

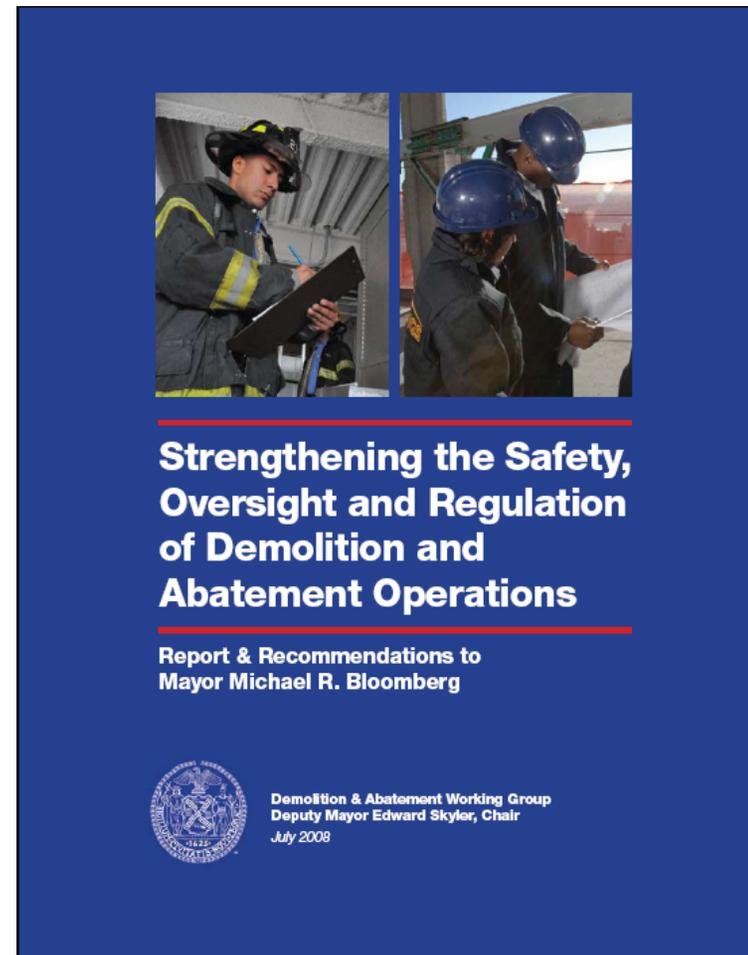


Strengthening the Oversight of Construction, Demolition, and Abatement Operations

**Presentation for DOB Industry Meetings
August 2009**

Construction, Demolition, and Abatement Report

- In the aftermath of the tragic fire at 130 Liberty Street, Mayor Bloomberg convened a Working Group to assess:
 - Inspection Practices
 - Data Sharing
 - General Oversight
 - Conduct of Field Operations
- The recommendations focused on four key areas for implementation:
 - Oversight of Abatement Operations
 - Oversight of Demolition Operations
 - Inspection Protocols
 - Data Exchanges



Implementation: Abatement Operations (A-TRU)

- The Asbestos Technical Review Unit (A-TRU), the new inter-agency permitting operation, includes DEP and DOB staff who review and permit asbestos abatement projects that impact public safety
- The Working Group identified three major public safety areas/criteria in asbestos abatement:
 - means of egress
 - fire protection systems
 - work requiring DOB permits
- Asbestos abatement projects that impact the criteria above will be issued a DEP permit based on joint DOB-DEP review with FDNY notification
- A-TRU will be based at the LeFrak City offices of DEP's Asbestos Control Program
- Phase-In

Implementation: Abatement Operations (A-TRU - continued)

- All ATRU work related to asbestos abatement must be completed before DOB can issue a construction permit.
 - Phase-in
- The ACP-7 Form, which details pending abatement work, will no longer be submitted to DOB
 - Applicants can file with DOB before abatement is complete, but DOB permits will remain pending until submission of a Asbestos Project Completion Form or Conditional Close-out Form
- To obtain a DOB permit, an applicant must submit either a:
 - ASB-4 Form: job is exempt from asbestos investigation
 - ACP-5 Form: “Not an asbestos project” form
 - Asbestos Project Completion Form: Abatement is finished
 - Conditional Close-out Form

Implementation: Abatement Operations (A-TRU Filing)

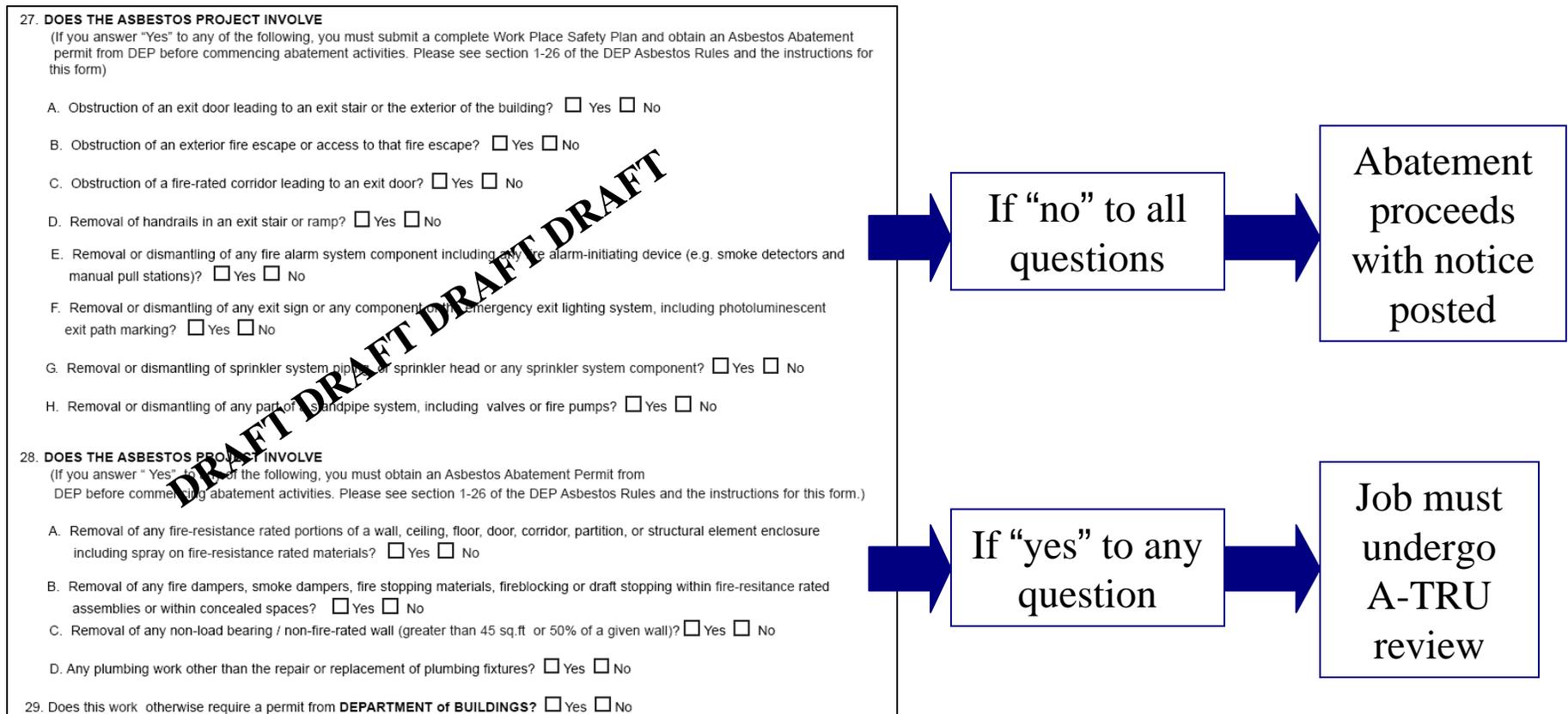
- Applicants will file the new ACP-7 on-line through the new Asbestos Reporting and Tracking System (ARTS)
- Applicants will electronically submit information about abatement jobs through ARTS

Facility	<input type="checkbox"/>
Building Owner	<input type="checkbox"/>
Asbestos Abatement Contractor	<input type="checkbox"/>
Third Party Air Monitor	<input type="checkbox"/>
Asbestos Hauler	<input type="checkbox"/>
Other Non-Asbestos Contractor	<input checked="" type="checkbox"/>
Project Information	<input type="checkbox"/>
Abatement Locations	<input type="checkbox"/>
Project Details	<input type="checkbox"/>
Preview	<input type="checkbox"/>

The screenshot shows the NYC Asbestos Control Program web application. At the top, there is a navigation bar with the NYC logo and links for Search, Email Updates, and Contact Us. Below this is a secondary navigation bar with links for Residents, Business, Visitors, Government, and Office of the Mayor. The main header features the DEP logo and the text 'NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION' and 'DEPARTMENT OF ENVIRONMENTAL PROTECTION'. A prominent orange banner reads 'NYC ASBESTOS CONTROL PROGRAM'. Below the banner, a message states: 'To update your profile, click on aroller@cityhall.nyc.gov | [Return to Main Menu](#) | [Log Out](#)'. The main content area is titled 'Asbestos Abatement Contractor Information' and includes a note: 'Bold fields indicate required fields.' The form contains several input fields: 'Abatement Contractor Name', 'NYS DOL Lic. #', 'Address', 'Address 2', 'City', 'State' (a dropdown menu currently set to 'NY'), and 'Zip Code'. A sidebar on the left of the form area contains a list of menu items with checkboxes, similar to the one shown in the separate box on the left of the slide.

Implementation: Abatement Operations (A-TRU Jobs)

The need for A-TRU review and permitting is determined by responses to questions on the new on-line ACP-7 Form that applicants submit to DEP before starting an abatement project



Implementation: Abatement Operations (A-TRU Review)

- Applicants for asbestos abatement projects undergoing A-TRU review may need to prepare a *Work Place Safety Plan* along with the ACP-7
- The *Work Place Safety Plan* may include PE/RA prepared plans and/or additional documentation of necessary safety precautions
- Because the revised ACP-7 asks for details of each abatement area within a project, it is possible to begin abatement in areas that do not require A-TRU review

To report unsafe working conditions dial: **311**

Asbestos Work Permit

Premises Address: **123 City Hall Drive** Borough: Manhattan
 New York, NY 10007 Block/Lot: 234
 BIN: X-1

Permit Issuance Date: 3/4/2008 Permit Expiration Date: 6/12/2008

TRU No. XXXX1234
 Abatement Contractor
 Contact:
 Phone:

Abatement Locations				Description of Work/Mitigation Steps
Floor#	Entire Floor	Section of Floor	A-TRU Permit Trigger (below)	

ATRU Permit Triggers

28A Obstruction of an exit door leading to an exit stair or the exterior of the building.
 28B Obstruction of an exterior fire escape or access to that fire escape.
 28C Obstruction within a fire-rated corridor leading to an exit door.
 28D Removal of handrails in an exit stair or ramp.
 28E Removal or dismantling of any fire alarm system component including any fire alarm-inflating device.
 28F Removal or dismantling of any exit sign, including directional signs, or any component of the exit lighting system, including photo luminescent exit path markings.

28G Removal or dismantling of any part of a sprinkler system including piping or sprinkler head.
 28H Removal or dismantling of any part of a standpipe system, including valves or fire pumps.
 28A 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 material.
 28B Removal of any fire dampers, smoke dampers, fire stopping materials, fire blocking or draft stopping within fire-resistance rated assemblies or within concealed spaces.

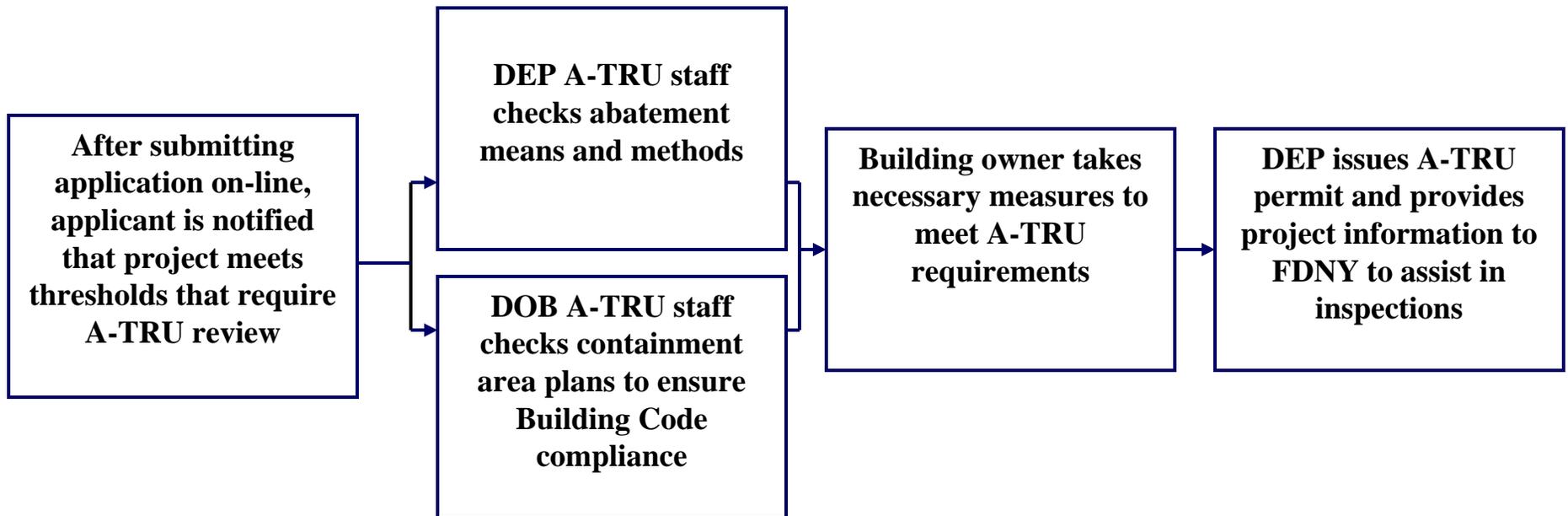
28C Removal of any non-load bearing / non-fire-resistance rated wall (greater than 45 sq ft or 50% of a given wall).
 28D Any plumbing work other than the repair or replacement of plumbing fixtures.
 30 This work otherwise requires a permit from Department of Buildings.

No asbestos abatement can be performed beyond the projected completion date on the filed asbestos project notification (ACP7).

Commissioner of Dept. of Environmental Protection: _____ (Signature)

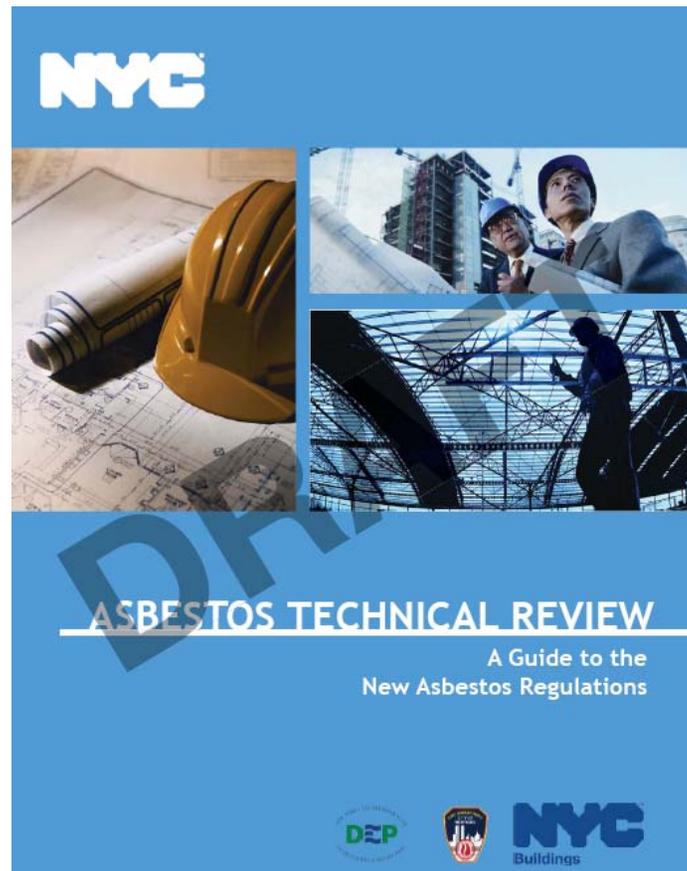
Implementation: Abatement Operations (A-TRU Process)

Pending new rules, the A-TRU review and permit process will operate as outlined below



Implementation: Abatement Operations (A-TRU Guidance)

DEP, along with FDNY, DOB, and Operations, is developing a guidance document on the abatement permitting process that will help applicants understand the filing procedures. Guidance will be available in printed form and on-line.



Implementation: Phase 1 Asbestos Work Applicability

In Phase 1 (first 90 days) – new requirements on jobs with:

- Asbestos work with greater than or equal to 1,000 sq or linear feet of ACM per floor

Out of Phase 1 - jobs with:

- Asbestos work with less than 1,000 sq or linear feet of ACM per floor

Phase 2 (90 days after phase 1 launch):

- New Requirements on all jobs

Implementation: What's New at DOB

Form and Process Changes:

- No ACP7s to be filed at DOB
 - Phase 1 exception for aforementioned asbestos work
- ACP 5: No change
 - No change in DOB process
- ASB4: some reduction in work exemptions:
 - No change in DOB process
 - No change for post-1987 buildings
 - Criteria:
 - Work does not include physical work, e.g. change to the Certificate of Occupancy;
or
 - no existing building materials will be disturbed by proposed work
 - Result may increase need for Licensed Asbestos Investigator reports

Implementation: What's New at DOB

New Form and Process Changes:

- Asbestos Project Completion Prior to DOB Permit Issuance:
 - No PW1 form change
 - New Prior to Permit Required Item if scope of work requires related asbestos abatement checked on PW1 Section 22

22 **Asbestos Abatement Compliance** *Choose one.*

- The scope of work requires related asbestos abatement as defined in the regulations of the NYC Department of Environmental Protection (DEP).
- The scope of work does **not** require related asbestos abatement as defined in the regulations of the NYC DEP.
- The scope of work is exempt from the asbestos requirement as defined in the regulations promulgated by the NYC DEP (15 RCNY 1-23(a)).

A-TRU Implementation Timeline

Event	Date	Notes
Council Passage	June 10, 2009	
Mayoral Bill Signing	June 29	
Proposed A-TRU Rules	July 29	Available on DEP website
Public Hearing on Rules	August 31	
Final A-TRU Rules	September 11	Projected Publication Date
Beginning of Phase 1	October 13	Permit required for jobs > 1,000 square or linear feet <u>and</u> meeting thresholds
Full A-TRU Implementation	January 13, 2010	Permit required for all other jobs meeting thresholds

Implementation: New Laws (Signed into Law June 29)

Local Law 37 of 2009 establishes a permitting process for certain asbestos abatement sites, requires use of fire-retardant materials, mandates enforcement of Fire Code by DEP inspectors

- Enhanced DEP Inspections: Authorizes DEP inspectors, pursuant to an FDNY delegation, to enforce Fire Code at work sites where asbestos abatement activities are in progress
- Fire Retardant Materials: Legislation includes provision requiring that temporary structures used for abatement be constructed of non-combustible or flame-resistant material

Implementation: New Laws (cont'd)

- **Local Law 35**—strengthens Citywide smoking ban to prohibit smoking at abatement sites
- **Local Law 36**—strengthens Citywide smoking ban to prohibit smoking at construction and demolition sites
- **Local Law 38**—requires DEP to provide guidance on egress
- **Local Law 39**—requires FDNY, DOB, and DEP to share results of relevant violations

Implementation: New Bills (introduced)

The Mayor's Office and Speaker's Office are also working with industry stakeholders to pass seven new laws:

- **Intro. 986** (Standpipe Pressure Testing)
- **Intro. 994** (Standpipe Color Coding)
- **Intro. 999** (Standpipe Site Safety Manager)
- **Intro. 1000** (Standpipe Cut & Cap)
- **Intro. 1004** (Standpipe Alarm)
- **Intro. 993** (Handheld Demolitions)
- **Intro. 998** (Simultaneous Demolition and Abatement)

Implementation: Rulemaking

DEP

- A-TRU Filing Procedures, Fees
- Permitting Thresholds
- Submission of Safety Plan, Construction Documents
- A-TRU Closeout Procedures

- Negative air-pressure cut-off switch
- Enhanced Smoking prohibition
- Maintenance of fire suppression systems during abatement
- Fire-extinguishers
- Enhanced Egress Requirements

FDNY

- Inspections at construction and demolition sites

DOB

- Standpipe check, valve check, and tracing requirement

Implementation: Data Sharing – Short Term

The City has implemented new data exchanges that have driven important changes to agency inspection practices, including:

- DEP shares information with FDNY about jobs that trigger certain building- and life- safety thresholds
- DOB transmits key construction and demolition permits to FDNY
- DEP, DOB, and FDNY share hazardous ECB violations

Implementation: Data Sharing - Long Term

- The City is implementing a long-term strategic plan to exchange critical business information, like inspection and violation data, between agencies.
- FDNY is building a Coordinated Building Inspection and Data Analysis System:
 - 4-year, \$25 million contract with IBM and additional staffing and equipment
 - Consolidation of all building and inspection information in accessible database
 - Exchange of critical safety information with DOB, DEP, and others
 - Creation of inspection system based on risk
 - Use of business intelligence reporting and performance management
 - Deployment of inspection data handhelds

Implementation: DEP Inspections

- All DEP inspectors now use a new, comprehensive, uniform checklist
- New checklist includes common DOB and FDNY safety items as well as required abatement rules and allows for the direct referral of certain conditions to FDNY
- DEP has new Standard Operating Procedure for inspections
- DEP has begun cross-agency training

A-TRU Field Inspection Checklist DCP

Inspection Information:

TRU # _____ Date of Inspection: _____ Inspector Name: _____
 Property Address: _____ Inspector Badge #: _____
 BIN: _____
 Block: _____ Lot: _____ TRU#: _____
 Project Manager / Site Safety Manager / Superintendent (circle one)
 accompanied on inspection? Y or N _____
 Name: _____ Phone Number: _____
 Company: _____

Building Information:

Current Height: _____ Number of Stories: _____
 Current Floor(s) Under Demolition: _____
 Current Floor(s) Under Abatement: _____
 Observations of Exterior: _____
 Structural Observations: _____
 Description of Demolition Operations: _____

Inspection Checklist:

Item #	Sub-Categories	Inspection/Test	Y/N?	Compliance	Violation #
1	Occupancy	Building Vacant	Y / N / NA	Y / N / NA	
2	Permits and Drawings	Demolition Permit	Y / N / NA	Y / N / NA	
3		Construction Permit	Y / N / NA	Y / N / NA	
4		Permitted Drawings on Site	Y / N / NA	Y / N / NA	
5		Form ACP-7 Posted On Site	Y / N / NA	Y / N / NA	
6		Form ACP-8 Posted On Site	Y / N / NA	Y / N / NA	
7		Form ACP-9 Posted On Site	Y / N / NA	Y / N / NA	
8		A-TRU Permit Posted on Site	Y / N / NA	Y / N / NA	
9		TR-1 Form On Site	Y / N / NA	Y / N / NA	
10		Floor Plan w/ Fire Exits & Egress Changes Posted	Y / N / NA	Y / N / NA	
11		All Permits Posted	Y / N / NA	Y / N / NA	
12	Signage	Location of Negative Air Cut Off Switch Posted	Y / N / NA	Y / N / NA	
13		Notice of Abatement Project To Occupants	Y / N / NA	Y / N / NA	
14		No Smoking Signs Posted	Y / N / NA	Y / N / NA	
15		Presence of Exit Signs & Exit Lighting	Y / N / NA	Y / N / NA	
16		Exit Signs and Emergency Ais Unobstructed	Y / N / NA	Y / N / NA	
17		Exit Signs and Emergency Lights Are Functional	Y / N / NA	Y / N / NA	
18		Presence of Directional Signs & Exit Path Markings	Y / N / NA	Y / N / NA	
19		Other Signs Posted	Y / N / NA	Y / N / NA	
20	Workplace Documents	Copy of General Contractor License	Y / N / NA	Y / N / NA	
21		Copy of Asbestos Abatement Contractor License	Y / N / NA	Y / N / NA	
22		Third Party Air Monitor License	Y / N / NA	Y / N / NA	
23		Emergency Contacts List Posted	Y / N / NA	Y / N / NA	
24		Worker Certificates Available On Site	Y / N / NA	Y / N / NA	
25		MSDS of All Chemicals Used	Y / N / NA	Y / N / NA	
26	Log Book Inspection	Log Book Identifies Building and Owner Information	Y / N / NA	Y / N / NA	
27		Daily Entries of Emergency & Fire Exits	Y / N / NA	Y / N / NA	
28		Record of Worker Sign In and Sign Out	Y / N / NA	Y / N / NA	
29		Proper Entry of All Abatement Activity	Y / N / NA	Y / N / NA	
30	Air Monitoring	Correct Number of Air Samplers in Operation	Y / N / NA	Y / N / NA	
31		Correct Installation and Placement of Air Samplers	Y / N / NA	Y / N / NA	
32		Required Flow Rate Consistent With Field Data Sheet	Y / N / NA	Y / N / NA	
33	Watchmen	On Site	Y / N / NA	Y / N / NA	
34	Fire Guards	On Site	Y / N / NA	Y / N / NA	
35		FDNY Certificate of Fitness	Y / N / NA	Y / N / NA	
36		Fire Guard Log	Y / N / NA	Y / N / NA	
37	Torch Operations	On Site	Y / N / NA	Y / N / NA	
38		FDNY Certificate of Fitness	Y / N / NA	Y / N / NA	
39	Fire Safety	Fire Extinguishers On Site	Y / N / NA	Y / N / NA	
40		No Removal of Fire Alarm System, Smoke Detector, Manual Pull Station or Emergency Lighting System	Y / N / NA	Y / N / NA	
41		All Flammable Materials Removed	Y / N / NA	Y / N / NA	
42		All Sources of Ignition Extinguished	Y / N / NA	Y / N / NA	
43		Fire Retardant Materials Used Throughout Work Place	Y / N / NA	Y / N / NA	
44	Decon Enclosure System	Proper Construction of Decon Enclosure System	Y / N / NA	Y / N / NA	
45		Proper Construction of Decon Enclosure System	Y / N / NA	Y / N / NA	

39	Fire Safety	Fire Extinguishers On Site	Y / N / NA
40		No Removal of Fire Alarm System, Smoke Detector, Manual Pull Station or Emergency Lighting System	Y / N / NA
41		All Flammable Materials Removed	Y / N / NA
42		All Sources of Ignition Extinguished	Y / N / NA
43		Fire Retardant Materials Used Throughout Work Place	Y / N / NA
44	Decon Enclosure System	Proper Construction of Decon Enclosure System	Y / N / NA

Implementation: DOB Inspections

- DOB Buildings Enforcement Safety Team (BEST) conducts inspection of demolition sites at three stages: pre-demolition, 24-hour notice, and demolition sign-off
- BEST uses demolition checklist
- DOB has begun cross-agency training

NYC BEST Full DEMO - FIELD INSPECTION CHECKLIST

Inspection Information:

Active Site (check one): Yes No Year of Initial Inspection: _____
 Inspection Date: _____ Start Time: _____ BEST Demolition #: _____
 Property Address: _____ Inspector Name: _____
 EBN: _____ Inspector Badge #: _____
 Block: _____ Lot: _____ Permit/Job#: _____

Applicant Site Safety Manager Coordinator Superintendent Project Manager (check one) accompanied on inspection? Yes No
 Name: _____ Phone Number: _____
 Company: _____

Type of Demolition (check one): Residential Commercial Gas Station Other (specify) _____
 Type of Inspection (check one): Notification Follow-up

Building Information:

Current Height: _____ Number of Stories: _____
 Current Floor(s) Under Demolition: _____
 Observations of Exterior: _____
 Structural Observations: _____
 Party Walls (check one): Yes No
 Description of Demolition Operations: _____

Is there abatement? (check one) Yes No
 If Yes, provide floor(s) affected by abatement: _____

Site Information:

sidewalk Sign Required (check one): Yes No
 Sidewalk Sign Location: _____
 Fence Required (check one): Yes No
 Fence Location: _____
 Netting Required (check one): Yes No If Yes, Select Type: Horizontal Vertical
 Netting Location: _____
 Shoring/Bracing Required (check one): Yes No
 Shoring/Bracing Location: _____

Inspection Checklist:

Code	Category	Inspection/Test	N/A	Completion	Type Violation (Y/N)	Violation #
00	SWO / Allow-Stop Variance	SWO Issued				
01	SWO / Allow-Stop Variance	Allow-Stop Variance				
02	Occupancy	Building Vacant				
03	Permits and Drawings	Demolition Permit				
04	Permits and Drawings	Department Notification				
05	Permits and Drawings	Mechanical Demolition Permit				
06	Permits and Drawings	Prefabricated Drawings on Site				
07	Permits and Drawings	Sidewalk Sign Permit				
08	Permits and Drawings	Horizontal Permit for Lighting Sheds				
09-010	Permits and Drawings	Other Permits / Drawings				
11	Permits and Drawings	All Permits Fenced				
12	Signage	Signs Posted				
13	Signage	Signage Information				
14	Sidewalk Sheds	Sidewalk Shed Installation				
15	Sidewalk Sheds	Sidewalk Shed Lighting				
16	Fences	Fence Installation				
17	Nothing	Nothing in Good Condition				
18	Nothing	Nothing Clean				
19	Horizontal Netting	Distance to Demolition				
20	Horizontal Netting	Projection Distance				
21	Vertical Netting	Secured				
22	Vertical Netting	Checked				
23	Unsupported Scaffold	Compliance				
24	Watchmen	On Site				
25	Pipe Chocks	On Site				
26	Pipe Chocks	SPOT Certificate of Fitness				
27	Pipe Chocks	Pipe Guard Log				
28	Trench Operations	On Site				
29	Trench Operations	SPOT Certificate of Fitness				
30	Utilities	Disconnected				
31	Utilities	Temporary Permit On Site				
32	Electrical	Ground Faults				
33	Housekeeping	Clear and Fenced On Site				
34	Housekeeping	Openings Covered				
35	Housekeeping	Debris Cleaned and Secured				
36	Overdrills and Tools	Overdrills Materials				
37	Overdrills and Tools	Overdrill Above Site Materials				
38	Overdrills and Tools	Chase or Ripout Trenches				
39	Structural Stability	Controlled Removal				

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Conclusion—Upcoming CDA Milestones

- **Public Hearing on Rules:** August 31, 2009
- **A-TRU Guidance Document Publication:** September
- **Beginning of A-TRU Phase 1:** October 13, 2009
- **Full A-TRU Implementation:** January 13, 2010