 and obtain a DEP issued Asbestos Abatement Permit. The Contractor will electronically submit the previously approved/ reviewed/finalized documents as required by DEP.
 - d. For any asbestos project that has an ACP-7 filed, ACP-15 submission is required followed by obtaining an ACP-21 to closeout the project with the DEP.

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5. Prior to the start of construction, a letter from the building’s owner shall be developed and filed with the NYC DEP that authorizes the utilization of the DASNY NYC DEP ARTS e-mail account for this project. DASNY shall perform all on-line acknowledgements for the building owner. DASNY shall not be identified as the building owner.

C. OPWDD, OMH, SUNY, OASAS ATCs (New York State Owned facilities)

1. Primary enforcement agency/ asbestos regulation: New York State Department of Labor/ 12 NYCRR Part 56 (Industrial Code Rule 56). The Asbestos Project Designer should discuss and confirm the legal ownership of the building in reference during the survey/design process. Contact the DASNY Project Manager as necessary.
2. The Asbestos Project Designer should request necessary work practice variances from DOL. The approved variances should be identified in section 1.02 of the Asbestos Specification and included in the appropriate specification appendix. DASNY Code Compliance review and approval is required for all Variance Petitions.
3. Review of ACP7 is not usually required. Confirm with DASNY Code Compliance.

D. OASAS Voluntaries, HHAP, etc. Located within New York City

1. Primary enforcement agency/ asbestos regulation: New York City Department of Environmental Protection/ 15 RCNY Chapter 1. The Asbestos Project Designer should discuss and confirm the legal ownership of the building in reference during the survey/design process. Contact the DASNY Project Manager as necessary.
2. DASNY does not typically hold contracts and DASNY shall not be referenced in the technical specification sections. All provisions of DEP regulations are applicable.
3. If located outside of New York City, primary enforcement agency/ asbestos regulation: New York State Department of Labor/ 12 NYCRR Part 56 (Industrial Code Rule 56).

Division of Safety and Health
Engineering Services Unit

Department of Labor

W. Averell Harriman State Office Campus
Building 12, Room 154, Albany, NY 12240
www.labor.ny.gov
518-457-1536

December 10, 2015

DASNY
515 Broadway
Albany, NY 12207

RE: File No. 15-1515

Dear Sir/Madam:

**STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH**

The attached is a copy of Decision, dated, 12/7/2015, which I have compared with the original filed in this office and which I DO HEREBY CERTIFY to be a correct transcript of the text of the said original.

If you are aggrieved by this decision you may appeal within 60 days from its issuance to the Industrial Board of Appeals as provided by Section 101 of the Labor Law. Your appeal should be addressed to the Industrial Board of Appeals, State Office Building Campus, Building 12, Room 116, Albany, New York, 12240 as prescribed by its Rules and Procedure, a copy of which may be obtained upon request.

WITNESS my hand and the seal of the
NYS Department of Labor, at the City of
Albany, on this day of 12/7/2015.



Edward A. Smith, P.E.
Associate Safety and Health Engineer

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

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| Variance Petition |
| of |
| DASNY Petitioner's Agent |
| On behalf Of |
| New York City Petitioner |
| in re |
| Premises: City-Wide Various Locations as Listed New York City |
| ACM Abatement Projects in New York City |

File No. 15-1515

CITY-WIDE
DECISION

Case(s) 1-9

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 15-1515 on December 07, 2015 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the petitioner dated November 09, 2015; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

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|------------|-----------|
| Case No. 1 | ICR 56-4 |
| Case No. 2 | ICR 56-5 |
| Case No. 3 | ICR 56-6 |
| Case No. 4 | ICR 56-7 |
| Case No. 5 | ICR 56-8 |
| Case No. 6 | ICR 56-9 |
| Case No. 7 | ICR 56-10 |
| Case No. 8 | ICR 56-11 |
| Case No. 9 | ICR 56-12 |

VARIANCE GRANTED. The Petitioner's proposal for removal of ACM at the subject premises in accordance with the attached 3-page stamped copy of the Petitioner's submittal, is accepted; subject to the Conditions noted below:

THE CONDITIONS

1. As written with modifications noted.
2. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.
2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.
3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.
4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.

5. This DECISION shall terminate on December 31, 2017.

Date: December 7, 2015

MARIO J. MUSOLINO
ACTING COMMISSIONER OF LABOR

By



Edward A. Smith, P.E.
Associate Safety and Health Engineer

PREPARED BY: Mark G. Wykes, P.E.
Senior Safety and Health Engineer

REVIEWED BY: Edward A. Smith, P.E.
Associate Safety and Health Engineer

| | | |
|---|--|---|
|  <small>DORMITORY AUTHORITY STATE OF NEW YORK</small> | Office of Construction Code Compliance Department | DASNY Citywide Variance Petition for all HHC, NYC Courts and OMCE Facility Building Asbestos Projects In New York City 11/9/15 |
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5. Bldg. Description and Locations:

All Health and Hospital Corporation (HHC) Facility Buildings

All NYC Courts Facility Buildings

All NYC Office of the Chief Medical Examiner (OCME) Facility Buildings

9. Relief requested: ICR 56-4 through 56-12 Timeframe requested: 2 years

10. Hardship:

All of these facility buildings are owned by New York City and are all located in the 5 boroughs. DASNY manages the construction work at these facility buildings, and for regulation consistency New York City has requested that all asbestos projects at these facility buildings comply with Title 15 RCNY Chapter 1, NYC DEP asbestos rules and regulations. The application of these local regulations and any alternative specific measures approved by NYC DEP, reflect the need to comply with recently enacted New York City Department of Buildings (NYCDOB) procedures for the granting of alteration/renovation permits in facilities where ACM will be impacted. ACM that will be impacted by the asbestos projects, include various quantities of interior and exterior friable and non-friable ACMs at each facility building.

Many site-specific variance decisions have been obtained to comply with this request, and it is a hardship to continue applying for a separate site-specific variance on a case-by-case basis for each asbestos project, and each intermediate phase of work over multiple years, at each facility building.

11. Proposed Procedures:

1. If impact to egress, fire protection systems or passive fire protection is required for completion of the asbestos project, all pertinent city agencies shall be informed (NYCDOB, NYCDEP, FDNY, etc.) of impacts by asbestos abatement contractor and their project designer.
2. All asbestos project logistics at the subject premises relating to the variance decision shall be coordinated with NYCDOB, FDNY, NYCDEP and other city agencies as appropriate.
3. All asbestos projects at the subject premises shall be completed as per the requirements of Title 15 RCNY Chapter 1, NYC DEP asbestos rules and regulations, with the addition of asbestos contractor licensure, asbestos handler certification and asbestos project NYS DOL notification as per the requirements of NYS DOL ICR 56.

Project Designer Name:

Christopher Alonge

Signature



~~CONFIDENTIAL~~

NEW YORK CITY HEALTH & HOSPITALS CORPORATION
HEALTH CARE FACILITIES

BRONX

Jacobi Medical Center (H)
1400 Pelham Parkway South
Bronx, NY 10461

North Central Bronx Hospital (H)
3424 Kossuth Avenue
Bronx, NY 10467

Lincoln Medical & Mental Health Center (H)
234 East 149th Street
Bronx, NY 10451

Morrisania D&TC (D)
1225 Gerard Avenue
Bronx, NY 10029

Segundo Ruiz Belvis D&TC (D)
545 East 142nd Street
Bronx, NY 10454

BROOKLYN

Coney Island Hospital (H)
2601 Ocean Parkway
Brooklyn, NY 11235

Kings County Hospital Center (H)
451 Clarkson Avenue
Brooklyn, NY 11203

Dr. Susan B Smith McKinney Nursing and
Rehabilitation Center (L)
594 Albany Avenue
Brooklyn, NY 11203

East New York D&TC (D)
2094 Pitkin Avenue
Brooklyn, NY 11207

Woodhull Medical & Mental Health Center (H)
760 Broadway
Brooklyn, NY 11206

Cumberland D&TC (D)
100 N. Portland Avenue
Brooklyn, NY 11205

Project Designer Name:

MANHATTAN

Bellevue Hospital Center (H)
462 First Avenue
NY, NY 10016

Coler/Goldwater Memorial Hospital (L)
Franklin D. Roosevelt Island
NY, NY 10044

Gouverneur Healthcare Services (L, D)
227 Madison Street
NY, NY 10002

Harlem Hospital Center (H)
506 Lenox Avenue
NY, NY 10037

Metropolitan Hospital Center (H)
1901 First Avenue
NY, NY 10029

Renaissance D&TC (D)
264 West 118th Street
NY, NY 10027

Ronald H. Brown Ambulatory Care Pavilion
530 Lenox Avenue
NY, NY 10037

QUEENS

Elmhurst Hospital Center (H)
79-01 Broadway
Elmhurst, NY 11373

Queens Hospital Center (H)
82-68 164th Street
Jamaica, NY 11432

STATEN ISLAND

Sea View Hospital
Rehabilitation Center & Home (L)
460 Brielle Avenue
Staten Island, NY 10314

Acute Care Hospital (H)
Diagnostic & Treatment Center (D)
Long-Term Care Facility (L)

Christopher Alonge

Signature Chris Alonge 10/30/12

NEW YORK CITY COURT FACILITIES

BRONX

Bronx Family/Criminal Court
215 East 161st Street
Bronx, NY 10451

Bronx Supreme Court
Civil Division
851 Grand Concourse
Bronx, NY 10451

BROOKLYN

Future Brownsville Community Court
444 Thomas S Boyland Street
Brooklyn, NY

MANHATTAN

Louis J. Lefkowitz State Office Building
80 Centre Street
(141 Worth Street)
New York, NY 10013

OCME FACILITIES

BRONX

Jacobi Medical Center
1600 Pelham Parkway South
Bronx, New York 10461

BROOKLYN

Kings County Hospital Center
599 Winthrop Street
Brooklyn, New York 11203

MANHATTAN

OCME Main Office
520 First Avenue
New York, New York 10016

OCME DNA Forensic Biology Laboratory
Building
421 East 26th Street
New York, New York 10016

QUEENS

Queens General Hospital
160-15 82nd Drive
Jamaica, New York 11432

STATEN ISLAND

Seaview Hospital Center and Home
460 Brielle Avenue
Staten Island, New York 10314

Project Designer Name:

Christopher Alonge

Signature *Chris Alonge* 10/30/12

Dippel, Melissa (LABOR)

From: Alonge, Christopher <CAlonge@dasny.org>
Sent: Monday, December 18, 2017 2:27 PM
To: Dippel, Melissa (LABOR); Smith, Edward A (LABOR)
Subject: extension to citywide variance decision 15-1515

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Ed -

DASNY would like to obtain an extension to our citywide variance decision #15-1515.

The current termination date for this 2-year multi-site variance is 12-31-2017.

We would like to extend the variance decision for another two years until 12-31-2019.

Thank you and Happy Holidays!
Chris

Christopher Alonge, PE
Senior Engineer | Code Compliance Department

DASNY | We Finance, Build and Deliver.
515 Broadway, Albany, NY, 12207

(518) 257-3481 | (518) 257-3266 (fax) | CAlonge@dasny.org
www.dasny.org

APPROVED
DEC 22 2017
New York State Dept. of Labor
Engineering Services Unit


From: [Smith, Edward A \(LABOR\)](#)
To: [Alonge, Christopher](#); [Dippel, Melissa \(LABOR\)](#)
Subject: RE: extension to citywide variance decision 15-1515
Date: Wednesday, January 6, 2021 9:30:02 AM

EXTERNAL EMAIL: Use caution before opening links / attachments.

APPROVED

January 6, 2021

**New York State Dept. of Labor
Engineering Service Unit
*Edward A Smith, P.E.***

Termination date extended to December 31, 2022

From: calonge@dasny.org <calonge@dasny.org>
Sent: Tuesday, December 17, 2019 1:56 PM
To: Smith, Edward A (LABOR) <Edward.Smith@labor.ny.gov>; Dippel, Melissa (LABOR) <Melissa.Dippel@labor.ny.gov>
Subject: extension to citywide variance decision 15-1515

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Ed & Melissa –

DASNY would like to obtain an extension to our citywide variance decision #15-1515.

The current termination date for this 2-year multi-site variance is 12-31-2019.

We would like to extend the variance decision for another two years until 12-31-2021.

Thank you and Happy Holidays!

Chris

Christopher Alonge, PE
Senior Engineer | Code Compliance Department

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