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THE CITY RECORD

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

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, August 5, 2009, commencing at 10:00 A.M.

BOROUGH OF THE BRONX

Nos. 1 & 2

ON THE SOUND ON CITY ISLAND

CD 10 C 060288 ZMX
IN THE MATTER OF an application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by changing from an M1-1 District to an R3A District property bounded by Fordham Street, the shoreline of Long Island Sound, the northeasterly prolongation of a line 100 feet northwesterly of Carroll Street (straight line portion), and Fordham Place, as shown on a diagram (for illustrative purposes only) dated May 4, 2009, and subject to the conditions of Declaration E-237.

No. 2

CD 10 C 060289 ZMX
IN THE MATTER OF an application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 112-107 of the Zoning Resolution to modify the height and setback regulations of Sections 112-103 (Special height and setback regulations) and Section 23-631(Maximum Height of Walls and Required Setbacks) to facilitate a 43-unit residential development on property located at 226 Fordham Place (Block 5643, Lot 235), in an R3A* District, within the Special City Island District (Area A).

*Note: The site is proposed to be rezoned from an M1-1 District to an R3A District under a related concurrent application (C 060288 ZMX).

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

BOROUGH OF BROOKLYN

No. 3

BOARD OF ELECTIONS WAREHOUSE

CD 7 C 090349 PCK
IN THE MATTER OF an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 4312 2nd Avenue (Block 796, lot 1) for use

as a warehouse facility.

No. 4

MOSDOTH CHILD CARE CENTER

CD 9 C 090323 PQK
IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 420 Lefferts Avenue (Block 1331, Lot 9) for continued use as a day care center.

No. 5

RIVERWAY APARTMENTS

CD 16 C 090447 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 228 Riverdale Avenue (Block 3603, Lot 25) 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 seven-story building, tentatively known as Riverway Apartments, with approximately 115 residential units, commercial and community facility space, to be developed under the Department of Housing Preservation and Development Supportive Housing Program.

BOROUGH OF MANHATTAN

No. 6

THE DEMPSEY

CD 10 C 090374 HAM
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 138-150 West 128th Street (Block 1912, part of Lot 12), 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 the development of a six-story residential building, tentatively known as The Dempsey, with approximately 80 dwelling units.

No. 7

246 11TH AVENUE

CD 4 N 090243 ZRM
IN THE MATTER OF an application submitted by G&R 11th Avenue Associates, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX,

Chapter 8 (Special West Chelsea District),

Matter in underline is new, to be added;
Matter in ~~strike out~~ is old, to be deleted;
Matter within # # is defined in Section 12-10 (DEFINITIONS)
*** indicates where unchanged text appears in the Resolution

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

* * *

98-27

Zoning Lots Located Partly Within Subarea C and Partly Within M1-5 Districts

For #zoning lots# existing prior to June 23, 2005 and located partly within an M1-5 District and partly within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the High Line Improvement Fund established under Section 98-25, to be used at the discretion of the Chairperson of the City Planning Commission to assure that the High Line is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus). No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

* * *

BOROUGH OF QUEENS

No. 8

EXCELSIOR RESIDENCE

CD 13 C 030129 ZMQ

IN THE MATTER OF an application submitted by MCM Realty Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11d, by changing from an R3-2 District to an R6A District property bounded by Commonwealth Boulevard, a former service road of Grand Central Parkway and its southwesterly centerline prolongation, Grand Central Parkway, the southeasterly centerline prolongation of 247th Street, a line 500 feet southeasterly of Grand Central Parkway, the easterly centerline prolongation of 72nd Avenue, and the northwesterly service road of the Grand Central Parkway, as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and subject to the conditions of CEQR Declaration E-234

No. 9

SOUTH CONDUIT BOULEVARD REZONING

CD 13 C 060419 ZMQ

IN THE MATTER OF an application submitted by Parkway Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C1-3 District bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue distant 75 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

CITYWIDE

No. 10

FRESH FOODS ZONING TEXT

CITYWIDE N 090412 ZRY
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores.

ALL TEXT IN ARTICLE VI, CHAPTER 3 IS NEW

Article VI

Special Regulations Applicable to Certain Areas

* * *

Chapter 3 Special Regulations Applying to FRESH Food Stores

63-00 GENERAL PURPOSES

The provisions of this Chapter establish special regulations that guide the development of #FRESH food stores# to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- to encourage a healthy lifestyle by facilitating the development of #FRESH food stores# that sell a healthy selection of food products;
- to provide greater incentives for #FRESH food stores# to locate in neighborhoods underserved by such establishments;
- to encourage #FRESH food stores# to locate in locations that are easily accessible to nearby residents; and
- to strengthen the economic base of the City, to conserve the value of land and buildings, and to protect the City's tax revenues.

63-01 Definitions FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6A), where at least 6,000 square feet of #floor area#, or #cellar# space used for retailing, is #used# for the sale of a general line of food and nonfood grocery products such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish, and poultry, intended for home preparation, consumption and utilization. Such retail space #used# for the sale of a general line of food and non-food grocery products shall also be #used# as follows:

- at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be #used# for the sale of a general line of food products intended for home preparation, consumption and utilization;
- at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be #used# for the sale of perishable goods that shall include dairy, fresh produce, and frozen foods and may include fresh meats, poultry, and fish; and
- at least 500 square feet of such retail space shall be #used# for the sale of fresh produce.

A #FRESH food store# shall be permitted upon certification by the Chairperson of the City Planning Commission pursuant to Section 63-30 (Certification for #FRESH food Store#).

63-02 GENERAL PROVISIONS

63-021 Areas of Applicability

(a) The provisions of this Chapter shall apply to all #commercial# and #manufacturing districts# in the following areas, except as provided in paragraph (b) of this Section:

- In the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6, and 7;
- In the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17;
- In the Borough of Manhattan, Community District 9, 10, 11, and 12; and
- In the Borough of Queens, #Special Downtown Jamaica District#.

(b) The provisions of the Chapter shall not apply to:

- Portions of Community District 7 in the Borough of the Bronx, identified in Map 1 of the Appendix A of this Chapter;
- Portions of Community District 8 in the Borough of Brooklyn, identified in Map 2 of the Appendix A of this Chapter;
- Portions of Community District 9 in the Borough of Manhattan, identified in Map 3 of the Appendix A of this Chapter; and
- Portions of Community District 12 in the Borough of Manhattan, identified in Map 4 of the Appendix A of this Chapter.
- The following Special Purpose Districts: #Special Madison Avenue Preservation District#; #Special Manhattanville Mixed Use District#; #Special Park Improvement District#; and #Special Hunts Point District#

63-022 Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

63-10 SPECIAL USE REGULATIONS

63-11 Special #Use# Regulations for #FRESH Food Stores# in M1 Districts

In M1 districts, the regulations of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C,

11, 12A, 12C, 12D, 12E, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

63-20 SPECIAL BULK AND PARKING REGULATIONS

63-21 Special #Floor Area# Regulations

**63-211
For #mixed buildings# in #commercial districts# containing #FRESH food stores#**
In #commercial districts#, the #floor area# regulations for #mixed buildings# in Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) shall be modified in accordance with the provisions of this Section. The total #floor area# for all #residential# and #commercial uses# on a #zoning lot# may exceed that permitted by the #residential floor area ratio# by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided that the #floor area ratio# of a #residential use# does not exceed the maximum #residential floor area ratio# set forth in Article II, Chapter 3, and the #floor area ratio# of a #commercial use# does not exceed the maximum #floor area ratio# set forth in Article III, Chapter 3.

**63-212
For #mixed use buildings# in #Special Mixed Use Districts# containing #FRESH food stores#**
In #Special Mixed Use Districts#, the #floor area# regulations for #mixed use buildings# in Section 123-64 shall be modified in accordance with the provisions of this Section. The total #floor area# for all #residential# and #commercial uses# on a #zoning lot# may exceed that permitted by the #residential floor area ratio# by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided that the #floor area ratio# of a #residential use# does not exceed the maximum #residential floor area ratio# permitted by the underlying district regulations, and the #floor area ratio# of a #commercial use# does not exceed the maximum #floor area ratio# set forth in such Section.

**63-22
Authorization to modify Maximum Building Height**
For #mixed buildings# or #mixed use buildings# containing a #FRESH food store#, the City Planning Commission may authorize modifications to Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 123-66 (Height and Setback Regulations). The City Planning Commission may permit the applicable maximum building height to be increased by up to 15 feet provided that any #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet above the adjacent public sidewalk, and #residential stories# have a minimum finished floor to finished ceiling height of eight feet six inches.

In order to grant such authorizations, the Commission shall find that:

- such modifications are necessary to accommodate a first #story# used as #FRESH food store#;
- the proposed modifications do not impair the essential scale and character of the adjacent buildings and any adjacent historic resources; and
- the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

63-23 Special Transparency requirements

For all #FRESH food store# space, the ground floor level #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

63-24 Security Gates

All security gates installed between the #street wall# and the #street line# (after effective date of amendment), that are swung, drawn or lowered to secure #FRESH food store# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

63-25 Required Accessory Off-street Parking Spaces in Certain Districts

- In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3, and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store use#.
- In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking category B in the applicable #commercial# and #manufacturing districts#.
- In C8-1, C8-2, M1-1, M1-2, and M1-3 Districts, a #FRESH food store use# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space #used# for retailing, up to a maximum of 15,000 square feet. The underlying off-

street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) or 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES) shall apply to the #floor area# or #cellar# space #used# for retailing, in excess of 15,000 square feet.

The provisions of this Section 63-25 shall not apply to:

- Portions of Community District 7 in the Borough of the Bronx and portions of Community District 12 in the Borough of Manhattan, identified in Map 5 of the Appendix A of this Chapter;
- Portions of Community District 5 in the Borough of Brooklyn, identified in Map 6 of the Appendix A of this Chapter;
- Portions of Community Districts 16 and 17 in the Borough of Brooklyn, identified in Map 7 of the Appendix A of this Chapter; and
- #Special Downtown Jamaica District#.

63-26 Special Sign Regulations

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall be required to provide signage pursuant to this Section.

The Department of City Planning shall develop a graphic image of the #FRESH food store# symbol, which shall be made available in an easily reproducible form on the Department of City Planning website. The image shall be reproduced with a dimension of at least 12 inches square in a #sign#, with a maximum dimension in one direction of 16 inches, that shall be mounted on a wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and no more than five feet from the finished floor or adjoining grade or lower than three feet from the finished floor or adjoining grade. Such #sign# shall be fully opaque, non reflective and constructed of permanent, highly durable materials such as metal or stone, and shall also contain:

- Lettering at least one and one-half inches in height stating "FRESH" in bold type; and
- The statement "This store sells fresh food" in lettering at least one-half inch in height.

All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color and shall highly contrast with the background color.

63-30 Certification for a #FRESH Food Store#

The Chairperson of the City Planning Commission may certify that a food store #use# is a #FRESH food store use# provided that:

- Drawings have been submitted to the Chairperson that clearly designate all #floor area# or #cellar# space #used# as a #FRESH food store#. Such drawings shall also show, in the form of an illustrative layout, that such designated space is designed and arranged to meet the #floor area#, or #cellar# space #used# for retail, requirements for food and non-food grocery products pursuant to Section 63-01;
- Drawings have been submitted to the Chairperson that clearly designate all #floor area# that will result from any permitted increase in #floor area# pursuant to Section 63-21, including the location of such #floor area#;
- Drawings have been submitted to the Chairperson, documenting the size, format, and location of the required #sign# pursuant to Section 63-26. Such drawings shall include detailed information about dimensions of the #sign#, lettering, color, and materials;
- A signed lease or written commitment from the prospective operator of #FRESH food store# has been provided in a form acceptable to the City, for occupancy of such space, and its operation as a #FRESH food store# space; and
- A legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Chairperson, binding upon the owner and its successor and assigns, and providing for continued occupancy of all #floor area# or #cellar# space as a #FRESH food store use# that shall commence within
- a reasonable period following the issuance of Temporary Certificate of Occupancy for the #FRESH food store#, as set forth in the declaration of restrictions.

Such declaration of restrictions shall include provisions providing that there shall be no violation of the legal commitment for continued occupancy of the #floor area# or #cellar# space# for use as a #FRESH food store#: (a) during any six (6) month period from the date such #floor area# or #cellar# space# is vacated by the operator, provided that owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; and (b) during any event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Borough Office of the Register of the City of New York,

and receipt of a certified copy of such declaration, shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

In granting the certification, the Chairperson of the City Planning Commission may specify that changes in design or #use# consistent with the definition of the #FRESH food store# in Section 63-01 would not warrant further certification pursuant to this Section.

63-31 Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (b) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (b) of Section 63-30 until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40 Certification for change of #use# of a #FRESH Food Store#

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying districts upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off-street parking spaces under the applicable zoning district regulations.

63-50 Authorization for Bulk and Parking modifications

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts, when a change of #use# of a #FRESH food store# for which a certification has been issued pursuant to Section 63-30 is requested, provided that such #use# is permitted by the underlying districts.

In order to grant such authorization, the Commission shall find that:

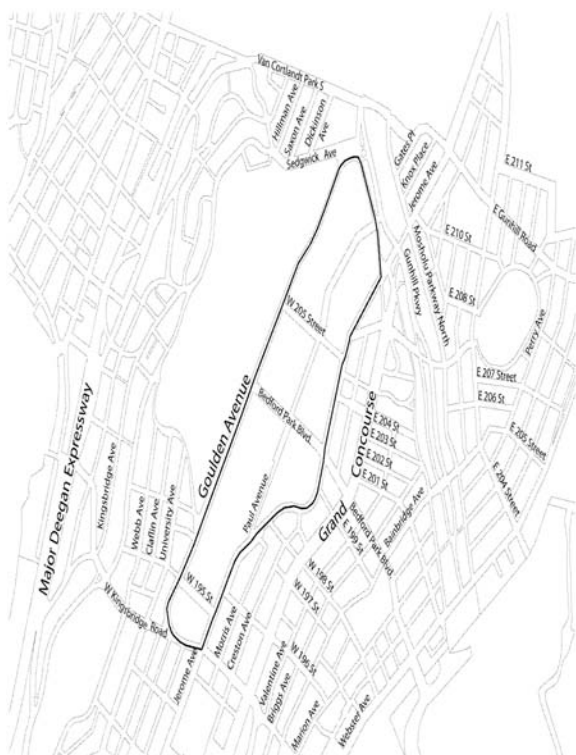
- (a) due to the prevalent market conditions at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store# will bring a reasonable return;
- (b) the applicant, the operator or a prior operator of such #FRESH food store# has not created, or contributed to, such unfavorable market conditions;
- (c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the City Planning Commission that such efforts have been unsuccessful;
- (d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses# including #uses# within the building; and
- (e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

In issuing authorizations under this Section, the Commission may impose conditions and safeguards, to minimize adverse impacts on the character of the surrounding area.

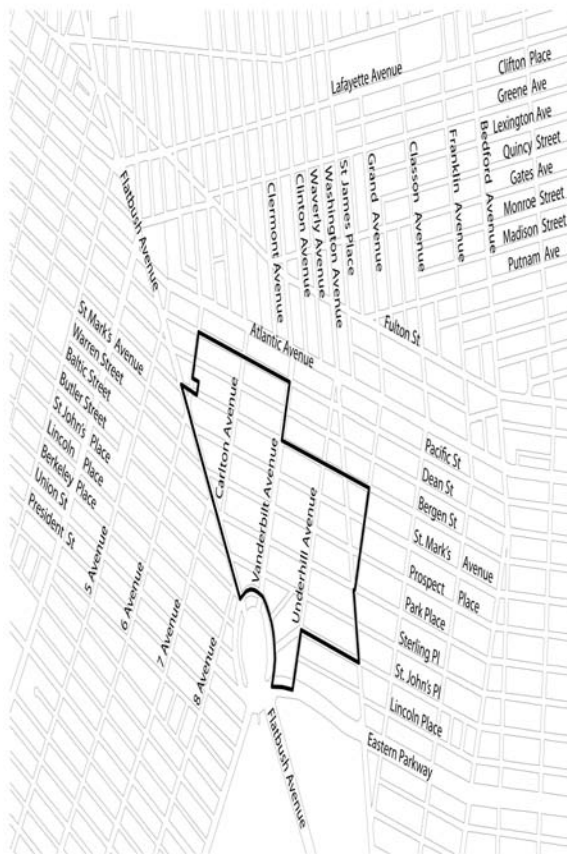
APPENDIX A

Exceptions to the FRESH food store Program Designated Areas

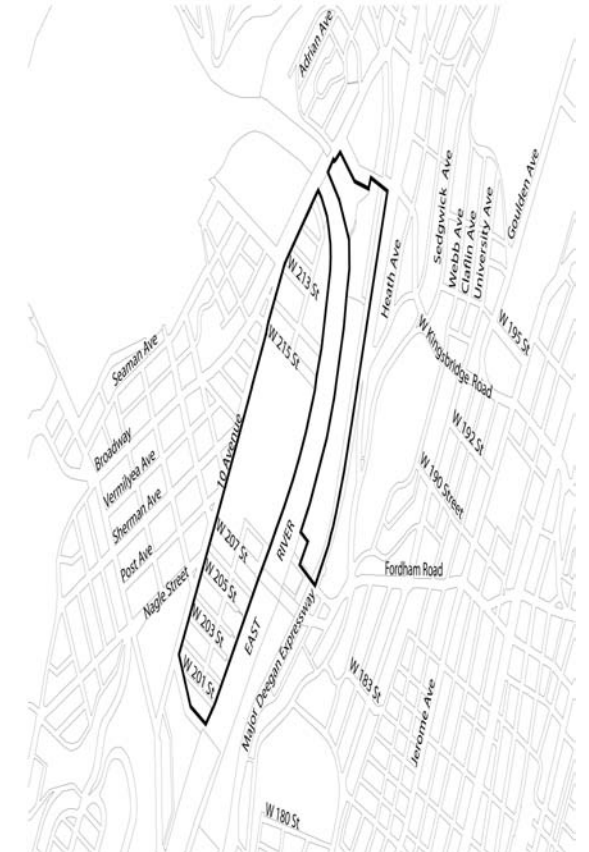
Map 1. Excluded Portions of Community District 7, Bronx



Map 2. Excluded Portions of Community District 8, Brooklyn



Map 5. Portions of Community District 12, Manhattan and Portion of Community District 7, Bronx excluded from Section 63-25



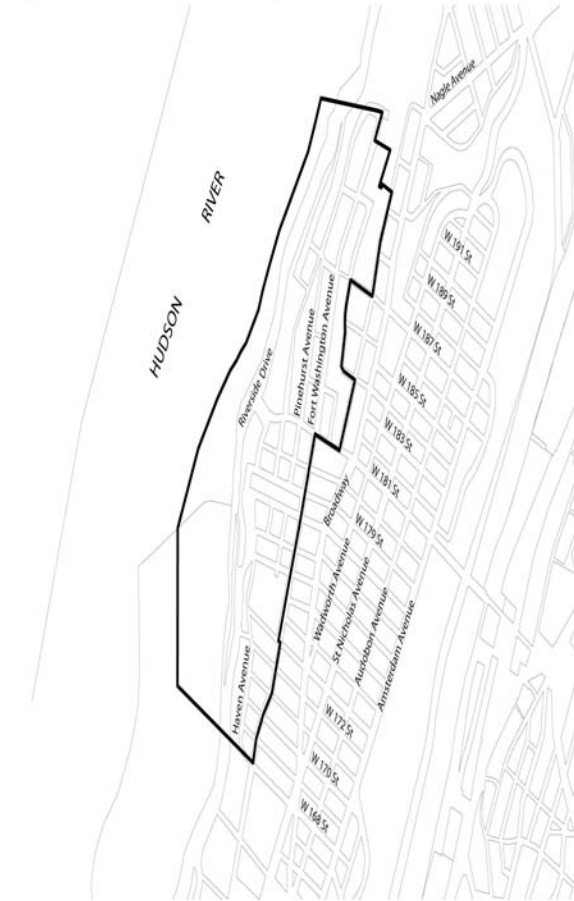
Map 3. Excluded Portions of Community District 9, Manhattan



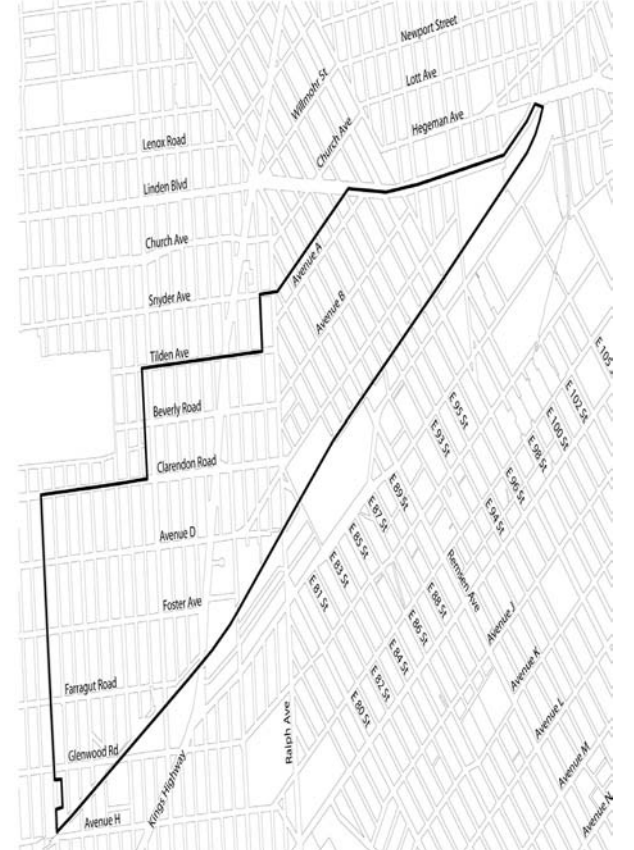
Map 6. Portions of Community District 5, Brooklyn excluded from Section 63-25



Map 4. Excluded Portions of Community District 12, Manhattan



Map 7. Portions of Community District 16 and 17, Brooklyn excluded from Section 63-25



BOROUGH OF BROOKLYN

No. 11

PROSPECT HEIGHTS HISTORIC DISTRICT

CD 8

N 100002 HKK

IN THE MATTER OF a communication dated July 1, 2009 from the Executive Director of the Landmarks Preservation Commission regarding the Prospect Heights Historic District, designated by the Landmarks Preservation Commission on June 23, 2009 (Designation List 414/LP-2314). The district boundaries are:

property bounded by a line beginning at the southwest corner of Underhill Avenue and Prospect Place, extending southerly along the western curblineline of Underhill Avenue to a point in said curblineline formed by its intersection with a line extending westerly from the northern property line of 349-351 Park Place, aka 147-151 Underhill Avenue (Block 1160, Lot 1), easterly across Underhill Avenue and along said property line, northerly along the western property line of 369 Park Place, easterly along the northern Property lines of 369 to 411 Park Place and a portion of the northern property line of 413 Park Place, easterly along the angled northern property lines of 413 to 421 Park Place, southerly along the eastern property line of 421 Park Place across Park Place to its southern curblineline, easterly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 426 Park Place, southerly along said property line, easterly along the northern property lines of 423 to 429 Sterling Place, southerly along a portion of the eastern property line of 429 Sterling Place, easterly along the northern property line of 431 Sterling Place, southerly along the eastern property line of 431 Sterling Place, across Sterling Place to its southern curblineline, easterly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 446 Sterling Place, southerly along said property line, westerly along the southern property lines of 446 to 364 Sterling Place, northerly along a portion of the western property line of 364 Sterling Place, westerly along the southern property line of 346 Sterling Place, aka 185 Underhill Avenue and across Underhill Avenue to its western curblineline, southerly along said curblineline to the northwest corner of Underhill Avenue and St. John's Place, westerly along the northern curblineline of St. John's Place to a point formed by its intersection with a line extending southerly from the western property line of 323 St. John's Place, aka 200 Underhill Avenue, northerly along the angled property lines of 323 St. John's Place, aka 200 Underhill Avenue, and 198 to 188 Underhill Avenue, easterly along a portion of the northern property line of 188 Underhill Avenue, northerly along the western property lines of 186 Underhill Avenue (aka 186A Underhill Avenue) to 176 Underhill Avenue, aka 340-344 Sterling Place, and across Sterling Place to its northern curblineline, westerly along said curblineline to a point formed by its intersection with a line extending northerly across Sterling Place from a portion of the eastern property line of 288 Sterling Place, aka 29 Butler Place, southerly across Sterling Place and said property line, following its eastward angle to the northern curblineline of Butler Place, westerly along said curblineline to a point formed by its intersection with a line extending southerly from a portion of the western property line of 286 Sterling Place, aka 27 Butler Place, northerly along said property line, westerly along the angled southern property lines of 284 and 282 Sterling Place, continuing westerly along the southern property lines of 280 to 276 Sterling Place, southerly along a portion of the eastern property line of 274 Sterling Place, westerly along the southern property line of 274 Sterling Place, northerly along a portion of the western property line of 274 Sterling Place, westerly along the southern property line of 272 Sterling Place and the angled southern property lines of 270 and 268 Sterling Place, northerly along the western property line of 268 Sterling Place and across Sterling Place to its northern curblineline, westerly along said curblineline to the northeast corner of Sterling Place and Vanderbilt Avenue, northerly along the eastern curblineline of Vanderbilt Avenue and across Park Place to a point in said curblineline formed by its intersection with a line extending eastward from the southern property line of 630A Vanderbilt Avenue, westerly across Vanderbilt Avenue and along said property line, southerly along a portion of the eastern property line of 210A-220 Prospect Place and the eastern property line of 233-235 Park Place, across Park Place and continuing southerly along the eastern property line of 248 Park Place, westerly along the southern property line of 248 Park Place, southerly along a portion of the eastern property line of 226-246 Park Place, westerly along the southern property line of 226-246 Park Place, southerly along the eastern property line of 213 Sterling Place to the northern curblineline of Sterling Place, westerly along said curblineline northerly along the eastern curblineline of Flatbush Avenue, easterly along the northern property line of 375 Flatbush Avenue, easterly along the northern property lines of 375 Flatbush Avenue and 183 to 187 Sterling Place, northerly along portions of the western property lines of 189-191 Sterling Place and 200 Park Place, westerly along a portion of the southern property line of 200 Park Place and the southern property lines of 196 to 188 Park Place and the angled southern property lines of 186 to 180 Park Place, northerly along the western property line of 180 Park Place and across Park Place to its northern curblineline, westerly along said curblineline, northerly along the eastern curblineline of Carlton Avenue to a point in said curblineline formed by its intersection with a line extending easterly from the southern property line of 632A Carlton Avenue, westerly across Carlton Avenue and along said property line to a point formed by its intersection with a line extending southerly from the western property line of 632 Carlton Avenue, northerly along said line and the western property line of 632 Carlton Avenue, easterly along a portion of the northern property line of 632 Carlton Avenue, northerly along the western property lines of 628-630 and 626 Carlton Avenue, westerly along the angled southern property lines of 140 and 138 Prospect Place, northerly along a portion of the western property line of 138 Prospect Place, westerly along the southern property line of 321 Flatbush Avenue to the eastern curblineline of Flatbush Avenue, northerly along the eastern curblineline of Flatbush Avenue to the northern curblineline of Prospect Place, westerly along said curblineline to a point formed by its intersection with a line extending southward from the western property line of 115 Prospect Place, northerly along said property line and the angled western property lines of 112 to 102 St. Mark's Avenue, westerly along the southern property line of 283 Flatbush Avenue to the eastern curblineline of Flatbush Avenue, northerly along said curblineline to the northern curblineline of St. Mark's Avenue, westerly along the northern curblineline of Saint

Mark's Avenue to a point formed by its intersection with a line extending southward from the western property line of 75 St. Mark's Avenue, northerly along said property line, easterly along the northern property line of 75 St. Mark's Avenue, northerly along a portion of the western property line of 77 St. Mark's Avenue, easterly along the northern property lines of 77 to 107 St. Mark's Avenue and a portion of the northern property line of 109 St. Mark's Avenue, northerly along the western property line of Block 1143, Lot 140 (an interior lot), westerly along a portion of the southern property line of 538 Bergen Street and the southern property lines of 536 and 534 Bergen Street, northerly along the western property line of 534 Bergen Street and across Bergen Street to the northern curblineline of Bergen Street, westerly along said curblineline to a point formed by its intersection with a line extending southward from the western property line of 531 Bergen Street, northerly along said property line, easterly along the northern property lines of 531 to 535 Bergen Street and a portion of the northern property line of 537 Bergen Street, northerly along the western property line of 546 Dean Street to the southern curblineline of Dean Street, easterly along the southern curblineline of Dean Street to a point formed by its intersection with a line extending southerly from the western property line of 536 Carlton Avenue, aka 561-565 Dean Street, northerly across Dean Street and along the western property lines of 536 to 522 Carlton Avenue, easterly along a portion of the northern property line of 522 Carlton Avenue, northerly along the western property lines of 520 to 516 Carlton Avenue, aka 734-738 Pacific Street, to the southern curblineline of Pacific Street, easterly along said curblineline to the southwest corner of Pacific Street and Carlton Avenue, southerly along the western curblineline of Carlton Avenue and across Dean Street to the southwest corner of Dean Street and Carlton Avenue, easterly across Carlton Avenue and along the southern curblineline of Dean Street to a point formed by its intersection with a line extending northerly from the eastern property line of 555 Carlton Avenue, aka 574 Dean Street, southerly along the eastern property lines of 555 to 565A Carlton Avenue and a portion of the eastern property line of 567 Carlton Avenue, easterly along the northern property lines of 573 to 585 Bergen Street, southerly along the eastern property line of 585 Bergen Street and across Bergen Street to the southern curblineline of Bergen Street, easterly along said curblineline to a point formed by its intersection with a line extending southward and across Bergen Street from the western property line of 570 Vanderbilt Avenue, aka 635 Bergen Street, northerly across Bergen Street and along the western property lines of 570 to 566 Vanderbilt Avenue and a portion of the western property line of 564 Vanderbilt Avenue, westerly along a portion of the southern property line of 564 Vanderbilt Avenue, northerly along portions of the western property lines of 564 and 560 Vanderbilt Avenue, easterly along a portion of the northern property line of 560 Vanderbilt Avenue, northerly along a portion of the western property line of 560 Vanderbilt Avenue and the western property lines of 558 to 552 Vanderbilt Avenue, aka 662 Dean Street to the southern curblineline of Dean Street, easterly along said curblineline and across Vanderbilt Avenue to the southeast corner of Vanderbilt Avenue and Dean Street, northerly across Dean Street and along the eastern curblineline of Vanderbilt Avenue to the southeast corner of Vanderbilt Avenue and Pacific Street, easterly along the southern curblineline of Pacific Street to a point formed by its intersection with a line extending northward from the eastern property line of 565 Vanderbilt Avenue, aka 820-826 Pacific Street, southerly along the eastern property lines of 565 to 583 Vanderbilt Avenue and across Dean Street to its southern curblineline, easterly along said curblineline to a point formed by its intersection with a line extending northward from the eastern property line of 680 Dean Street, southerly along the eastern property line of 680 Dean Street and the angled eastern property line of 589 Vanderbilt Avenue, easterly along a portion of the northern property line of 591 Vanderbilt Avenue, southerly along the eastern property line of 591 Vanderbilt Avenue and a portion of the eastern property line of 593 Vanderbilt Avenue, easterly along a portion of the northern property line of 593 Vanderbilt Avenue, southerly along a portion of the eastern property lines of 593½ to 601 Vanderbilt Avenue, aka 651 Bergen Street, continuing southerly across Bergen Street to its southern curblineline, westerly along said curblineline to a point formed by its intersection with a line extending northerly from the eastern property line of 603 Vanderbilt Avenue, aka 640 Bergen Street, southerly along the eastern property lines of 603 to 623 Vanderbilt Avenue to the northern curblineline of St. Mark's Avenue, westerly along said curblineline to a point formed by its intersection with a line extending northerly and across St. Mark's Avenue from the eastern property line of 625 Vanderbilt Avenue, aka 236 St. Mark's Avenue, southerly across St. Mark's Avenue and along the eastern property lines of 625 to 633 Vanderbilt Avenue and a portion of the eastern property line of 635 Vanderbilt Avenue, easterly along the northern property lines of 239 to 277 Prospect Place, northerly along a portion of the western property line of 281 Prospect Place, easterly along a portion of the northern property line of 281 Prospect Place, southerly along a portion of the eastern property line of 281 Prospect Place, easterly along a portion of the northern property line of 281 Prospect Place and the northern property lines of 287 and 289 Prospect Place, southerly along the angled portion of the eastern property lines of 289 and 291 Prospect Place, easterly along the angled northern property lines of 293 to 297 Prospect Place, southerly along a portion of the eastern property line of 297 Prospect Place, easterly along the northern property lines of 299 to 307 Prospect Place, southerly along a portion of the eastern property line of 307 Prospect Place, easterly along the northern property line of 309 Prospect Place, southerly along the eastern property line of 309 Prospect Place and across Prospect Place to its southern curblineline, and easterly along said curblineline to the point of the beginning.

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

jy23-a5

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, August 10, 2009 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan, in the matter of a change of control of the parent company of NextG Networks of NY, Inc. ("NextG"). The FCRC approved a franchise agreement between the City of New York ("the City") and NextG on February 8, 2008. The franchise authorizes NextG to install, operate and maintain equipment housing of limited size and stick-type antennas on City-owned street light poles, traffic light poles, highway sign support poles and certain privately-owned utility poles where such poles are erected upon the inalienable property of the City, for the purpose of providing mobile telecommunications services.

A copy of the existing franchise agreement, and an organizational chart reflecting the ownership structure that would result from the proposed change of control, may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing Monday, July 20, 2009 through Monday, August 10, 2009, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the franchise agreement and the proposed new organization chart may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The existing franchise agreement and proposed organization chart may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC TV- CHANNEL 74.

jy20-a10

LANDMARKS PRESERVATION COMMISSION

PUBLIC HEARINGS

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, August 11, 2009**, 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 Landmarks and Landmark Sites. 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.

PUBLIC HEARING ITEM NO.1
LP-2349

327 WESTERVELT AVENUE HOUSE, 327 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 27, Lot 5

PUBLIC HEARING ITEM NO. 2
LP-2377

411 WESTERVELT AVENUE FLAT, HORTON'S ROW, 411 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 25, Lot 5

PUBLIC HEARING ITEM NO. 3
LP-2378

413 WESTERVELT AVENUE FLAT, HORTON'S ROW, 413 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 25, Lot 4

PUBLIC HEARING ITEM NO. 4
LP-2381

415 WESTERVELT AVENUE FLAT, HORTON'S ROW, 415 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 25, Lot 3

PUBLIC HEARING ITEM NO. 5
LP-2382

417 WESTERVELT AVENUE FLAT, HORTON'S ROW, 417 Westervelt Avenue, (aka 79 Corson Avenue), Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 25, Lot 1

PUBLIC HEARING ITEM NO. 6
LP-2369

STATEN ISLAND ARMORY, 321 Manor Road, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 332, Lot 4, in part

PUBLIC HEARING ITEM NO.7
LP-2367

63 WILLIAM STREET HOUSE, 63 William Street, Staten Island.

Landmark Site: Borough of Staten Island Tax Map Block 514, Lot 30

PUBLIC HEARING ITEM NO. 8
LP-2384

REFORMED CHURCH ON STATEN ISLAND, 54 Port Richmond Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 1073 Lot 75

PUBLIC HEARING ITEM NO. 9
LP-2383

CHRIST CHURCH, 72 Franklin Avenue (aka 72-74 Franklin Avenue), Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 66, Lot 158

PUBLIC HEARING ITEM NO. 10
LP-2380

B. F. GOODRICH BUILDINGS, 1780 Broadway and 225 West 57th Street, Manhattan
Landmark Site: Borough of Manhattan Tax Map Block 1029, Lot 14 in part

jy27-a10

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, **August 4, 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.

AGENCY RULE MAKING

CITYWIDE A proposed amendment to section 13.04 of the rules of the Commission Title 63 of the Rules of the City of New York, relating to the payment of application fees for certain work, pursuant to the City Administrative Procedures Act.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS 10-0879 - Block 8106, lot 73-240-25-240-27 43rd Avenue - Douglaston Hill Historic District
An altered neo-Colonial style free-standing house, designed by D.S. Hopkins and a barn, both built in 1900-1901. Application is to demolish the barn.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF STATEN ISLAND 10-0534 - Block 587, lot 1-79 Howard Avenue - Louis A. and Laura Stirn House-Individual Landmark

A neo-Renaissance style mansion with Arts and Crafts style details designed by Kafka and Lindermeier and built in 1908. Application is to create parking areas, alter and construct additions at the front porch, construct a barrier-free access ramp, stair tower and elevator bulkhead.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8978 - Block 2558, lot 2-146 Franklin Street - Greenpoint Historic District
An Italianate style rowhouse built in 1863-64. Application is to install storefronts.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-9461 - Block 1903, lot 68-125 Willoughby Avenue - Clinton Hill Historic District
An Italianate style rowhouse built in 1868. Application is to construct a rear yard deck.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-5091 - Block 236, lot 112-78 Clark Street - Brooklyn Heights Historic District
A Moderne style apartment building constructed c.1940. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-0542 - Block 243, lot 16-143 Montague Street - Brooklyn Heights Historic District
An Anglo-Italianate style house built between 1850-1860, and altered at the basement and parlor floors for commercial use in the early 20th century. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-0629 - Block 275, lot 12-145 Atlantic Avenue - Brooklyn Heights Historic District
A rowhouse with a commercial base. Application is to alter the ground floor facade and replace a shopfront and entrance.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-0359 - Block 2300, lot 243-151-153 Montague Street - Brooklyn Heights Historic District
A Beaux Arts style commercial building built in the early 20th century. Application to replace shopfront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-4578 - Block 296, lot 47-147 Congress Street - Cobble Hill Historic District
A Queen Anne style house built circa 1900. Application is to construct a rooftop addition. Zoned R6/LH-1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-3689 - Block 326, lot63-302 Court Street - Cobble Hill Historic District
A Romanesque Revival style rowhouse designed by Horatio White and William Johnson and built 1887-89. Application is to legalize the installation of an awning without Landmarks Preservation Commission permits, and to install a bracket sign.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-9415 - Block 1067, lot 45-118 8th Avenue - Park Slope Historic District

An apartment house designed by M.E. Ungarleider and built in 1936. Application is to establish a Master Plan governing the future replacement of windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8164 - Block 175, lot 15-39 White Street - Tribeca East Historic District
A Greek Revival Style converted dwelling with Italianate style additions, built in 1831-1832 and 1860-61. Application is to construct a rooftop addition. Zoned C6-2A.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5076 - Block 219, lot 7504-169 Hudson Street - Tribeca North Historic District
A Renaissance Revival style warehouse designed by James E. Ware, and built in 1893-94. Application is to construct a rooftop addition. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8925 - Block 219, lot 7504-169 Hudson Street - Tribeca North Historic District
A Renaissance Revival style warehouse designed by James E. Ware, and built in 1893-94. Application is to install rooftop railings and mechanical equipment. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-0351 - Block 497, lot 18-560 Broadway, aka 72-78 Prince Street and 98-104 Crosby Street - SoHo-Cast Iron Historic District
A store building designed by Thomas Stent and built in 1883-84. Application is to modify storefront infill and install signage.

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 09-7166 - Block 611, lot 41-181 West 10th Street - Greenwich Village Historic District
A neo-Grec style rowhouse designed by William T. Whittemore and built in 1839. Application is to modify the stoop and entrance, and install a new door.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5869 - Block 588, lot 71-33-37 Grove Street - Greenwich Village Historic District
Three transitional Queen Anne/Romanesque Revival style apartment houses designed by F.T. Camp and built in 1881. Application is to legalize modifications to the areaways without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-0533 - Block 591, lot 33-89 7th Avenue South, aka 16 Barrow Street - Greenwich Village Historic District
An apartment house designed by George F. Pelham, built in 1897 and altered in 1929. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6033 - Block 828, lot 25-1141 Broadway - Madison Square North Historic District
An Art Deco style commercial building designed by William I. Hohauser and built in 1926-27. Application is to legalize alterations to the secondary elevation and penthouse without Landmarks Preservation Commission permits, to reconstruct the penthouse, and to install storefront infill, a marquee, and rooftop mechanical equipment. Zoned M1-6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-5612 - Block 1874, lot 52-2689-2693 Broadway, aka 230 West 103rd Street - Hotel Marseilles-Individual Landmark
A Beaux-Arts style apartment hotel designed by Harry Allen Jacobs and built in 1902-05. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7925 - Block 1382, lot 15-21 East 67th Street - Upper East Side Historic District
A residence originally built in 1879-80, and altered in the neo-French Classic style by Philip Aehne in 1919. Application is to legalize the installation of a display window and door while permit was pending.

jy22-a4

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, **August 11, 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 08-5341 - Block 149, lot 41 39-08 47th Street - Sunnyside Gardens Historic District
A brick rowhouse with Colonial Revival style details designed by Clarence Stein, Henry Wright and Frederick Ackerman and built in 1925. Application is to alter a window opening at the front and install sliding doors at the rear.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8060 - Block 5238, lot 66-718 East 18th Street - Fiske Terrace-Midwood Park Historic District
A Colonial Revival style house designed by Benjamin Driesler and built in 1907. Application is to legalize the installation of

a fence and gate without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-0605 - Block 267, lot 31-156 Clinton Street - Brooklyn Heights Historic District
A Greek Revival style brick rowhouse built in 1847. Application is to modify the entrance.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-0177 - Block 2092, lot 65-245 Dekalb Avenue - Fort Greene Historic District
An Italianate style rowhouse built in 1867. Application is to modify the display windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 09-8532 - Block 301, lot 44-155 Warren Street - Cobble Hill Historic District
A Greek Revival style rowhouse built in 1838. Application is to construct dormers at the roof.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-8493 - Block 1420, lot 1-200 East 66th Street - Manhattan House-Individual Landmark
A Modern style mixed-used complex designed by Mayer & Whittlesey and Skidmore, Owings & Merrill and built between 1947 and 1951. Application is to install a pergola.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-9472 - Block 1387, lot 56-900 Madison Avenue, aka 28 East 73rd Street - Upper East Side Historic District
An apartment building with some classical details, designed by Sylvan Bien and built in 1939. Application is to alter the facade, install storefront infill and awnings.

BINDING REPORT
BOROUGH OF STATEN ISLAND 10-0955 - Block 995, lot 1-460 Brielle Avenue - New York City Farm Colony-Seaview Hospital Historic District
A Georgian Revival style hospital building designed by Edward P. Stevens and Renwick, Aspinwall & Tucker, and built in 1917. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-7166- Block 611, lot 41-181 West 10th Street - Greenwich Village Historic District
A neo-Grec style rowhouse designed by William T. Whittemore and built in 1839. Application is to modify the stoop and entrance, install a new door and signage, construct a rear yard addition.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-0533 Block 591, lot 33-89 7th Avenue South, aka 16 Barrow Street - Greenwich Village Historic District
An apartment house designed by George F. Pelham, built in 1897 and altered in 1921. Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 09-6033 - Block 828, lot 25-1141 Broadway - Madison Square North Historic District
An Art Deco style commercial building designed by William I. Hohauser and built in 1926-27. Application is to legalize alterations to the secondary elevation and penthouse without Landmarks Preservation Commission permits, to reconstruct the penthouse, and to install storefront infill, a marquee, and rooftop mechanical equipment. Zoned M1-6.

jy29-a11

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, August 5, 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 777 Washington LLC to maintain and use fenced-in areas on the south sidewalk of Jane Street, in the Borough of Manhattan. 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, 2019 - \$1,500/annum

the maintenance of a security deposit in the sum of \$4,000, 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 Citibank N.A. to maintain and use bollards and tree guards on the sidewalks of the site bounded by Gouverneur Lane and Wall, Front and South Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor and provides, among other terms and conditions, there shall be no compensation required for this revocable consent in accordance with Title 34 Section 7-04(a)(33) of the Rules of the City of New York.

the maintenance of a security deposit in the sum of \$40,000, 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.

#3 In the matter of a proposed revocable consent authorizing Halamas Corp to maintain and use an accessibility ramp and stairs on the north sidewalk of East 86th Street, west of York Avenue, in the Borough of Manhattan. 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 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, 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 Igc I Park LLC to construct, maintain and use a sidewalk hatch in the south sidewalk of East 87th Street, east of Park Avenue, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

\$4,353/annum

- For the period July 1, 2010 to June 30, 2011 - \$4,484
- For the period July 1, 2011 to June 30, 2012 - \$4,615
- For the period July 1, 2012 to June 30, 2013 - \$4,746
- For the period July 1, 2013 to June 30, 2014 - \$4,877
- For the period July 1, 2014 to June 30, 2015 - \$5,008
- For the period July 1, 2015 to June 30, 2016 - \$5,139
- For the period July 1, 2016 to June 30, 2017 - \$5,270
- For the period July 1, 2017 to June 30, 2018 - \$5,401
- For the period July 1, 2018 to June 30, 2019 - \$5,532
- For the period July 1, 2019 to June 30, 2020 - \$5,663

the maintenance of a security deposit in the sum of \$5,700, 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 The Bank of New York Mellon Corporation to maintain and use eighty one (81) bollards along the south sidewalk of Wall Street, east sidewalk of Broadway and north sidewalk of Exchange Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$10,175/annum

the maintenance of a security deposit in the sum of \$10,150, 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.

#6 In the matter of a proposed revocable consent authorizing 57-59 Irving Place LP to construct, maintain and use snow melting conduits in the west sidewalk of Irving Place, between East 17th and East 18th Streets, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

- \$5,142/annum

- For the period July 1, 2010 to June 30, 2011 - \$5,296
- For the period July 1, 2011 to June 30, 2012 - \$5,450
- For the period July 1, 2012 to June 30, 2013 - \$5,604
- For the period July 1, 2013 to June 30, 2014 - \$5,758
- For the period July 1, 2014 to June 30, 2015 - \$5,912
- For the period July 1, 2015 to June 30, 2016 - \$6,066
- For the period July 1, 2016 to June 30, 2017 - \$6,220
- For the period July 1, 2017 to June 30, 2018 - \$6,374
- For the period July 1, 2018 to June 30, 2019 - \$6,528
- For the period July 1, 2019 to June 30, 2020 - \$6,682

the maintenance of a security deposit in the sum of \$6,700, 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.

#7 In the matter of a proposed revocable consent authorizing Macy's Inc. to maintain and use a pedestrian bridge over and across Hoyt Street, north of Livingston Street, in the Borough of Brooklyn. 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 - \$10,155
- For the period July 1, 2010 to June 30, 2011 - \$10,451
- For the period July 1, 2011 to June 30, 2012 - \$10,743
- For the period July 1, 2012 to June 30, 2013 - \$11,043
- For the period July 1, 2013 to June 30, 2014 - \$11,339
- For the period July 1, 2014 to June 30, 2015 - \$11,635
- For the period July 1, 2015 to June 30, 2016 - \$11,931
- For the period July 1, 2016 to June 30, 2017 - \$12,227
- For the period July 1, 2017 to June 30, 2018 - \$12,523
- For the period July 1, 2018 to June 30, 2019 - \$12,819

the maintenance of a security deposit in the sum of \$51,000, 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.

jy16-a5

YOUTH AND COMMUNITY DEVELOPMENT

■ PUBLIC HEARINGS

SHORT NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held at the Department of Youth and Community Development, 156 William Street, 2nd floor, Borough of Manhattan, Wednesday, August 5, 2009, commencing at 10:00 A.M. on the following items:

IN THE MATTER OF two (2) proposed contracts between the Department of Youth and Community Development and the providers listed below to operate two Beacon Community Centers located at I.S. 43 Far Rockaway (160 Beach 28th Street) and M.S. 147 Jamaica (218-01 116th Street). The term shall be from September 1, 2009 to August 31, 2011, with an option to renew for up to two additional years.

Location	Contract #	Amount
Queens Beacon - I.S. 43	260100009982	\$800,000

Provider/Address
The Child Center of NY
60-02 Queens Boulevard
Woodside, NY 11377

Location	Contract #	Amount
Queens Beacon - PS/MS 147	260100009983	\$730,304

Provider/Address
Goodwill Industries of Greater New York
4-21 27th Avenue, Astoria, NY 11102

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.

Summary drafts of the contracts' scope, specifications and terms and conditions will be available for public inspection from Thursday, July 30, 2009 to Wednesday, August 5, 2009, at The Department of Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038, between the hours of 9:00 A.M. and 5:00 P.M. except holidays.

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 Mr. Vincent Perneti, Deputy Agency Chief Contracting Officer, 156 William Street, 2nd Floor, New York, NY 10038, vpernetti@dycd.nyc.gov. If the Department of Youth and Community Development receives no written requests to speak within the prescribed time, the Department reserves the right not to conduct the public hearing.

jy30

COURT NOTICE

SUPREME COURT

■ NOTICE

BRONX COUNTY IA PART 6 NOTICE OF ACQUISITION INDEX NUMBER 251034/09

In the matter of the application of the City of New York relative to acquiring title in fee simple absolute to certain real property where not hereto acquired for the same purpose, required as a site for the **PUBLIC SAFETY ANSWER CENTER 2 ("PSAC 2") AND PART OF MARCONI STREET** located in the area generally bounded by the Bronx and Pelham Parkway to the North; East Tremont Avenue to the South; Williamsbridge Road to the West; and, the Hutchinson River Parkway to the East, in the Borough of Bronx, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of the Bronx, IA Part 6 (Hon. Howard R. Silver, J.S.C.), duly entered in the office of the Clerk of the County of Bronx on June 30, 2009, the application of the City of New York to acquire certain real property, for the **PUBLIC SAFETY ANSWER CENTER 2 ("PSAC 2") AND PART OF MARCONI STREET**, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the City, was filed with the City Register on July 6, 2009. Title to the real property vested in the City of New York on July 6, 2009.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
1 and 1A	4226	Part of 40
2	4226	Part of 55
3	4226	75

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before January 6, 2010 (which is six (6) months from the title vesting date), to file a written claim with the Clerk of the Court of Bronx County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL §504, the claim shall include:

- A. the name and post office address of the condemnee;
- B. reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- C. a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- D. if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL §503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before July 6, 2011 (which is two (2) calendar years from the title vesting date).

Dated: July 10, 2009, New York, New York.
MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
100 Church Street
New York, New York 10007
Tel. (212) 788-0718

jy20-31

BRONX COUNTY IA PART 6 NOTICE OF MOTION INDEX NUMBER 650/07

In the Matter of Acquiring Fee Title, Permanent and Temporary Easements, and an Access Corridor Where not Heretofore Acquired for the **WILLIS AVENUE BRIDGE REPLACEMENT** in the area generally bounded by Bruckner Boulevard, Brown Place, the Bronx Kill, the Harlem River, and Lincoln Avenue in the Borough of Bronx, City and State of New York.

PLEASE TAKE NOTICE, that, upon the annexed affirmation of MARY SWARTZ and the exhibits annexed thereto, and upon all prior proceedings had herein, the City of New York ("City") will move in IA Part 6 of the Supreme Court of the State of New York, County of the Bronx, in Room 625 of the Courthouse located at 851 Grand Concourse, in the Borough of Bronx, City and State of New York on the 17th day of August, 2009, at 2:00 P.M. or as soon thereafter as counsel may be heard, for an Amended Vesting Order, issued pursuant to Sec. 5-331 of the New York City Administrative Code, superseding the Vesting Order filed March 20, 2007 and granting the City leave to file an Amended Acquisition and Damage Map to be deemed filed as of March 27, 2007, nunc pro tunc, in order to clarify the extent and scope of the permanent easements taken in this proceeding with respect to Bronx Tax block 2260 Lot 62.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR Section 2214(b), any papers submitted in opposition to this motion, and any notice of cross-motion (and any papers in support of a cross-motion) must be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: July 20, 2009, New York, New York
MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
100 Church Street, Rm. 5-203
New York, New York 10007
(212) 788-0715

By: Mary Swartz
Assistant Corporation Counsel

TO: Harlem River Yard Ventures, Inc.
By: Goldstein, Goldstein, Rikon & Gottlieb, P.C.
ATTN: John Houghton, Esq.
80 Pine St. 32 floor, New York, New York 10005

Waste Management of New York, LLC (a/k/a USA Waste Services of NYC, Inc.)
By: Harris Beach PLLC
ATTN: Phillip Spellane, Esq.
99 Garnsey Road, Pittsford, New York 14534

82 Willis LLC
By: Jaspan Schlesinger Hoffman LLP
ATTN: Andrew M. Mahony, Esq.
300 Garden City Plaza, Fifth Floor
Garden City, New York 11530

Cons Rail Co. # Schenberg
P.O. Box 8499, Philadelphia, PA 19101-8499

Properties Hacker, LLC
By: Horing Welikson & Rosen P.C.
ATTN: Richard T. Walsh, Esq.
11 Hillside Avenue, Williston Park, New York 11596

The People of the State of New York acting by and through The New York State Department of Transportation Building 5, State Office Campus 1220 Washington Avenue, Albany, NY 12232

New York City Industrial Development Agency
110 William Street, New York, NY 10038

United States Trust Company of New York, as Trustee
114 West 47th Street, New York, NY 10036

Mary Caiola
5 Hale Place, Tappan, NY 10983

The Bank of New York, as Collateral Agent and Custodian
101 Barclay Street, New York, NY 10286

Attn.: Corporate Trust Department

Bank of America, N.A.
1185 Avenue of the Americas, 16th floor., New York, NY 10036

Clear Channel Outdoor, Inc.
By: Davidoff Malito & Hatcher LLP
ATTN: Patrick J. Kilduff, Esq.
605 Third Avenue, 34th floor, New York, New York 10158

jy23-a5

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

AUCTION

PUBLIC AUCTION SALE NUMBER 10001-C

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, August 5, 2009 (SALE NUMBER 10001-C). This auction is held very 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.

jy22-a5

SALE BY SEALED BID

SALE OF: 1 LOT OF LIGHT DUTY BRAKE TESTERS, USED AND 1 LOT OF HEADLIGHT AIMERS, USED.

S.P.#: 09032 DUE: August 4, 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.

DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves - McCauley (718) 417-2156.

jy22-a4

SALE OF: SANITATION COLLECTION TRUCKS, SWEEPERS AND BODY/TAILEGATES, USED.

S.P.#: 09033 DUE: August 6, 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.

DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007. For sales proposal contact Gladys Genoves-McCauley at (718) 417-2156.

jy24-a6

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 NUMBER 1164

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

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on August 11, 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.

jy29-a11

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."

AGING

AWARDS

Goods & Services

SERVICES FOR SENIOR CITIZENS - Renewal - Jewish Community Council of Greater Coney Island Inc. 3001 West 37th Street, Brooklyn, NY 11224 PIN#: 12510SC5021C - Contract Amount: \$304,189

The Citizens Advice Bureau Inc. 2054 Morris Avenue, Bronx, NY 10453 PIN#: 12510SC5011P - Contract Amount: \$175,179

Jewish Association for Services for the Aged 132 West 31st Street, 10th Floor, New York, NY 10001 PIN#: 12510SC10636 - Contract Amount: \$255,338

DOROT Inc. 171 West 85th Street, New York, NY 10024 PIN#: 12510NORCN36 - Contract Amount: \$75,724

Southside United Housing Development Fund 213 South 4th Street, Brooklyn, NY 11211 PIN#: 12510SC50278 - Contract Amount: \$80,505

jy30

SERVICES FOR SENIOR CITIZENS - Negotiated Acquisition - Available only from a single source - Merrill Park Civic Association Inc. 137-57 Farmers Blvd., Springfield Gardens, NY 11434 PIN#: 12510SCNA402 - Contract Amount: \$605,174

United Block Association Inc. 292 Fifth Avenue, Ste. 305, New York, NY 10001 PIN#: 12510SCNA30K - Contract Amount: \$220,831

Hunts Point Multi Service Center Inc. 754 East 151st Street, Bronx, NY 10455 PIN#: 12509NABP1ZP - Contract Amount: \$221,500

Harlem Interagency Council on Aging 50 West 139th Street, New York, NY 10037 PIN#: 12509NABP3PE - Contract Amount: \$12,000

Queens Jewish Community Council Inc. 119-45 Union Turnpike, Forest Hills, NY 11375 PIN#: 12509NABP4TN - Contract Amount: \$66,000

jy30

SERVICES FOR SENIOR CITIZENS - BP/City Council Discretionary - Hebrew Home for the Aged 5901 Palisade Avenue, Bronx, NY 10471 PIN#: 12509DISC1Z2 - Contract Amount: \$13,500

United Jewish Organization of Williamsburg Inc. 32 Penn Street, Brooklyn, NY 11211 PIN#: 12509DISC2Z8 - Contract Amount: \$10,000

Convent Avenue Baptist Church 420 West 145th Street, New York, NY 10031 PIN#: 12509DISC3PH - Contract Amount: \$31,444

TSQ, Inc. 67-07 Austin Street, Forest Hills, NY 11375 PIN#: 12509DISC4TK - Contract Amount: \$10,000

Greater Harlem Nursing Home Company, Inc. 30 West 138th Street, New York, NY 10037 PIN#: 12509DISC3YC - Contract Amount: \$10,000

jy30

CITY UNIVERSITY

SOLICITATIONS

Human / Client Service

STUDENT HEALTH SERVICES - Competitive Sealed Bids - DUE 08-27-09 AT 3:00 P.M. - The College Association of LaGuardia Community College of The City University of New York is seeking bids from qualified hospitals and other health care providers to deliver affordable, accessible health education and medical and mental health services to the College's students as set forth in greater detail in the Specifications of the Invitation to Bid. The provider awarded the Contract shall provide services at the College's campus-based Student Health Services Center ("SHSC") and Contractor's facilities. Contractor shall provide sufficient licensed and certified personnel to carry out the Services. Contractor shall provide one Family Nurse Practitioner and one Psychiatric Mental Health Nurse Practitioner who will offer care at the SHSC rendered in collaboration with an affiliated board certified physician and/or psychiatrist who specializes in primary care, internal medicine, family practice, and/or mental health services ("Collaborating Physician/Psychiatrist").

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. CUNY, LaGuardia Community College, Room E-405, Long Island City, NY 11101. Tawanikka Smith, Purchasing Agent, (718) 482-5590, tsmith@lagcc.cuny.edu

jy30

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

SOLICITATIONS

Goods

GRAPE JELLY FOR DOC - Competitive Sealed Bids - PIN# 1000032 - DUE 08-04-09 AT 10:00 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 Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007. Anna Wong (718) 669-8610.

jy30

BALLOTS: GENERAL ELECTIONS: NOV. 2010 - NOV. 2014 - Competitive Sealed Bids - PIN# 8570801430 - DUE 08-25-09 AT 10:30 A.M. - STOCK, VARIOUS, FOR MAYOR'S OFFICE PRINT SHOP - Competitive Sealed Bids - PIN# 8570801001 - DUE 08-18-09 AT 10:30 A.M. - BARRICADE, TRAFFIC - Competitive Sealed Bids - PIN# 8570901261 - DUE 08-26-09 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.

jy30

AWARDS

Goods

STOREHOUSE MISCELLANEOUS - Competitive Sealed Bids - PIN# 857900706 - AMT: \$24,522.00 - TO: Janeice Products Company, Inc., 1084 Williston Road, Suite B, Alken, SC 29803.

jy30

EPI PEN ADULT AND PEDIATRIC - DOHMH - Intergovernmental Purchase - PIN# 8571000043 - AMT: \$136,181.40 - TO: Cardinal Health 110 Inc. D/B/A Cardinal Health Pharmac. Distr., 6012 Molloy Road, Syracuse, NY 13211. NYS Contract #PC61087. AUDIO VISUAL EQUIPMENT - DOITT - Intergovernmental Purchase - PIN# 8571000051 - AMT: \$280,000.00 - TO: Washington Computer Services, 140 58th St., Suite 8F, Brooklyn, NY 11220. NYS Contract #PT64308. MCAFEE NETWORK HARDWARE/SOFTWARE - DCAS - Intergovernmental Purchase - PIN# 8571000056 - AMT: \$187,999.58 - TO: Nexus Consortium, 1933 Hwy. 35 #356, Wall, NJ 07719. NYS Contracts #PT59096; PS59097.

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.

jy30

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

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

■ SOLICITATIONS

Goods

CASTLE LEARNING ONLINE SOFTWARE – Competitive Sealed Bids – PIN# Z1188040 – DUE 08-17-09 AT 5:00 P.M. – 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 DPontrelli@schools.nyc.gov with the Bid Number and title in the subject line of your e-mail. Bid Opening: Tuesday, August 18th, 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

jy30

ENVIRONMENTAL PROTECTION

BUREAU OF WATER SUPPLY

■ SOLICITATIONS

Services (Other Than Human Services)

CAT-321: FLOOD PLAN MAPPING FOR THE WEST OF HUDSON WATERSHEDS – Government to Government – PIN# 826010WS00015 – DUE 08-11-09 AT 4:00 P.M. – DEP, Bureau of Water Supply intends to enter into a Government to Government Agreement with the Federal Emergency Management Agency (FEMA), to produce updated flood studies and revised digital Flood Insurance Rate Maps (firms) for communities in the NYC West of Hudson water supply watersheds of Ulster, Delaware, Sullivan, Greene and Schoharie counties. Any suppliers that wish to express their interest in providing such services in the future are invited to submit expressions of interest to: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373. Attention: Ms. Debra Butlien (718) 595-3423, Dbutlien@dep.nyc.gov

jy28-a3

BUREAU OF WASTEWATER TREATMENT

■ SOLICITATIONS

Services (Other Than Human Services)

DRYDOCK REPAIR OF MARINE VESSELS, CITYWIDE – Competitive Sealed Bids – PIN# 8261001246MV – DUE 08-25-09 AT 11:30 A.M. – Project No. 1246-MV. Document Fee: \$80.00. The Project Manager is Demian Sadeghi (212) 860-9559. Vendor ID#: 61964.

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 Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Greg Hall (718) 595-3236, gregh@dep.nyc.gov

jy30

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

ASSORTED CANNED JUICES - UNSWEETENED – Competitive Sealed Bids – PIN# 1-551100005 – DUE 08-13-09 AT 2:00 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. Sea View Hospital, 460 Brielle Avenue, Room 134, Staten Island, NY 10314. Alex Cheng (718) 317-3377, chengal@seaviewsi.nychhc.org

jy30

HEALTH AND MENTAL HYGIENE

AGENCY CHIEF CONTRACTING OFFICER

■ AWARDS

Human/Client Service

MENTAL HEALTH SERVICES – Renewal – PIN# 07PO021601R1X00 – AMT: \$2,610,579.00 – TO: Catholic Charities Neighborhood Services, Inc., 191 Joralemon Street, Brooklyn, NY 11201.

● **MENTAL HEALTH SERVICES** – Required Method (including Preferred Source) – PIN# 10AZ019201ROX00 – AMT: \$1,488,822.00 – TO: Transitional Services for New York, Inc., 10-16 162nd Street, Whitestone, NY 11357.

jy30

HOMELESS SERVICES

■ AWARDS

Human/Client Service

SINGLE ROOM OCCUPANCY – Required/Authorized Source – PIN# 071-09S-003-533 – AMT: \$565,296.00 – TO: Jericho Project Housing Development, 245 W. 29th Street, Suite 902, New York, NY 10001.

● **SINGLE ROOM OCCUPANCY** – Required/Authorized Source – PIN# 071-09S-003-532 – AMT: \$933,486.00 – TO: Jericho Project Housing Development, 245 W. 29th Street, Suite 902, New York, NY 10001.

● **SUPPORTIVE HOUSING FOR SINGLE ADULTS** – Required/Authorized Source – PIN# 071-09S-003-737 – AMT: \$731,568.00 – TO: Common Ground Community IV, HDFC, 505 8th Avenue, 15th Floor, New York, NY 10018.

● **SUPPORTIVE HOUSING FOR SINGLE ADULTS** – Required/Authorized Source – PIN# 071-10S-003-523 – AMT: \$5,603,238.00 – TO: Common Ground Community III, HDFC, Inc., 505 8th Avenue, 15th Floor, New York, NY 10018.

jy30

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.

Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmzmoira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

■ SOLICITATIONS

Goods & Services

LAUNDRY SERVICES – Competitive Sealed Bids – PIN# 2009-01 – DUE 08-17-09 AT 4:00 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. Housing Authority, 90 Church Street, 6th Floor. Cassandra Deas (212) 306-6800, cassandra.deas@nycha.nyc.gov

jy30

Construction / Construction Services

ELEVATOR REHABILITATION FOR TWENTY-SIX (26) ELEVATORS AT BREVORT HOUSES – Competitive Sealed Bids – PIN# EV9011018 – DUE 08-17-09 AT 10:00 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.

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

jy27-31

EXTERIOR COMPACTING REFUSE MANAGEMENT SYSTEM AT PINK HOUSES – Competitive Sealed Bids – PIN# GD9006497 – DUE 08-17-09 AT 10:30 A.M. – ● **REPLACING INTERIOR METAL PAN STAIRS AT SOUTH JAMAICA I AND II** – Competitive Sealed Bids – PIN# GR9007717 – DUE 08-10-09 AT 10:00 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, (212) 306-3121, gloria.guillo@nycha.nyc.gov

jy27-31

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

REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

RENOVATION AND OPERATION OF A HIGH QUALITY CAFE AND OPTIONAL BEACH SHOP – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# R46-SB – DUE 09-24-09 AT 3:00 P.M. – At Midland Beach, FDR Boardwalk, Staten Island.

There will be a recommended on-site proposer meeting and site tour on Thursday, August 20, 2009 at 1:00 P.M. We will be meeting at the proposed concession site, which is located at Midland Beach, Staten Island. You can access Midland Beach by entering Midland Beach parking lot between Hunter Avenue and Jefferson Avenue. We will be meeting in front of the existing structure. If you are considering responding to this RFP, please make every effort to attend this recommended site tour and meeting.

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

jy27-a7

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction Related Services

A&E SERVICES FOR ELEVATOR AND ESCALATOR TESTING – Competitive Sealed Proposals – Testing or experimentation is required - PIN# SCA10-00001R-1 – DUE 08-04-09 AT 2:00 P.M. – Proposals will be accepted from the following firms: LEC Consulting and Inspection Group, Inc.; BOCA Group International; Charles Calderone Associates, Inc.; George D. Cattabiani and Assoc., Inc.; George Murray and Associates, Inc.; Van Deusen Associates; Vertical Systems Analysis, Inc.

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

jy24-30

TRANSPORTATION

DIVISION OF TRAFFIC

■ SOLICITATIONS

Services (Other Than Human Services)

VEHICULAR TRAFFIC CONTROL SYSTEMS – Competitive Sealed Bids – PIN# 84108MBTR287 – DUE 08-20-09 AT 11:00 A.M. – Contract documents available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. For the agreement concerning the maintenance of the vehicular traffic control transsuite IMS/TCS, Systems and Subsystems, and the TMC Video Systems and Subsystems. A pre-bid meeting (optional) will be held on Thursday, August 6, 2009 at 11:00 A.M. at 34-02 Queens Blvd., Long Island City, NY 11101. A deposit of \$50.00 in the form of a certified check or money order only, made payable to New York City Department of Transportation is required to obtain Contract Bid/Proposal Documents. NO CASH ACCEPTED. Refund will be made only for Contract Bid/Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building located on the south side of the Building facing the Vietnam Veterans Memorial. All visitors must go through the building's security screening process. Bidders should allow extra time and ensure that proper government issued photo identification (i.e. Drivers License, Passport, Identification card) is available upon request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information please contact Frank Caiazzo at (718) 786-4061. Vendor Source ID#: 61712.

Department of Transportation, Office of the Agency Chief Contracting Officer, Contract Management Unit, 55 Water Street, Ground Floor, New York, NY 10041. Bid Window (212) 839-9435.

jy30

AGENCY RULES

ENVIRONMENTAL PROTECTION

NOTICE

Notice of Opportunity to Comment on Proposed Amendments to 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 is proposing to promulgate rules governing the Asbestos Control Program within the City of New York.

PLEASE BE ADVISED THAT WRITTEN COMMENTS regarding the proposed rule may be sent on or before August 31, 2009 to the New York City Department of Environmental Protection, Office of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373, Attention: Erin Gray, Esq.

PLEASE BE FURTHER ADVISED THAT ORAL COMMENTS regarding the proposed rule may be delivered at a public hearing to be held on August 31, 2009 at the New York City Department of Environmental Protection, 59-17 Junction Boulevard, 6th Floor, Flushing, NY 11373, from 10:00 A.M. to 12 Noon. Persons who have questions about the hearing should contact Belinda Pantina at (718) 595-6555.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided are asked to contact Belinda Pantina at the phone number shown above on or before 10 business days prior to the hearing.

PLEASE BE FURTHER ADVISED THAT COPIES OF ALL WRITTEN COMMENTS and a summary of the oral comments delivered at the public hearing will be available for inspection within a reasonable time after receipt between the hours of 9:00 A.M. and 5:00 P.M. at the Department of Environmental Protection, Office of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.

The proposed rules were not listed in the Department's fiscal year 2009 Regulatory Agenda

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 Section 24-146.3 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, 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.

The other sections to this Chapter reflect technical changes that conform with the State's Rules and Regulations, 12 NYCRR 56 as they relate to thresholds and abatement jobs.

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] Notifications, Permitting and Recordkeeping
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, B, C, 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 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 NYSDOL 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.

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.

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.

Curtailed doorway. “Curtailed 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).

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.

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, odorless 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 the 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
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 heading 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.

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

§1-28 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 Department of Buildings Construction Document Approval**
- §1-23 Alterations/Renovations/Modifications**
- §1-24 Projects Requiring Department of Buildings Construction Document Amendment**
- §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 Department of Buildings Construction Document Approval. (a) This section shall apply to applications [to applications] for the following projects requiring Department of Buildings construction document approval:

- (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) *Submissions to the Department of Buildings.* 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 to the Department of Buildings prior to construction document approval or, in the case of full demolitions and sites requiring asbestos abatement, prior to the permit issuance:

- (1) **Asbestos Assessment Report.** If the building (or portions thereof) affected by the work are free of asbestos-containing material, an asbestos assessment report (Form ACP-5) completed, signed, and sealed by a DEP-certified asbestos investigator, along with a fee of \$25.00.
- (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 construction document approval.
- (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.
- (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.

§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 reappointment, 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, 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 an 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 Projects Requiring Amendments to Department of Buildings Construction Document. (a) If the amendment to the Department of Buildings construction documents is for work at the same work area(s) covered in the original application, a copy of the document originally submitted pursuant to section 1-22(b)(1-3) shall be submitted together with the amendment to the Department of Buildings.

(b) If the amendment to the Department of Buildings construction documents is for work at (a) work area(s) not covered in the original application for construction document approval, the applicant shall file according to the §1-22 procedures for an original Department of Buildings application.

§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 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 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 a 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 a 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 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 WPSP shall include a tenant protection plan as required by chapter 1 of Title 28 of the Administrative Code.
- (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 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 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 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 WPSP 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 NYS-DOL-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 WPSP, 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.

(i) Beginning October 1, 2009, asbestos projects involving the abatement of 1000 or more linear or square feet of asbestos-containing material on a single floor of a building shall be subject to the asbestos abatement permitting requirements set forth in this section. Beginning January 1, 2010, all asbestos projects regardless of size shall be subject to such asbestos abatement permitting requirements.

§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, friability, 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 NYS-DOL asbestos handler certificate of each such person, the name of the firm performing the survey and a copy of its current NYS-DOL 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 the project record must be made available immediately upon request.

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 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	Pre-Abatement	During 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 Tent and Glovebag Procedures Demolitions 1. See §1-41(d)]		PCM	PCM PCM ¹ PCM]

	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 ^d	5 ^e
4. Interior Foam	10	5 ^d	10 ^e
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 ^d	3 ^e
5. Interior Foam	6	3 ^d	6 ^e
Minor Projects			
1. Glovebag inside Tent	1 ^c	1 ^c	1 ^c
2. Tent	1 ^c	1 ^c	1 ^c
3. Exterior Foam and Vertical Surfaces	—	1 ^d	1 ^e
4. Interior Foam	1 ^c	1 ^d	1 ^e

^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 if more than one (1) tent then one (1) sample required per enclosure.
^d samples shall be taken within the work area(s).
^e 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
- 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.
- (6) For all minor asbestos projects, a minimum of one sample inside the proposed work area (unless excepted under (5)).

(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.
- (9) For minor projects, one continuous area sample shall be taken concurrently with the abatement for each work area.
- (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 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 Liters | 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 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 cleaned 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 1926.1001, 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 1-1[06]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 may be 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 2 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 2" 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) 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.

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

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

[(r)](v) 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)](w) 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 2" 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)](x) Adequate toilet facilities shall be provided in the vicinity of the clean room external to the work place. Where such facilities do not exist, portable service shall be provided.

(y) 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 (1979), 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.

[(l)](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 Illustration[s 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 1-1[06]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 §1-82) 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.

(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.

(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.

(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].

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

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

(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.

(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.

(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.

(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.

(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.

(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.

(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 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 ACM. The ACM 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 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

- (6) affected ACM shall be closed and sealed. 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) Clean-up 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 excluding 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.

(g) The remaining plastic barriers shall be removed from the walls and floors.

(e) (h) 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.

[(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.

§3. 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
1-91 through	1-83	Waste Decontamination Enclosure System
	1-94	Work Place Procedures
1-102 through	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

§4. 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.

§5. 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.

§6. 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.]

§7. 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

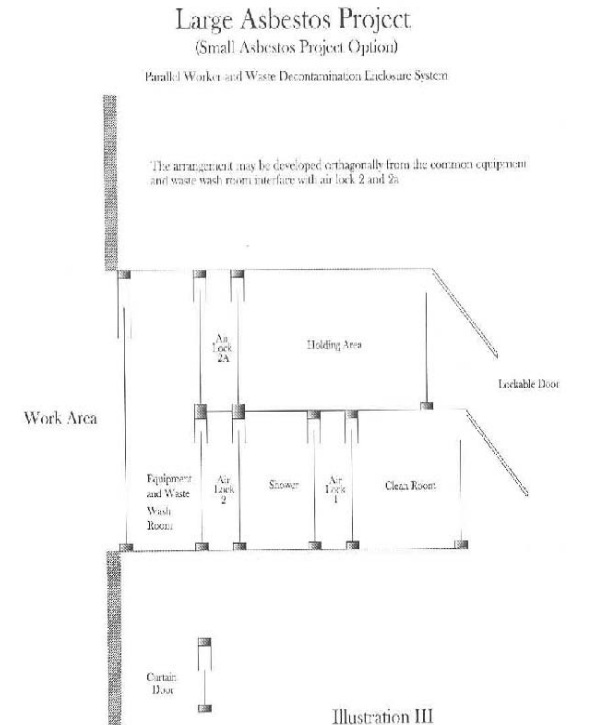
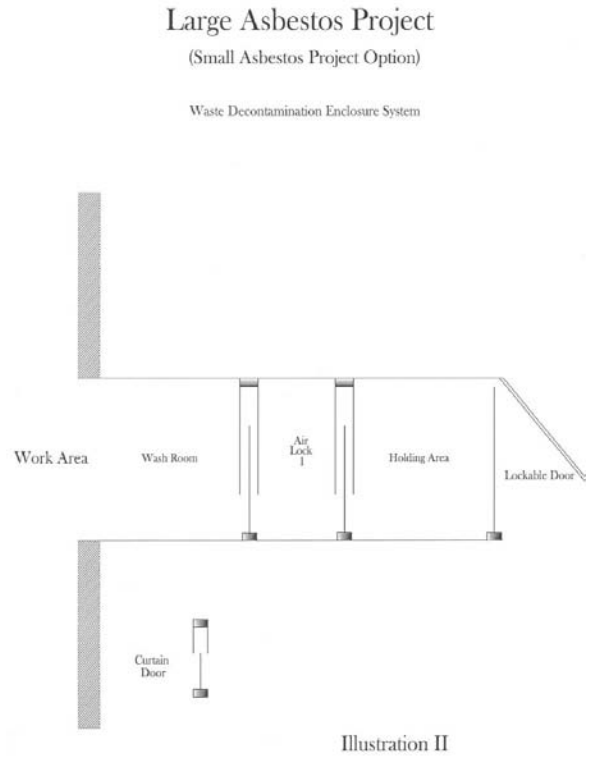
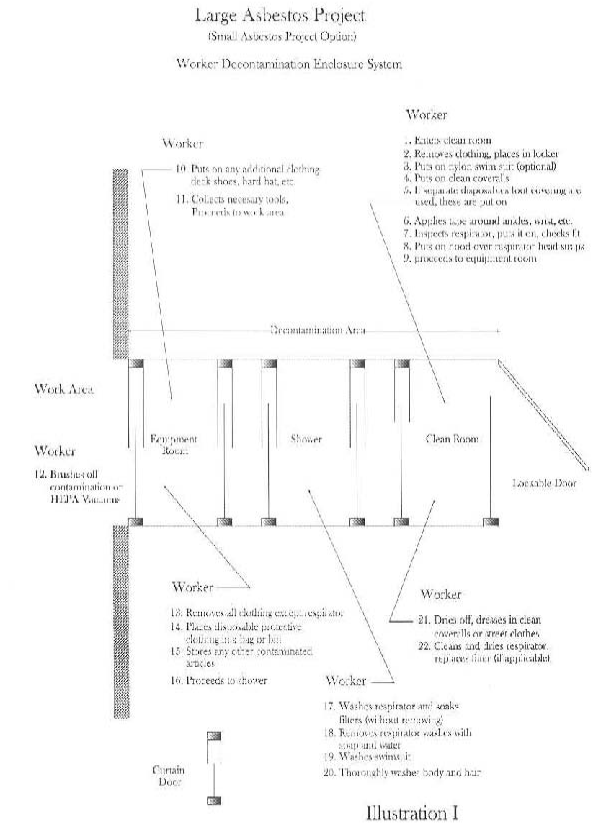
materials have been plasticized for surface barrier containment, the plastic sheeting shall be cleaned as in subdivision (c) above, then sprayed with a[n] lockdown encapsulant and removed when dry.

(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.

§8. 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:



SPECIAL MATERIALS

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 8/05/09, 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	1116	P/O LOT 30

Acquired in the proceeding, entitled: – RICHMOND TERRACE BETWEEN JOHN STREET AND NICHOLAS – AVENUE, 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

jy22-a5

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 8/04/09 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, 1A, 2 AND 3	4226	75,P/O 40 AND P/O 55

1, 1A, 2 AND 3
FIXTURE AND
CONSEQUENTIAL DAMAGE

Acquired in the proceeding, entitled: PASC 2 AND PART OF MARCONI STREET 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

jy15-a4

LABOR RELATIONS

NOTICE

**Local 237, IBT
2008-2010 Special Officers, et al. Agreement**

AGREEMENT entered into this 13th day of July, 2009 by and between the **City of New York** and related public employers pursuant to and limited to their respective elections or statutory requirement to be covered by the New York City Collective Bargaining Law and their respective authorizations to the City to bargain on their behalf and the **New York City Health and Hospitals Corporation** (hereinafter referred to jointly as the "Employer"), and **Local 237, International Brotherhood of Teamsters, AFL-CIO** (hereinafter referred to as the "Union"), for the period from September 13, 2008 to September 25, 2010.

WITNESSETH:

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing,

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION

Section 1.

The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, whether full-time, part-time per annum, hourly or per diem, in the below listed title(s), and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part of the unit herein for which the Union is the exclusive collective bargaining representative and in any positions in Restored Rule X titles of the Classified Service the duties of which are or shall be equated by the City Personnel Director and the Director of the Budget for salary purposes to any of the below listed title(s):

TC#	TITLE
31313	Asbestos Handler
31314	Asbestos Handler Supervisor
80605	Assistant Building Custodian****
91105	Assistant Bridge Operator
12207	Assistant Stock Handler**
41122	Associate Parking Control Specialist, Level I and II
35143	Associate Taxi and Limousine Inspector, Levels I and II
34620	Associate Water Use Inspector, Level I, II, III
31815	Blasting Inspector
91110	Bridge Operator
91135	Bridge Operator in Charge
80610	Building Custodian****
80609	Custodian, Level I, II, III, IV
71022	Evidence and Property Control Specialist Level I and II
70830	Hospital Security Officer
81901	Hostler
80601	Junior Building Custodian****
03977	Maintenance and Control Planner
03978	Maintenance Planning and Control Supervisor
41120	Parking Control Specialist
33415	Pipe Laying Inspector
00017	Preventive Maintenance Inspector
05186	Principal Special Officer (HRA)***
12225	Principal Storekeeper**
34660	Principal Water Use Inspector

Refrigeration Service Helper	\$29,474	\$33,306	\$38,764
Refrigeration Service Mechanic	\$34,794	\$39,317	\$46,334
School Guard	\$31,259	\$35,323	Flat Rate
(School Safety Agent)	\$14.98	\$16.93	per hour
Senior Blasting Inspector	\$41,931	\$47,382	\$58,734
Senior Pipe Laying Inspector	\$41,931	\$47,382	\$58,734
Senior Special Officer	\$41,675	\$47,093	Flat Rate
Senior Storekeeper *	\$39,360	\$44,477	\$60,381
Senior Taxi & Limousine Inspector	\$40,813	\$46,119	\$55,469
Sr. Taxi & Limousine Inspector (M.V.) *	\$40,813	\$46,119	\$55,469
Senior Transportation Inspector	\$37,885	\$42,810	\$52,830
Senior Water Use Inspector *	\$38,695	\$43,725	\$55,235

Special Officer			
Hiring Rate #	\$30,260	\$34,194	
After 1 Year #		\$35,575	
After 2 Years #		\$36,764	
After 3 Years #		\$42,332	
Stock Handler *	\$31,112	\$35,157	\$46,519

Stock Worker			
Level I	\$28,206	\$31,873	\$42,517
Level II	\$31,112	\$35,157	\$46,519
Storekeeper *	\$33,539	\$37,899	\$51,802
Supervising Blasting Inspector #####	\$46,658	\$52,724	\$64,580
Suprv. Refrigeration Service Tech.	\$38,194	\$43,159	\$55,697
Supervising Special Officer	\$47,896	\$54,123	Flat Rate
Sprvsg Taxi & Limousine Inspector	\$45,307	\$51,197	\$62,554
Sprvsg Taxi & Limousine Insp. (MV)*	\$45,307	\$51,197	\$62,554
Supervising Water Use Inspector *	\$38,695	\$43,725	\$55,235
Supervisor (Traffic Device Maint.)*	\$47,961	\$54,196	Flat Rate
Supervisor Of Bridge Operations	\$49,491	\$55,925	\$58,224
Supervisor Of Stock Workers			
Level I	\$33,539	\$37,899	\$51,802
Level II	\$39,360	\$44,477	\$60,381
Level III	\$47,484	\$53,657	\$73,260

Supervisor Of Traffic Device Maintainers			
Minimum ###	\$49,056	\$55,433	
After 1 Year ###		\$56,298	
(4 Increments) After 2 Years ###		\$57,165	
After 3 Years ###		\$58,807	
After 4 Years ###		\$62,088	
Taxi & Limousine Inspector	\$34,695	\$39,205	\$48,928
Taxi & Limousine Inspector (M.V.) *	\$34,695	\$39,205	\$48,928
Transportation Inspector	\$33,523	\$37,881	\$46,907
Water Meter Reader *	\$28,516	\$32,223	Flat Rate
Water Use Inspector	\$39,445	\$44,573	\$54,788
Water Use Inspector Trainee ##	\$28,516	\$32,223	\$35,315

d. Effective October 10, 2009 (second year rate)

i. Minimum			
TITLE	(1)Hiring Rate ***	(2)Incumbent Rate	ii. Maximum Rate
Asbestos Handler	\$65,667	\$72,234	Flat Rate
Asbestos Handler Supervisor	\$68,953	\$75,848	Flat rate
Assistant Bridge Operator @	\$32,150	\$35,365	\$42,271
Assistant Stock Handler *	\$28,975	\$31,873	\$42,517
Associate Parking Control Specialist			
Level I	\$46,031	\$50,634	\$55,697
Level II	\$52,166	\$57,383	\$65,824
Associate Taxi & Limousine Inspector			
Level I	\$41,926	\$46,119	\$55,469
Level II	\$46,543	\$51,197	\$62,554
Associate Water Use Inspector			
Level I	\$46,206	\$50,827	\$63,595
Level II	\$53,173	\$58,490	\$66,155
Level III	\$60,141	\$66,155	\$73,816
Blasting Inspector	\$38,918	\$42,810	\$52,830
Bridge Operator			
Level I	\$32,150	\$35,365	\$42,271
Level II	\$36,336	\$39,970	\$49,173
Bridge Operator-In-Charge	\$41,564	\$45,720	\$51,475
Custodian			
Level I	\$29,701	\$32,671	\$40,735
Level II	\$31,505	\$34,655	\$49,069
Level III	\$39,678	\$43,646	\$58,336
Level IV	\$48,027	\$52,830	\$70,107
Evidence & Property Control Specialist			
Level I	\$44,473	\$48,920	\$61,967
Level II	\$51,145	\$56,260	\$69,307
Hospital Security Officer	\$49,052	\$53,957	Flat Rate
Hostler	\$31,144	\$34,258	\$41,802
Maint. Planning & Control Supervisor	\$47,658	\$52,424	\$61,706
Maintenance & Control Planner	\$40,686	\$44,755	\$54,113
Parking Control Specialist	\$36,056	\$39,662	\$47,259
Parking Control Specialist Trainee ####, @	See footnote	\$33,093	Flat Rate
After one year		\$35,550	
Pipe Laying Inspector	\$38,918	\$42,810	\$52,830
Preventive Maintenance Inspector	\$38,613	\$42,474	\$52,659
Principal Special Officer (DSS) **	\$56,633	\$62,296	\$66,767
Principal Storekeeper *	\$48,779	\$53,657	\$73,260
Refrigeration Service Helper	\$30,278	\$33,306	\$38,764
Refrigeration Service Mechanic	\$35,743	\$39,317	\$46,334
School Guard	\$32,112	\$35,323	Flat Rate
(School Safety Agent)	\$15.39	\$16.93	per hour
Senior Blasting Inspector	\$43,075	\$47,382	\$58,734
Senior Pipe Laying Inspector	\$43,075	\$47,382	\$58,734
Senior Special Officer	\$42,812	\$47,093	Flat Rate
Senior Storekeeper *	\$40,434	\$44,477	\$60,381
Senior Taxi & Limousine Inspector	\$41,926	\$46,119	\$55,469
Sr. Taxi & Limousine Inspector (M.V.) *	\$41,926	\$46,119	\$55,469
Senior Transportation Inspector	\$38,918	\$42,810	\$52,830
Senior Water Use Inspector *	\$39,750	\$43,725	\$55,235
Special Officer			
Hiring Rate #	\$31,085	\$34,194	
After 1 Year #	\$32,341	\$35,575	
After 2 Years #		\$36,764	
After 3 Years #		\$42,332	
Stock Handler *	\$31,961	\$35,157	\$46,519
Stock Worker			
Level I	\$28,975	\$31,873	\$42,517
Level II	\$31,961	\$35,157	\$46,519
Storekeeper *	\$34,454	\$37,899	\$51,802
Supervising Blasting Inspector #####	\$47,931	\$52,724	\$64,580
Suprv. Refrigeration Service Tech.	\$39,235	\$43,159	\$55,697
Supervising Special Officer	\$49,203	\$54,123	Flat Rate
Sprvsg Taxi & Limousine Inspector	\$46,543	\$51,197	\$62,554
Sprvsg Taxi & Limousine Insp. (MV)*	\$46,543	\$51,197	\$62,554
Supervising Water Use Inspector *	\$39,750	\$43,725	\$55,235
Supervisor (Traffic Device Maint.)*	\$49,269	\$54,196	Flat Rate
Supervisor Of Bridge Operations	\$50,841	\$55,925	\$58,224
Supervisor Of Stock Workers			
Level I	\$34,454	\$37,899	\$51,802
Level II	\$40,434	\$44,477	\$60,381
Level III	\$48,779	\$53,657	\$73,260

Supervisor Of Traffic Device Maintainers			
Minimum ###	\$50,394	\$55,433	
After 1 Year ###	\$51,180	\$56,298	
(4 Increments) After 2 Years ###		\$57,165	
After 3 Years ###		\$58,807	
After 4 Years ###		\$62,088	
Taxi & Limousine Inspector	\$35,641	\$39,205	\$48,928
Taxi & Limousine Inspector (M.V.) *	\$35,641	\$39,205	\$48,928
Transportation Inspector	\$34,437	\$37,881	\$46,907
Water Meter Reader *	\$29,294	\$32,223	Flat Rate
Water Use Inspector	\$40,521	\$44,573	\$54,788
Water Use Inspector Trainee ##	\$29,294	\$32,223	\$35,315

NOTE:

- * For Present Incumbents Only.
- ** Excluding specific positions not in the bargaining unit.
- *** See Article III, Section 4, "New Hires"
- # Individuals shall advance yearly step on the January or July following the attainment of the required time.
- ## Upon completion of 1 year of satisfactory service the incumbent shall receive the rate shown herein as the maximum.
- ### Commencing each 9/1, any incumbent below the maximum salary rate with 1 year of continuous service in the title shall advance to the next higher salary rate.
- #### footnote(***) is not applicable
- ##### Each appointment to this position above the October 23, 2006 hiring rates will be handled on a case by case basis.
- @ To be deleted

Section 3. General Wage Increases and Lump Sum Payment

- a. The general increase, effective as indicated, shall be:
 - i. Effective October 10, 2008, Employees shall receive a general increase of 4.00%.
 - ii. Effective October 10, 2009, Employees shall receive a general increase of 4.00%.
 - iii. Part-time per annum, per session, hourly paid and part time per diem Employees (including seasonal appointees) and Employees whose normal work year is less than a full calendar year shall receive the increases provided in Sections 3 a. i. and 3 a. ii. on the basis of computations heretofore utilized by the parties for all such Employees.
 - b. The increases provided for in Section 3 a. i. and 3 a. ii. above shall be calculated as follows:
 - i. The general increase in Section 3 a.i. shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on October 9, 2008.
 - ii. The general increase in Section 3 a.ii. shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on October 10, 2009.
 - c. i. The general increases provided for in this Section 3 a. i. and 3 a. ii. shall be applied to the base rates, and the minimum hiring rates, minimum incumbent rates and maximum rates (including levels), if any, fixed for the applicable titles. increases provided for in this Section 3 a. i. and 3 a. ii. shall not be applied to the following additions to gross: uniform allowances, assignment differentials, advancement increases and assignment (level) increases.
- Section 4. New Hires
- a. The following provisions shall apply to Employees newly hired on or after September 13, 2008:
 - i. During the first year of service, the "appointment rate" for a newly hired employee shall be thirteen percent (13%) less than the applicable "incumbent minimum" for said title that is in effect on the date of such appointment.
 - ii. Upon completion of one (1) year of service, such employees shall be paid ten percent (10%) less than the indicated "incumbent minimum" for the applicable title that is in effect on the one (1) year anniversary of their original date of appointment.
 - iii. Upon completion of two (2) years of service, such employees shall be paid the indicated "incumbent minimum" for the applicable title that is in effect on the two (2) year anniversary of their original date of appointment.
 - b. For the purposes of Sections 4(a) and 4(c), employees 1) who were in active pay status before September 13, 2008, and 2) who are affected by the following personnel actions after said date shall not be treated as "newly hired" employees and shall be entitled to receive the indicated minimum "incumbent rate" set forth in subsections 2(a)(i)(2), 2(b)(i)(2), 2(c)(i)(2) and 2(d)(i)(2) of this Article III:
 - i. Employees who return to active status from an approved leave of absence.
 - ii. Employees in active status (whether full or part time) appointed to permanent status from a civil service list, or to a new

title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.

- iii. Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
 - iv. Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
 - v. Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.
 - vi. Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
 - vii. A provisional employee who is appointed directly from one provisional appointment to another.
 - viii. For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 4. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article VI of this Agreement.
 - i. For a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee's length of service. Section 2 of this Article III reflects the correct amounts and has been adjusted in accordance with the provisions of Section 3 of this Article III.
 - ii. Employees who change titles or levels before attaining two years of service, will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.
 - d. The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles from the provisions of subsection 4 (a).
- Section 5.
- Each general increase provided herein, effective as of each indicated date, shall be applied to the rate in effect on the date as specified in Section 3 of this Article. In the case of a promotion or other advancement to the indicated title on the effective date of the general increase specified in Section 3 of this Article, such general increase shall not be applied, but the general increase, if any, provided to be effective as of such date for the title formerly occupied shall be applied.
- Section 6.
- In the case of an Employee on leave of absence without pay the salary rate of such Employee shall be changed to reflect the salary adjustments specified in Article III.
- Section 7.
- A person permanently employed by the Employer who is appointed or promoted on a permanent, provisional, or temporary basis in accordance with the Personnel Rules and Regulations of the City of New York or such other Rules or Regulations as are applicable to the public employer, without a break in service to any of the following title(s) from another title in the direct line of promotion or from another title in the Career and Salary Plan, the minimum rate of which is exceeded by at least 8 percent by the minimum rate of the title to which appointed or promoted, shall receive upon the date of such appointment or promotion either the minimum basic salary for the title to which such appointment or promotion is made, or the salary received or receivable in the lower title plus the specified advancement increase, whichever is greater:
- | ADVANCEMENT INCREASE | | |
|---|--------------|---------|
| TITLE | | 9/13/08 |
| ASSISTANT BUILDING CUSTODIAN ** | | \$655 |
| ASSOCIATE TAXI & LIMOUSINE | | |
| INSPECTOR LEVEL I | | \$846 |
| BRIDGE OPERATOR ** | | \$846 |
| BRIDGE OPERATOR-IN-CHARGE | | \$883 |
| BUILDING CUSTODIAN ** | | \$731 |
| CUSTODIAN LEVEL I | | \$576 |
| JUNIOR BUILDING CUSTODIAN ** | | \$576 |
| MAINTENANCE PLANNER & CONTROL SUPERVISOR | | \$922 |
| PRINCIPAL STOREKEEPER * | | \$1,185 |
| PRINCIPAL WATER USE INSPECTOR | | \$1,076 |
| REFRIGERATION SERVICE MECHANIC | Min Of Grade | |
| SENIOR BLASTING INSPECTOR | | \$922 |
| SENIOR BUILDING CUSTODIAN ** | | \$846 |
| SENIOR PIPE LAYING INSPECTOR | | \$961 |
| SENIOR STOREKEEPER * | | \$971 |
| SENIOR TAXI & LIMOUSINE INSPECTOR * | | \$846 |
| SENIOR TAXI & LIMOUSINE INSPECTOR (MV) * | | \$846 |
| SENIOR TRANSPORTATION INSPECTOR | | \$883 |
| SENIOR WATER USE INSPECTOR | | \$846 |
| STOCK HANDLER * | | \$693 |
| STOCK WORKER | | \$693 |
| STOREKEEPER * | | \$848 |
| SUPERVISING BLASTING INSPECTOR | | \$1,076 |
| SUPERVISING TAXI & LIMOUSINE INSPECTOR * | Min Of Grade | |
| SUPERVISING TAXI & LIMOUSINE INSPECTOR (MV) * | Min Of Grade | |
| SUPERVISING WATER USE INSPECTOR | | \$961 |

SUPERVISOR OF BRIDGE OPERATIONS	\$922
SUPERVISOR OF BUILDING CUSTODIANS **	\$961
SUPERVISOR OF STOCK WORKERS LEVEL I	\$848

Section 8. Level Increases

An Employee, when assigned to a higher level within a class of positions listed in this subsection, shall receive for the period of such higher level assignment either the minimum basic salary of the assigned level or the rate received in the former assignment level plus the level increase specified below, whichever is greater. Assignments to a higher level shall not be considered a promotion.

TITLE	9/13/08
ASSOCIATE TAXI & LIMOUSINE INSPECTOR LEVEL II	Min Of Grade
BRIDGE OPERATOR LEVEL II CUSTODIAN	\$846
LEVEL II	\$655
LEVEL III	\$846
LEVEL IV	\$961
STOCK WORKER LEVEL II	\$693
SUPERVISOR OF STOCK WORKERS LEVEL II	\$971
SUPERVISOR OF STOCK WORKERS LEVEL III	\$1,185

Section 9. Assignment Differential

The payment of the following assignment differentials shall continue only during the period of such assignment. The payment of any such differentials and any specified assignments on which they may be based shall not be construed as an advancement to any higher title and any such assignment is revocable at any time. In the event that an affected employee is removed from an assignment the assignment differential shall be discontinued.

- a. Water Use Inspector, Senior Water Use Inspector and Associate Water Use Inspector Level I assigned on a continuing basis to the meter testing shall continue to receive an assignment differential in the following pro-rated annual amounts.

Effective 9/13/08
\$560

- b. The following differentials shall be continued for Senior Building Custodian and Custodian Level III assigned to responsibility for building space in the amounts of floor space or to a special assignment as indicated in the following schedule:

(1) Square Foot of Building Floor Space	9/13/08
100,000 to 200,000	\$554
200,000 to 250,000	\$916
250,000 to 300,000	\$1,327
300,000 to 400,000	\$1,695
400,000 to 600,000	\$2,076
600,000 to 800,000	\$2,458
800,000 to 1,000,000	\$2,838

(2) Special Assignment	Effective 9/13/08
i. Assigned as custodial instructor	\$1,202
ii. Assigned as supervisor of custodial Services at City Hall & Municipal Building	\$3,062
iii. Assigned as borough inspector in the Borough of Manhattan and in the Borough of Brooklyn, in the Human Resources Administration (DSS) and Department of Health	\$2,910

- c. The following differentials shall be continued for the Supervisor of Building Custodians Level IV assigned to each of the following:

	Effective 9/13/08
i. Department of Environmental Protection	\$3,456
ii. Department of Health	\$3,456
iii. Human Resources Administration (DSS)	\$3,456
iv. Police Department	\$3,456
v. Department of Citywide Administrative Services	\$3,456

- d. An assignment differential in the pro-rated amount indicated below, shall continue to be paid to Hospital Security Officer who is responsible for the security of a hospital center or large hospital or Corporation headquarters as specified:

Assignment	Effective 9/13/08
i. Jacobi, Bellevue, Kings County, Queens General, Metropolitan, Harlem, Lincoln & Corporation Headquarters	\$1,285
ii. Elmhurst, Coney Island, North Central Bronx & Woodhull	\$641

- e. Full-time Employees in the titles of Assistant Building Custodian, Custodian L. II, Junior Building Custodian, Custodian L.I, Building Custodian, Custodian Level II, Senior Building Custodian Custodian Level III and Custodian Level IV, assigned on a regular basis to perform the duties and responsibilities of Fire Safety Director shall be paid the following assignment differentials in the pro-rated annual amounts set forth below:

	Effective 9/13/08
Up to 149,000 square feet of building space	\$668
149,000 to 400,000 square feet of building space	\$1,335
Over 400,000 square feet of building space	\$2,004
Swing Fire Safety Director	\$668

- f. Full-time Employees in the titles of Associate Taxi & Limousine Inspector, Level I, II, Senior Taxi & Limousine Inspector, Supervising Taxi & Limousine Inspector and Taxi and Limousine Inspector assigned to the Taxi & Limousine Commission's Seizure program performing tow-truck operations shall, be paid the following assignment differentials in the pro-rated annual amount set forth below.

	Effective 9/13/08
Associate Tax & Limousine Insp. Level I, II	\$3,340
Senior Taxi & Limousine Inspector	\$3,340
Supervising Taxi & Limousine Inspector	\$3,340
Taxi & Limousine Inspector	\$3,340

- g. An assignment differential shall be paid in the following amounts specified below for performance of the specified duties in the title of School Guard (School Safety Agent):

	9/11/08	9/12/08	9/13/08
School Guard (School Safety Agent)			
- assigned as "Group Leader"	\$2,862(annual)	\$4,714 (annual)	\$4,714 (annual)
	\$1.38(per hour)	\$2.26 (per hour)	\$2.26 (per hour)
- assigned as "Mobile Task Force Members"	\$1,433(annual)	\$1,433(annual)	\$1,433(annual)
	\$.69(per hour)	\$.69(per hour)	\$.69(per hour)
- participating in the school metal detector screening program	\$421(annual)	\$421(annual)	\$421(annual)
	\$0.21(per hour)	\$0.21(per hour)	\$0.21(per hour)

- h. An assignment differential shall be paid to employees in the title of Stock Worker, Level I and II when assigned in the Department of Finance; in addition to their other duties, without direct supervision; to distribute, load, unload place, reconfigure and relocate office components, modular furniture, Herman Miller workstations, office equipment and furniture, using racks, hand trucks and other aids as necessary for heavy items and to drive departmental vehicles on a temporary basis to perform the above-mentioned duties.

9/13/08
\$2,273

- i. An assignment differential shall be paid to employees in the title of Supervisor of Traffic Device Maintainer.

9/12/08
\$1,500 per annum

Section 10 - Uniform and/or Clothing Allowance

The following pro-rated annual amount shall continue to be paid to Employees in the below indicated titles who are required to wear uniforms and to those Employees who are entitled to a clothing allowance:

TITLE	9/13/08
ASSISTANT BRIDGE OPERATOR **	\$367
ASSOCIATE PARKING CONTROL SPECIALIST	\$642
ASSOCIATE TAXI & LIMOUSINE INSPECTOR LEVEL I, II	\$680
BRIDGE OPERATOR LEVEL I, II	\$367
BRIDGE OPERATOR-IN-CHARGE	\$367
HOSPITAL SECURITY OFFICER	\$202
HOSTLER	\$301
PARKING CONTROL SPECIALIST	\$642
PRINCIPAL SPECIAL OFFICER (DSS)	\$668
SCHOOL GUARD (School Safety Officer)	\$668
SENIOR BLASTING INSPECTOR	\$335
SENIOR SPECIAL OFFICER	\$668
SENIOR TAXI & LIMOUSINE INSPECTOR *	\$680
SENIOR TAXI & LIMOUSINE INSPECTOR (MV) *	\$680
SPECIAL OFFICER	\$668
SUPERVISING BLASTING INSPECTOR	\$335
SUPERVISING SPECIAL OFFICER	\$668
SUPERVISING TAXI & LIMOUSINE INSPECTOR *	\$680
SUPERVISING TAXI & LIMOUSINE INSPECTOR (MV) *	\$680
SUPERVISOR OF BRIDGE OPERATIONS	\$367
TAXI & LIMOUSINE INSPECTOR	\$680
TAXI & LIMOUSINE INSPECTOR (MV) *	\$680

Section 11. Longevity Increment

- a. Employees with 15 years or more of "City" service in pay status who are not already eligible for a longevity differential or service increment established by the Salary Review or Equity Panel shall receive a longevity increment of \$500 per annum.

- b. The rules for eligibility for the longevity increment described above in subsection a, shall be set forth in Appendix A of this Agreement and are incorporated by reference herein. Additional rules for eligibility for the longevity increment described above in subsection a may be established.

Section 12. Annuity Fund

- a. The Employer shall contribute to an existing annuity on behalf of covered full-time per annum and full-time per diem employees, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each paid working day which amount shall not exceed \$1.189.51 for each Employee in full pay status in the prescribed twelve (12) month period subject to the terms of a signed supplemental agreement approved by the Corporation Counsel. For covered Employees who work less than the number of hours for their full-time equivalent title, the Employer shall pay into the fund, on a twenty-eight (28) day cycle basis, a pro-rated daily contribution calculated against the number of hours associated with their full time equivalent title, which amount shall not exceed \$1,189.51 per annum for each Employee in full pay status in the prescribed twelve (12) month period.

- b. For Employees who work a compressed work week, the Employer shall pay into the fund, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each set of paid working hours which equate to the daily number of hours that title is regularly scheduled to work, which amount shall not exceed \$1,189.51 per annum for each Employee in full-pay status in the prescribed twelve (12) month period.

- c. i. For the purpose of Section 12 (c), excluded from paid working days are all scheduled days off, all days in non-pay status, and all paid overtime.

- ii. "All days in non-pay status" as used in this Section 12(c) shall be defined as including, but not limited to, the following:

- (a) time on preferred or recall lists;
- (b) time on the following approved unpaid leaves:
 - (i) maternity/childcare leave;
 - (ii) military leave;
 - (iii) unpaid time while on jury duty;
 - (iv) unpaid leave for union business pursuant to Executive Order 75;
 - (v) unpaid leave pending workers' compensation determination;
 - (vi) unpaid leave while on workers' compensation option 2;
 - (vii) approved unpaid time off due to illness or exhaustion of paid sick leave;
 - (viii) approved unpaid time off due to family illness; and
 - (ix) other pre-approved leaves without pay;

- (c) time while on absence without leave;
- (d) time while on unapproved leave without pay; or
- (e) time while on unpaid suspensions.

d. DEFINITIONS:

scheduled days off shall mean: An Employee's regular days off ("RDO's"). For example, Saturday and Sunday would be the scheduled days off for a full-time per annum Employee working a Monday through Friday schedule.

ARTICLE IV - WELFARE FUND

Section 1.

- a. In accordance with the election by the Union pursuant to the provisions of Article XIII of the 1995 - 2001 Citywide Agreement as amended between the City of New York and related public employers, or its successor Agreement(s), the Welfare Fund provisions of that Citywide Agreement as amended or any successor(s) thereto shall apply to Employees covered by this Agreement.

- b. When an election is made by the Union pursuant to the provisions of Article XIII, Section 1(b), of the 1995-2001 Citywide Agreement as amended between the City of New York and related public employers or any successor(s) thereto, the provisions of Article XIII, Section 1(b) of the Citywide Agreement as amended or any successor(s) thereto, shall apply to Employees covered by this Agreement, and when such election is made, the Union hereby waives its right to training, education and/or legal services contributions provided in this Agreement. In no case shall the single contribution provided in Article XIII, Section 1(b) of the Citywide Agreement as amended or any successor(s) thereto, exceed the total amount that the Union would have been entitled to receive if the separate contributions had continued.

Section 2.

The unions agree to provide welfare fund benefits to domestic partners of covered Employees in the same manner as those benefits are provided to spouses of married covered Employees.

Section 3.

In accordance with the Health Benefits Agreement dated January 11, 2001, each welfare fund shall provide welfare fund benefits equal to the benefits provided on behalf of an active Employee to widow(er)s, domestic partners and/or children of any Employee who dies in the line of duty as that term is referenced in Section 12-126(b)(2) of the New York City Administrative Code. The cost of providing this benefit shall be funded by the Stabilization Fund.

ARTICLE V - PRODUCTIVITY AND PERFORMANCE

Introduction

Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the Employer and the Union. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities. To achieve and maintain a high level of effectiveness, the parties hereby agree to the following terms:

Section 1. - Performance Levels

- a.** The Union recognizes the Employer's right under the New York City Collective Bargaining Law to establish and/or revise performance standards or norms notwithstanding the existence of prior performance levels, norms or standards. Such standards, developed by usual work measurement procedures, may be used to determine acceptable performance levels, to prepare work schedules and to measure the performance of each Employee or group of Employees. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on Employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of performance standards or norms hereunder.
- b.** Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with applicable law.

Section 2. - Supervisory Responsibility

- a.** The Union recognizes the Employer's right under the New York City Collective Bargaining Law to establish and/or revise standards for supervisory responsibility in achieving and maintaining performance levels of supervised Employees for Employees in supervisory positions listed in Article I, Section 1, of this Agreement. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of standards for supervisory responsibility hereunder.
- b.** Employees who fail to meet such standards may be subject to disciplinary measures in accordance with applicable law.

Section 3. Performance Compensation

The Union acknowledges the Employer's right to pay additional compensation for outstanding performance. The Employer agrees to notify the Union of its intent to pay such additional compensation.

ARTICLE VI - GRIEVANCE PROCEDURE**Section 1. - Definition:**

The term "Grievance" shall mean:

- a.** A dispute concerning the application or interpretation of the terms of this Agreement;
- b.** A claimed violation, misinterpretation or misapplication of the rules or regulations, written policy or orders of the Employer applicable to the agency which employs the grievant affecting terms and conditions of employment; provided, disputes involving the Personnel Rules and Regulations of the City of New York or the Rules and Regulations of the Health and Hospitals Corporation with respect to those matters set forth in the first paragraph of Section 7390.1 of the Unconsolidated Laws shall not be subject to the grievance procedure or arbitration;
- c.** A claimed assignment of Employees to duties substantially different from those stated in their job specifications;
- d.** A claimed improper holding of an open-competitive rather than a promotional examination;
- e.** A claimed wrongful disciplinary action taken against a permanent Employee covered by Section 75(1) of the Civil Service Law or a permanent employee covered by the Rules and Regulations of the Health and Hospitals Corporation upon whom the agency head has served written charges of incompetence or misconduct while the Employee is serving in the Employee's permanent title or which affects the Employee's permanent status.
- f.** A claimed wrongful disciplinary action taken against a provisional Employee who has served for two years in the same or similar title or related occupational group in the same agency.

Section 2.

The Grievance Procedure, except for grievances as defined in Sections 1(d) and 1(e) of this Article, shall be as follows:

Employees may at any time informally discuss with their supervisors a matter which may become a grievance. If the results of such a discussion are unsatisfactory, the Employees may present the grievance at **Step I**.

All grievances must be presented in writing at all steps in the grievance procedure. For all grievances as defined in Section 1(c), no monetary award shall in any event cover any period prior to the date of the filing of the **Step I** grievance.

Step I The Employee and/or the Union shall present the grievance in the form of a memorandum to the person designated for such purpose by the agency head no later than 120 days after the date on which the grievance arose except that grievances alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be presented no later than 120 days after the first date on which the grievant discovered the payroll error. The Employee may also request an appointment to discuss the grievance. The person designated by the Employer to hear the grievance shall take any steps necessary to a proper disposition of the grievance and shall issue a determination in writing by the end of the third work day following the date of submission.

NOTE: *The following **STEP I(a)** shall be applicable only in the Health and Hospitals Corporation in the case of grievances arising under Section 1(a) through 1(c) of this Article and shall be applied prior to **Step II** of this Section:*

STEP I(a) An appeal from an unsatisfactory determination at **Step I** shall be presented in writing to the person designated by the agency head for such purpose. The appeal must be made within five (5) work days of the receipt of the **Step I** determination. The person designated to receive the appeal at this Step shall meet with the Employee and/or the Union for review of the grievance and shall issue a determination to the Employee and/or the Union by the end of the fifth work day following the day on which the appeal was filed.

STEP II An appeal from an unsatisfactory determination at **STEP I** or **STEP I(a)**, where applicable, shall be presented in writing to the agency head or the agency head's designated representative who shall not be the same person designated in **STEP I**. The appeal must be made within five (5) work days of the receipt of the **STEP I** or **STEP I(a)** determination. The agency head or designated representative, if any, shall meet with the Employee and/or the Union for review of the grievance and shall issue a determination in writing by the end of the tenth work day following the date on which the appeal was filed.

STEP III An appeal from an unsatisfactory determination at **STEP II** shall be presented by the Employee and/or the Union to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the **STEP II** determination. The grievant or the Union should submit copies of the **STEP I** and **STEP II** grievance filings and any agency responses thereto. Copies of such appeal shall be sent to the agency head. The Commissioner of Labor Relations or the Commissioner's designee shall review all appeals from **STEP II** determinations and shall issue a determination on such appeals within fifteen (15) work days following the date on which the appeal was filed.

STEP IV An appeal from an unsatisfactory determination at **STEP III** may be brought solely by the Union to the Office of Collective Bargaining for impartial arbitration within fifteen (15) work days of receipt of the **STEP III** determination. In addition, the Employer shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a "grievance". The Employer shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The arbitration shall be conducted in accordance with Title 61 of the Rules of the City Of New York. The costs and fees of such arbitration shall be borne equally by the Union and the Employer.

The assigned arbitrator shall hold a hearing at a time and place convenient to the parties and shall issue an award within 30 days after the completion of the hearing.

The arbitrator's decision, order or award (if any) shall be limited to the application and interpretation of the Agreement, and the arbitrator shall not add to, subtract from or modify the Agreement or any rule, regulation, written policy or order mentioned in Section 1 of this Article. The arbitrator's award shall be final and binding and enforceable in any appropriate tribunal in accordance with Article 75 of the Civil Practice Law and Rules. The arbitrator may provide for and direct such relief as the arbitrator deems necessary and proper, subject to the limitations set forth above and any applicable limitations of law.

Section 3.

As a condition to the right of the Union to invoke impartial arbitration set forth in this Article, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the Employee or Employees and the Union shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of the Employee and the Union to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

Section 4.

a. Any grievance under Section 1 (d) relating to a claimed improper holding of an open-competitive rather than a promotional examination shall be presented in writing by the employee or the Union representative to the Commissioner of Labor Relations not later than thirty (30) days after the notice of the intention to conduct such open-competitive examination, or copy of the appointing officer's request for such open-competitive examination, as the case may be, has been posted in accordance with Section 51 of the Civil Service Law. The grievance shall be considered and passed upon within ten (10) days after its presentation. The determination shall be in writing, copies of which shall be transmitted to both parties to the grievance upon issuance.

b. A grievance relating to the use of an open-competitive rather than a promotional examination which is unresolved by the Commissioner of Labor Relations may be brought to impartial arbitration as provided in Sections 2 and 3 above. Such a grievance shall be presented by the Union, in writing, for arbitration within 15 days of the presentation of such grievance to the Commissioner of Labor Relations, and the arbitrator shall decide such grievance within 75 days of its presentation to the arbitrator. The party requesting such arbitration shall send a copy of such request to the other party. The costs and fees of such arbitration shall be borne equally by the Employer and the Union.

Section 5.

In any case involving a grievance under Section 1(e) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such Employee shall be held with

respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this Agreement. The Employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

If the Employee is satisfied with the determination in **STEP A** above, the Employee may choose to accept such determination as an alternative to and in lieu of a determination made pursuant to the procedures provided for in Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation. As a condition of accepting such determination, the Employee shall sign a waiver of the Employee's right to the procedures available to him or her under Sections 75 and 76 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation.

STEP B(i) If the Employee is not satisfied with the determination at **STEP A** above then the Employer shall proceed in accordance with the disciplinary procedures set forth in Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation. As an alternative, the Union with the consent of the employee may choose to proceed in accordance with the Grievance Procedure set forth in this Agreement, including the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. As a condition for submitting the matter to the Grievance Procedure the employee and the Union shall file a written waiver of the right to utilize the procedures available to the employee pursuant to Sections 75 and 76 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation or any other administrative or judicial tribunal, except for the purpose of enforcing an arbitrator's award, if any. Notwithstanding such waiver, the period of an Employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B(ii) If the election is made to proceed pursuant to the Grievance Procedure, an appeal from the determination of **STEP A** above, shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the Employee and the Union for review of the grievance and shall issue a determination to the Employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused Employee's employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this Agreement.

Section 6.

In any case involving a grievance under Section 1(f) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such Employee shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this Agreement. The Employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

STEP B(i) If the Employee is not satisfied with the determination at **STEP A** above, then the Employee may choose to proceed in accordance with the Grievance Procedure set forth in this Agreement through **STEP III**. The Union, with the consent of the employee, shall have the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. The period of an Employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B(ii) An appeal from the determination of **STEP A** above shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the Employee and the Union for review of the grievance and shall issue a determination to the employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused Employee's employment. In the event

of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this Agreement.

Section 7.

A grievance concerning a large number of Employees and which concerns a claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this Agreement may be filed directly at **STEP III** of the grievance procedure except that a grievance concerning employees of the Health and Hospitals Corporation may be filed directly at **STEP II** of the grievance procedure. Such "group" grievance must be filed no later than 120 days after the date on which the grievance arose, and all other procedural limits, including time limits, set forth in this Article shall apply. All other individual grievances in process concerning the same issue shall be consolidated with the "group" grievance.

Section 8.

If a determination satisfactory to the Union at any level of the Grievance Procedure is not implemented within a reasonable time, the Union may re-institute the original grievance at **STEP III** of the Grievance Procedure; or if a satisfactory **STEP III** determination has not been so implemented, the Union may institute a grievance concerning such failure to implement at **STEP IV** of the Grievance Procedure.

Section 9.

If the Employer exceeds any time limit prescribed at any step in the Grievance Procedure, the grievant and/or the Union may invoke the next step of the procedure, except that only the Union may invoke impartial arbitration under **STEP IV**.

Section 10.

The Employer shall notify the Union in writing of all grievances filed by Employees, all grievance hearings, and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given forty-eight (48) hours' notice of all grievance hearings.

Section 11.

Each of the steps in the Grievance Procedure, as well as time limits prescribed at each step of this Grievance Procedure, may be waived by mutual agreement of the parties.

Section 12.

A non-Mayoral agency not covered by this Agreement but which employs Employees in titles identical to those covered by this Agreement may elect to permit the Union to appeal an unsatisfactory determination received at the last step of its Grievance Procedure prior to arbitration on fiscal matters only to the Commissioner of Labor Relations. If such election is made, the Union shall present its appeal to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the last step determination. The Union should submit copies of the grievance filings at the prior steps of its Grievance Procedure and any agency responses thereto. Copies of such appeals shall be sent to the agency head. The Commissioner of Labor Relations, or the Commissioner's designee, shall review all such appeals and answer all such appeals within fifteen (15) work days. An appeal from a determination of the Commissioner of Labor Relations may be taken to arbitration under procedures, if any, applicable to the non-Mayoral agency involved.

Section 13.

The grievance and the arbitration procedure contained in this Agreement shall be the exclusive remedy for the resolution of disputes defined as "grievances" herein. This shall not be interpreted to preclude either party from enforcing the arbitrator's award in court. This Section shall not be construed in any manner to limit the statutory rights and obligations of the Employer under Article XIV of the Civil Service Law.

Section 14. Expedited Arbitration Procedure

- a. The parties agree that there is a need for an expedited arbitration process which would allow for the prompt adjudication of the grievances as set forth below.
- b. The parties voluntarily agree to submit matters to final and binding arbitration pursuant to the New York City Collective Bargaining Law and under the jurisdiction of the Office of Collective Bargaining. An arbitrator or panel of arbitrators, as agreed to by the parties, will act as the arbitrator of any issue submitted under the expedited procedure herein.
- c. The selection of those matters which will be submitted shall include, but not limited to, out-of-title cases concerning all titles, disciplinary cases wherein the proposed penalty is a monetary fine of one week or less or written reprimand, and other cases pursuant to mutual agreement by the parties. The following procedures shall apply.
 - i. **SELECTION AND SCHEDULING OF CASES:**
 - (1) The Deputy Chairperson for Disputes of the Office of Collective Bargaining shall propose which cases shall be subject to the procedures set forth in Section 14 and notify the parties of proposed hearing dates for such cases.
 - (2) The parties shall have ten business days from the receipt of the Deputy Chairpersons proposed list of

cases and hearing schedule(s) to raise any objections thereto.

- (3) If a case is not proposed by the Deputy Chairperson for expedited handling, either party may, at any time prior to the scheduling of an arbitration hearing date for such case, request in writing to the other party and to the Deputy Chairperson of Disputes of the Office of Collective Bargaining that said case be submitted to the expedited procedure. The party receiving such request shall have ten business days from the receipt of the request to raise any objections thereto.
 - (4) No case shall be submitted to the expedited arbitration process without the mutual agreement of the parties.
- ii. **CONDUCT OF HEARINGS:**
- (1) The presentation of the case, to the extent possible, shall be made in the narrative form. To the degree that witnesses are necessary, examination will be limited to questions of material fact and cross examination will be similarly limited. Submission of relevant documents, etc., will not be unreasonably limited and may be submitted as a packet exhibit.
 - (2) In the event either party is unable to proceed with hearing a particular case, the case shall be rescheduled. However, only one adjournment shall be permitted. In the event that either party is unable to proceed on a second occasion, a default judgment may be entered against the adjourning party at the Arbitrator's discretion absent good cause shown.
 - (3) The arbitrator shall not be precluded from attempting to assist the parties in settling a particular case.
 - (4) A decision will be issued by the Arbitrator within two weeks. It will not be necessary in the Award to recount any of the facts presented. However, a brief explanation of the Arbitrator's rationale may be included. Bench decisions may also be issued by the Arbitrator.
 - (5) Decisions in this expedited procedure shall not be considered as precedent for any other case nor entered into evidence in any other forum or dispute except to enforce the Arbitrator's award.
 - (6) The parties, shall whenever possible, exchange any documents intended to be offered in evidence at least one week in advance of the first hearing date and shall endeavor to stipulate to the issue in advance of the hearing date.

ARTICLE VII - BULLETIN BOARDS: EMPLOYER FACILITIES

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for the Employees to read. All notices shall be on Union stationery, and shall be used only to notify employees of matters pertaining to Union affairs. Upon request to the responsible official in charge of a work location, the Union may use Employer premises for meetings during Employees' lunch hours, subject to availability of appropriate space and provided such meetings do not interfere with the Employer's business.

ARTICLE VIII - NO STRIKES

In accordance with the New York City Collective Bargaining Law, as amended, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, mass absenteeism, or induce any mass resignations during the term of this Agreement.

ARTICLE IX - CITYWIDE ISSUES

This Agreement is subject to the provisions, terms and conditions of the Agreement which has been or may be negotiated between the City and the Union recognized as the exclusive collective bargaining representative on Citywide matters which must be uniform for specified Employees, including the Employees covered by this Agreement.

Employees in Rule X titles shall receive the benefits of the *Citywide Agreement* unless otherwise specifically excluded herein.

ARTICLE X - UNION ACTIVITY

Time spent by Employee representatives in the conduct of labor relations with the City and on Union activities shall be governed by the terms of Executive Order No. 75, as amended, dated March 22, 1973, entitled "Time Spent on the Conduct of Labor Relations between the City and Its employees and on Union Activity" or any other applicable Executive Order.

ARTICLE XI - LABOR-MANAGEMENT COMMITTEE

Section 1.
The Employer and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty employees covered by this Agreement.

Section 2.

Each labor-management committee shall consider and recommend to the agency head changes in the working conditions of the Employees within the agency who are covered by this Agreement.

Matters subject to the Grievance Procedure shall not be appropriate items for consideration by the labor-management committee.

Section 3.

Each labor-management committee shall consist of six members who shall serve for the term of this Agreement. The Union shall designate three members and the agency head shall designate three members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one alternate. Each committee

shall select a chairperson from among its members at each meeting. The chairpersonship of each committee shall alternate between the members designated by the agency head and the members designated by the Union. A quorum shall consist of a majority of the total membership of a committee. A committee shall make its recommendations to the agency head in writing.

Section 4.

The labor-management committee shall meet at the call of either the Union members or the Employer members at times mutually agreeable to both parties. At least one week in advance of a meeting the party calling the meeting shall provide, to the other party, a written agenda of matters to be discussed. Minutes shall be kept and copies supplied to all members of the committee.

ARTICLE XII - FINANCIAL EMERGENCY ACT

The provisions of this Agreement are subject to applicable provisions of law, including the New York State Financial Emergency Act for the City of New York as amended.

ARTICLE XIII - APPENDICES

The Appendix or Appendices, if any, attached hereto and initialed by the undersigned shall be deemed a part of this Agreement as if fully set forth herein.

ARTICLE XIV - SAVINGS CLAUSE

In the event that any provision of this Agreement is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Agreement.

WHEREFORE, we have hereunto set our hands and seals this 13th day of July, 2009.

FOR THE CITY OF NEW YORK AND RELATED PUBLIC EMPLOYERS AS DEFINED HEREIN:

BY: /s/ JAMES F. HANLEY
Commissioner of Labor Relations

FOR LOCAL 237, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO:

BY: /s/ GREGORY FLOYD
President

FOR THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION

BY: /s/ Frank J. Cirillo
Senior Vice President

APPROVED AS TO FORM:

BY: /s/ Paul T. Rephen
Acting Corporation Counsel

DATE SUBMITTED TO THE FINANCIAL CONTROL BOARD: _____, 2009

UNIT: **Special Officers**
TERM: **September 13, 2008 - September 25, 2010**

Appendix A Longevity Increment Eligibility Rules

The following rules shall govern the eligibility of Employees for the longevity increments provided for in Article III, Section 10 of the *Special Officers 2008-2010 Agreement*:

1. Only service in pay status shall be used to calculate the 15 years of service, except that for other than full time per annum Employees only a continuous year of service in pay status shall be used to calculate the 15 years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the 15 years of service. If the normal work year for an Employee is less than the regular and customary work year for the employee's title, it shall be counted as a continuous year of service if the Employee has customarily worked that length work year and the applicable agency verifies that information.
2. Service in pay status prior to any breaks in service of more than one year shall not be used to calculate the 15 years of service. Where an Employee has less than seven years of continuous service in pay status, breaks in service of less than one year shall be aggregated. Where breaks in service aggregate to more than one year they shall be treated as a break in service of more than one year and the service prior to such breaks and the aggregated breaks shall not be used to calculate the 15 years of service. No break used to disqualify service shall be used more than once.
3. The following time in which an Employee is not in pay status shall not constitute a break in service as specified in Section 2 above:
 - a. Time on a leave approved by the proper authority which is consistent with the **Rules and Regulations of the City of New York** or the appropriate personnel authority of a covered organization.
 - b. Time prior to a reinstatement.
 - c. Time on a preferred list pursuant to **Civil Service Law Sections 80 and 81** or any similar contractual provision.
 - d. Time not in pay status of 31 days or less.

Notwithstanding the above, such time as specified in subsections a, b and c above shall not be used to calculate the 15 years of service.
4. Once an Employee has completed the 15 years of "City" service in pay status and is eligible to receive the \$500 longevity increment, the \$500 shall become part of the Employee's base rate for all purposes. Fifteen months after the Employee begins to receive the \$500 longevity increment, such \$500 longevity increment shall become

pensionable and as part of the Employee's base rate, the \$500 longevity increment shall be subject to the general increases provided in Article III, Section 3(a) of this Agreement.

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT, AFL-CIO
216 West 14th Street
New York, NY 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

For the purposes of Article III, Section 4(b)(i), "approved leave" is further defined to include:

- a. maternity/childcare leave
b. military leave
c. unpaid time while on jury duty
d. unpaid leave for union business pursuant to Executive Order 75
e. unpaid leave pending workers' compensation determination
f. unpaid leave while on workers' compensation option 2
g. approved unpaid time off due to illness or exhaustion of paid sick leave
h. approved unpaid time off due to family illness
i. other pre-approved leaves without pay

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/
Gregory Floyd
President

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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, New York 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

- 1. Two labor-management committees will be established to discuss family and safety related matters.
2. The Citywide time and leave modifications effective July 1, 2004 shall not apply to the employees in this Unit Agreement.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/
Gregory Floyd
President

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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, New York 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

Residency

The parties agree to continue to jointly support an amendment to Section 12-119 et seq. of the Administrative Code for the purpose of expanding permissible limits on residency to include the City of New York and Nassau, Westchester, Suffolk, Orange, Rockland or Putnam counties with certain exceptions and limitations and except as may be

prohibited by any other law requiring residency for appointment to certain positions including, but not limited to, the Public Officers Law - for employees covered by the terms of this Agreement.

Consistent with the above, Mayoral Directive 78-13, as amended July 26, 1978, and any other covered Employer's rules, regulations and/or operating procedures, shall be similarly modified to conform to the understanding of the parties. Upon enactment of legislation to implement the provisions herein, employees shall be subject to Section 1127 of the New York City Charter.

In the event that legislation substantially similar to that which was previously agreed to concerning the above referenced issue is passed for another similarly situated collective bargaining unit, and the substantially similar legislation does not include the members of IBT Local 237, the parties agree to jointly support similar legislation that would cover employees in IBT Local 237.

NYCERS: Chapter 96 of the Laws of 1995

In the event that legislation substantially similar to that which was previously agreed to, as specified in the March 29, 2007 side letter of the Local 237 2006-2008 Agreement, concerning the above referenced issue is passed for another similarly situated collective bargaining unit, and the substantially similar legislation does not include the members of IBT Local 237, the parties agree to jointly support similar legislation, as specified in the March 29, 2007 side letter of the Local 237 2006-2008 Agreement, that would cover employees in IBT Local 237. The parties continue to agree that Local 237, IBT shall be included in any recommendations made, as specified in the March 29, 2007 side letter of the Local 237 2006-2008 Agreement, regarding the establishment of revised additional contribution rate(s) and other remedies for members of the New York City Employees' Retirement System (NYCERS) and the Board of Education Retirement System (BERS) associated with Chapter 96 of the Laws of 1995.

If the above accords with your understanding, please indicate your agreement by executing the signature line below.

Very truly yours,
/s/
James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF LOCAL 237
BY: /s/
Gregory Floyd
President

THE CITY OF NEW YORK
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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, New York 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement. Effective on September 13, 2010, the bargaining unit shall have available funds not to exceed 0.25% to purchase recurring benefits, mutually agreed to by the parties, other than to enhance the general wage increases set forth in Section 2 a. i. and 2 a. ii. or the hiring rate for new employees set forth in Section 2 e. The funds available shall be based on the December 31, 2007 payroll, including spinoffs and pensions.

If the above accords with your understanding, please indicate your agreement by executing the signature line below.

Very truly yours,
/s/
James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF LOCAL 237
BY: /s/
Gregory Floyd
President

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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, NY 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

A labor-management committee shall be established with the Police Department to discuss:

- 1. safety related matters regarding school safety agents;
2. uniform related matters regarding school safety agents;

3. facility and equipment related matters regarding school safety agents.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
/s/
James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF LOCAL 237
BY: /s/
Gregory Floyd
President

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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 12, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, New York 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

Labor management meetings shall be established with the NYC Health and Hospitals Corporation, Department of Education, Department of Transportation, and the Taxi and Limousine Commission to discuss mutual areas of concern.

Very truly yours,
/s/
James F. Hanley

THE CITY OF NEW YORK
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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, NY 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement. The execution of the collective bargaining agreement shall not be cited or referred to by either party to prejudice or enhance the respective positions of the parties in OCB Docket Nos. RE-178-08, RU-1249-05, RU-1250-05, AC-36-07, and RU-1255-08 or in any appeal that might flow therefrom.

The parties reserve their legal rights to pursue their respective claims regarding the cases specified above. If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
/s/
James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF LOCAL 237
BY: /s/
Gregory Floyd
President

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
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JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, NY 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

Effective April 10, 2009, there shall be a one-time lump sum cash payment to the welfare fund in the amount of \$200.00 on behalf of each full-time active member and retiree who is receiving benefits on April 10, 2009.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/
Gregory Floyd
President