ASBESTOS
BLANKET VARIANCE NO. 6R1
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STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK  12240-0100

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Variance Petition : File No. 784-92
of : DECISION
New York State Department of Transportation : Cases 1 - 12
Petitioner : ICR 56
in re : Premises: All Locations Statewide
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The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 784-92 on July 20, 1992 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rules: 56-6.1, 56-8.1(j), 56-8.1(k)(1-5), 56-15.2(b-e) and 56-16.1(a) on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rules; and the Commissioner of Labor having reviewed the submission of the Petitioner's agent dated August 10, 1992; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor finds that:

1-27-93
4-15-93
E1 93-02
VARIANCE GRANTED. The Petitioner's proposal, to utilize the procedures, as delineated in the stamped five-page "technical specification" attachment entitled "BLANKET VARIANCE NO. 6R1", to be used during the removal of buried asbestos-containing transite pipes located, within the New York State "Right-of-Way" limits, on Department of Transportation projects; and, to have this variance supersede and replace "BLANKET VARIANCE NO. 6", DECISION dated APRIL 18, 1990, relative to File No. 297-90, is accepted; subject to the following conditions:

THE CONDITIONS

1. The entire fenced-in area (Figures Nos. 1A, 1B and 1C) shall be considered to be the work area. Uncertified persons shall not be permitted within the work area. The vacation of the work area and warning signs shall comply with Industrial Code Rules 56-8.1(a) and (b).

2. "Hand shoveling" shall be performed only by certified persons employed by a NYSDOL licensed contractor.

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 enclosure system that complies with Subpart 56-10 or by utilizing the personal decontamination enclosure system in conjunction with the applicable requirements of Industrial Code Rule 56-5.1.

4. Proposal Item (4.E) - The couplings or pipe sections shall be separated by "carefully cutting" as per the procedure of Proposal Item (5.C).

5. Proposal Items (4.E) and (5.C) - Negative exhaust ventilation as per the requirements of Industrial Code Rule 56-7.1(j) shall be utilized.

6. Proposal Items (4.G), (4.L) and (5.E) - Nylon slings shall be utilized to move/lift the pipe.


8. ...Signage shall meet the requirements of Industrial Code Rule 56-8.1(b).

9. All accesses to the work area shall be subject to secureness.

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

1. A copy of this DECISION shall be conspicuously displayed at the entrance to the personal decontamination enclosure.

2. This DECISION shall apply only to the removal of buried asbestos cement (transite) pipe on New York State Department of Transportation projects.

3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-17.

DATED: AUGUST 25, 1992

JOHN F. HUDACS
COMMISSIONER OF LABOR

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

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1. **Scope of Work**

   A. This scope of work includes procedures for the removal of segments of asbestos cement (transite) pipe located in the soil and procedures for tapping sections of pipe with a split-sleeve and valve tapping machine to create a bypass, so that sections may be removed without the loss of service.

   B. All work associated with removal or tapping of the pipe located in the soil shall be performed by a contractor with a valid and current Asbestos Handling License, as issued by the New York State Department of Labor. All employees and project supervisors involved in the asbestos removal portion of the project shall be appropriately certified asbestos handlers in accordance with Industrial Code Rule 56. Uncertified persons shall be prohibited from the work area during the entirety of the asbestos project, that is, from the start of work area preparation until satisfactory clearance air monitoring results have been achieved.

2. **Preparation of Work Area**

   A. Prior to any excavation activities, a construction fence shall be placed around the affected approach areas at a minimum distance of 25 feet from the excavation area, or, where the contract or Right-of-Way limits are insufficient to permit a 25 foot clear distance, an eight (8) foot high continuous barricade of plywood covered on the work side by one layer of minimum 6 mil polyethylene plastic, continuous for the entire length, shall be constructed at a minimum distance of 10 foot from the work area to isolate the work area(s) during removal procedures. The arrangement of these constructions are generally shown in Figures 1A, 1B, and 1C, attached. The work area shall be accessible only through one entrance/exit, at which location the personnel decontamination chamber shall be located. All accesses to the work area shall be subject to secureness. Caution signs shall be posted in clear view which permit a person to read the sign and take the necessary precautions to avoid exposure. Signage shall meet the requirements of Industrial Code Rule 56-8.1(b).

**Tapping of Pipe Using a Sleeve and Valve Tapping Machine.**

   A. Remove the soil overburden to within a few inches of the pipe using a power shovel. Use hand tools to clear away from the pipe on all sides in the area in which the split-sleeve is to be applied.
Attachment A
Code Rule 56 Variance Request
Tapping, Removing, and Disposing of Buried Asbestos-Cement Pipe
(page 2 of 5)

4. **Pipe Removal from Soil**

A. De-water the pipe as directed by the Engineer.
B. Remove the soil overburden to within a few inches of the pipe using a power shovel. Hand shoveling shall then be used to clear away from the pipe.
C. Using hand tools, construct voids under the pipe for slings which will later be used to lift the pipe.
D. Expose the couplings all around.
E. Under a continuous spray of amended water, break the coupling with hand tools and remove them. The couplings shall be placed in a double 6-mil (minimum) polyethylene bag, and sealed airtight immediately after being removed. A HEPA vacuum shall be used to suction air out of the bag before sealing.
F. Rock draped pipe gently to break bond between it and soil.
G. Set the slings, maintaining a continuous layer of polyethylene remains between the sling and the pipe.
H. Lift pipe using machine crane and place on supports.
Wrap the entire length of pipe in poly, forming a tube around the pipe, and "candy stripe" it with duct tape, lifting gently with slings as required to complete wrap at support locations. Wrap a second strip of duct tape over the seam to seal the polyethylene over the entire length.

A HEPA vacuum shall be used to suction air out of the poly. While using the vacuum, twist ends of the tube closed, tucking the ends of the poly inside the pipe, and seal with duct tape. Use another piece of polyethylene over the ends of the pipe, if necessary, to effect a complete seal.

Outside the trench, spread a second 6 mil polyethylene sheet.

Lift wrapped pipe out of the trench using slings and place on polyethylene.

Wrap the entire length of pipe, and seal with duct tape. Wrap a second strip of duct tape over the seam to seal the polyethylene over the entire length. Twist ends of the tube closed, tucking the ends of the poly inside the pipe, and seal with duct tape. Use another piece of polyethylene over the ends of the pipe, if necessary, to effect a complete seal.

Clearly label the wrapped pipe as asbestos waste and dispose of as asbestos waste.

The clean-up of the asbestos contaminated soil shall be done in accordance with all applicable provisions of Subpart 56-15 of Industrial Code Rule 56 and shall include in the removal and disposal of asbestos waste, the removal of an additional two (2) inches of soil lining the sides and bottom of the remaining excavation.

Place all contaminated soil in double 6 mil minimum polyethylene bags. Twist the top of these bags closed, fold over ("gooseneck" style) and seal with duct tape. Use a HEPA vacuum to remove any air in the bag. Label and dispose of the bag as asbestos waste.

5. Removal of Partial Length of Asbestos Pipe

A. De-water, expose, and wet the pipe as indicated in paragraphs 4A, 4B, and 4C above.

B. Drape the pipe section to be removed with one layer of minimum six mil polyethylene extending 5 feet beyond the pipe at each end.

C. Using hand tools, carefully cut around the circumference at each end of the pipe as required to remove the section required for removal. Throughout this process, spray amended water on the cutting area to minimize dust.

D. Rock draped pipe gently to break the bond between it and the soil.

E. Set slings under the pipe, maintaining a continuous layer of polyethylene between the pipe and the sling.
Attachment A

Code Rule 56 Variance Request

Tapping, Removing, and Disposing of Buried Asbestos-Cement Pipe

(page 4 of 5)

F. Remove and dispose of the pipe and soils in accordance with paragraphs 4H through 4P.

G. Seal the remaining exposed ends of the pipe that will remain in service with an encapsulant.

6. General Conditions and Sampling Requirements.

A. The contractor shall comply with all other applicable provisions of Industrial Code Rule 56, Subparts 56-1 through 56-17.

B. In agreement with Industrial Code Rule 56, Subpart 56-17, air sampling shall be conducted continuously, both inside and outside the work area. Background air shall also be collected upwind. Turn-around time for both sampling and analysis shall not exceed 24 hours. If air sampling results indicate any airborne asbestos fiber concentrations during abatement activities outside the clean room at or above 0.01 fibers per cubic centimeter, or the background level, whichever is greater, work will be stopped immediately, and methods shall be altered to reduce the airborne fiber concentrations to the aforementioned level. Work shall not resume until that level is attained. All air sampling, monitoring, and analysis shall conform to Industrial Code Rule 56, Subpart 56-17.

C. Air monitoring including air sampling, monitoring, and analysis shall be performed by a qualified organization independent from the asbestos handling contractor. All such work shall be in accordance with Industrial Code Rule 56, Subpart 56-17.
Attachment A
Code Rule 56 Variance Request
Tapping, Removing, and Disposing of Buried Asbestos-Cement Pipe
(page 5 of 5)

Figure 1A: Work Area Where
25' Clearance is Available

Figure 1B: Work Area Where 25'
Clearance Cannot be Maintained on One Side

Figure 1C: Work Area Where 25'
Clearance Cannot be Maintained on Either Side

Figures 1A, 1B, and 1C
Arrangement of Work Areas
The Petitioner, pursuant to Section 30 of the Labor Law, by letter dated July 28, 1992, requested a reopening of File No. 297-90, DECISION dated April 18, 1990, with regard to General Condition No. 2; which condition defined the applicability of said variance; and

The Commissioner of Labor, having reviewed both the Petitioner's request, as well as the contents of File No. 297-90, DECISION dated April 18, 1990, does hereby reopen said file with regard to General Condition No. 2 and does hereby take the following action:
General Condition No. 2 shall now read as follows:

2. This DECISION shall apply only to the removal of "asbestos containing conduits (transite pipes) or asbestos wrapped pipes buried in the ground".

The Petitioner shall also comply with all other Specific and General Conditions not modified by this DECISION.

DATED: AUGUST 7, 1992

JOHN F. HUDACS
COMMISSIONER OF LABOR

BY MARIA L. COLAVITO, DIRECTOR
DIVISION OF SAFETY AND HEALTH

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* This DECISION shall be attached to and made a part of the Commissioner of Labor's DECISION, dated April 18, 1990, as related to File No. 297-90.