The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 100-89 on February 13, 1989 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56-8.1(g), 56-8.1(h), 56-8.1(i), 56-8.1(j), 56-8.1(k)(1-5), 56-10 and 56-12.1(e) on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the Petitioner, dated February 13, 1989; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:
The Petitioner's proposal, to utilize procedures as delineated in the technical specification entitled "Blanket Variance No. 1", (6-page stamped copy attached), is accepted subject to the following conditions:

THE CONDITIONS

1. The entire bridge and its surrounding fenced-in area shall be considered to be the work area. Uncertified persons shall not be permitted within the work area. The vacuuming of the work area and warning signs shall comply with Industrial Code Rules 56-8.1(a and b).

2. A personal decontamination enclosure system that may be "remote" from the bridge, but otherwise complies with Subpart 56-9, shall be utilized. The personal decontamination enclosure shall be removed only after satisfactory clearance air monitoring results have been achieved.

3. Asbestos-contaminated tools/equipment shall be decontaminated by utilizing a waste decontamination enclosure system that complies with Subpart 56-10 or by utilizing the personal decontamination...
Blanket Variance 1

File No. 100-89

enclosure system in conjunction with the applicable requirements of Industrial Code Rule 56-5.1:

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

GENERAL CONDITIONS

1. A copy of this DECISION, complete with a stamped copy of the attached 6-page proposal, entitled "Blanket Variance No. 1", shall be displayed conspicuously at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of "asbestos containing conduits (transite pipe) encased in the concrete sidewalk of a bridge".

DATED: APRIL 18, 1989

THOMAS F. HARTNETT
COMMISSIONER OF LABOR

BY CARL J. THURNAU, ASSISTANT DIRECTOR
DIVISION OF SAFETY AND HEALTH

LJT
BLANKET VARIANCE NO. 1

Nature of the Work: Removal of asbestos containing conduits (transite pipe) encased in the concrete sidewalk of a bridge.

Applicable Code Rule: 56

Reason for Request: The New York State Department of Transportation requests a variance from Industrial Code Rules 56-8.1 (g), (h), (i), (j), (k) (1-5), 56-10 and 56-12 (e), on the grounds that literal compliance would be impractical, prohibitively expensive and cause unnecessary hardship. The cost to construct an enclosure over the entire sidewalk inhibits the Department of Transportation from removing the transite ducts and demolishing the bridge in a cost effective manner. The proposed procedure will not expose removal workers or the general public to asbestos fibers and is a reasonable approach for the controlled removal of transite duct encased in concrete sidewalk on a bridge.

Proposed Removal Methods: The following is an outline of the work procedures to be employed.

1. Scope of Work

   A. The NYS Department of Transportation proposes to remove, intact, large portions of the concrete sidewalks that encase transite utility ducts on the bridge. The segments of superstructure sidewalk will be isolated from the overall structure by a series of cuts as shown in Figures 1 and 2. Each segment of steel and concrete superstructure, with concrete encased transite ducts, will then be picked up by crane, loaded onto trucks and transported to an approved disposal site.

   B. Transite ducts encased in the concrete sidewalk on the bridge abutment wingwalls shall be removed by first constructing a work area enclosure around the sidewalk area, in compliance with Industrial Code Rule 56-1 through 56-17. The concrete encased ducts will be broken into small pieces and then double bagged and disposed of at an approved site.

   C. A New York State licensed Asbestos Contractor shall perform all work associated with the transverse sidewalk cuts and encapsulation of the ends of the remaining encased ducts and also the removal of ducts from sidewalks on the abutment wing walls. All employees and project supervisors involved in the asbestos removal portion of the project will have received three (3) days of training in a course approved by the New York State Commissioner of Health, and be certified asbestos handlers in accordance with Industrial Code Rule 56.
2. **Proposed Concrete Sidewalk Preparation and Removal**

   A. Prior to any removal activities, a construction fence shall be placed around the bridge and approach areas at a minimum distance of 25 feet from the wingwalls, as shown in Figure 3, to insure complete isolation of the work area during removal procedures. Caution signs shall be posted that permit a person to read the sign and take the necessary protective measures to avoid exposure.

   B. Two transverse "sidewalk cuts" will be made over the center of the existing bridge pier which will entail the removal of approximately four (4) linear feet by approximately 8" deep of concrete sidewalk with encased transite duct, on each side of the bridge down to the concrete bridge deck, as shown in Figure 1. Each concrete cut will be made with jackhammers from within a small work area enclosure system. The work area enclosure will be constructed around the immediate area of the cut. It will be approximately 7 feet wide and 10 feet long and be constructed in conformance with ICR Section 56-8.1 (k) (1-5). It will be situated in such a way as to provide adequate room to perform the required transverse sidewalk cuts and also ensure complete isolation of the affected sidewalk work area, both above and below the super structure, during this removal procedure. This enclosure shall employ negative air pressure equipment for ventilation in accordance with the provisions of Industrial Code Rule 56, subpart 56-6. The resulting pieces of concrete and transite duct will be bagged in minimum six mil. polyethylene bags and removed from the work area, bagged again and then placed in an adapted dumpster. This removal procedure will be done in accordance with Industrial Code Rule Subpart 56-5.2.

1. All workers and authorized visitors shall be fully protected with respirators and protective clothing, as per ICR 56-4.1(d), immediately prior to the first disturbance of asbestos containing or contaminated materials and until satisfactory clearance air monitoring results have been achieved.

2. A personal decontamination enclosure system (clean room - shower - equipment room), as per ICR subpart 56-9, will be located at the entrance to the work area, allowing worker decontamination and storage of personal clothing. This system will be in place prior to preparatory work in the work area and in particular before the disturbance of any asbestos material, and until satisfactory clearance air monitoring results have been achieved.

3. All workers and authorized visitors will enter and exit the work area through the personal decontamination system; only one such entrance to the work area will be provided.

4. The adapted dumpster shall have a closeable top and end. The dumpster shall be lined with 2 layers of minimum six mil. polyethylene, leaving enough polyethylene to completely seal the contents when full. The dumpster shall be posted as containing asbestos waste, and transported to an approved disposal site.
5. One worker will continuously apply amended water to the sidewalk while it is being jackhammered out.

6. Prior to removal of the asbestos waste from the work area, all exposed ends of the remaining transite duct in the superstructure, and that removed, will be thoroughly wetted with an encapsulating agent. Plastic plugs will be securely fitted into the remaining duct openings and then the entire duct area will be sprayed with two coats of a bridging encapsulant to insure complete encapsulation of the asbestos material. These encapsulated areas will be conspicuously marked or labeled in order to warn persons of the presence of asbestos.

7. Clean-up at each sidewalk removal area shall be in accordance with Subpart 56-15 of Industrial Code Rule 56.

8. Air sampling shall be conducted daily; inside the enclosure, inside the work area, and outside the work area. Background air samples will also be collected upwind. "Sample/Analysis" turnaround time shall not exceed 24 hours. If air sampling results indicate any airborne asbestos fiber concentrations at or above 0.01 fibers per cubic centimeter, or the background level, which ever is greater, work will be stopped immediately, and methods shall be altered to reduce the airborne fiber concentrations to the aforementioned level and work shall not resume until that level is attained. All air sampling, monitoring and analysis shall conform with ICR subpart 56-17.

C. Removal of transite ducts encased in the sidewalk on the bridge abutment wing walls will be accomplished in the same manner as described in Item 7B. above, except the enclosure will be longer to accommodate the larger removal area.

D. After all sidewalk cuts and removal of ducts and sidewalk from the abutment wing walls have been completed, duct ends encapsulated, and clean-up procedures finalized, the contractor responsible for the bridge demolition will cut the bridge deck longitudinally and transversely at sidewalk removal areas, in order to isolate long portions of the concrete sidewalk still attached to the bridge deck and fascia beam (Figure 2) with encased transite ducts and encapsulated ends.

E. Once isolated, each resulting long sidewalk segment with encased transite ducts and encapsulated ends will be picked up by crane, loaded onto trucks and transported to an approved disposal site.

F. All other applicable provisions of ICR 56-1 through 56-17 shall be complied with.
FIGURE 1 LIMIT OF SIDEWALK CUTS/BRIDGE DECK CUTS

B. "Sidewalk cuts" entail the removal of approximately four linear feet of concrete sidewalk with encased transite duct, down to the concrete bridge deck, as shown in Figure 1. Each concrete cut will be made with jackhammers from within a small work area enclosure system. The work area enclosure will be constructed around the immediate area of the cut. It will be constructed in such a way so as to provide adequate room to perform the required cuts and also ensure complete isolation of the sidewalk area during the removal procedure. This enclosure shall employ negative air pressure equipment for ventilation in accordance with the provisions of Industrial Code Rule 56.
*Vertical cuts through bridge deck, sidewalk, steel and conduit shall be spaced to minimize the number of cuts without going beyond the liftability and transportability normally required for this type of demolition.