Title: CONSTRUCTION GUIDANCE – REMOVAL AND DISPOSAL OF ASBESTOS-CONTAINING MATERIAL (BUILDINGS, BRIDGES AND HIGHWAYS)

ADMINISTRATIVE INFORMATION:
- This Engineering Instruction (EI) is effective upon signature.
- This EI supersedes EI 01-024 and Engineering Bulletin 06-012.
- The contents of this EI will be incorporated into a future update of the Environmental Procedures Manual (EPM) and the MURK 1B Construction Inspection Manual.

PURPOSE:
The purpose of this EI is to issue Construction guidance concerning recent amendments to 12 NYCRR Part 56 and approval of a new Blanket Variance 14 (BV 14) covering bridge and highway asbestos abatement work.

TECHNICAL INFORMATION:
- BV 14 was approved on June 14, 2006 for use by the Department, the NYS Thruway Authority, the NYS Canal Corporation and County highway departments. This variance was developed as a replacement for BV 12, and covers removal of non-friable, exterior asbestos-containing materials associated with bridge rehabilitation/demolition and utility work within a highway right of way. It also incorporates more specific provisions for removal of asbestos-containing coatings on structural steel during bridge demolition/rehabilitation and bridge painting.
- BV 14 is provided as Appendix 1.3.H.13 in the Air Quality Chapter of the EPM located at www.dot.state.ny.us/eab/epm/1-3-h-13.pdf.
- 12 NYCRR 56 now requires that all compliance air monitoring associated with asbestos abatement activities be contracted independently by the Department. Contractors and/or asbestos subcontractors are no longer allowed to provide these services under their work.
  o Compliance air monitoring is required during abatement on small and large size asbestos projects (with greater than 10 square feet or 25 linear feet of Asbestos-Containing Material (ACM)) involving removal/abatement inside negative pressure enclosures.
  o Compliance air monitoring is required for minor sized project(s) (less than 10 square feet or less than 25 feet of ACM) if the project consists of multiple minor size projects that in total amount to greater than a small/large project size.
  o For contracts utilizing consultant forces for construction inspection, compliance air monitoring may be included under the scope of services for the Construction Inspection (CI) consultant.
  o For contracts utilizing State forces for construction inspection, compliance air monitoring services may be arranged through the Asbestos Services Term Agreement contracts. Requests for these services should be directed to Consultant Management Bureau through the Regional Construction group.
12 NYCRR 56 now requires that, prior to collection of any set of work area final clearance air samples (on contracts that require compliance air sampling) or prior to work area teardown (on contracts that do not require compliance air monitoring), a visual inspection of the work area be performed by a NYSDOL certified Asbestos Project Monitor. Asbestos Project Monitoring services continue to be an independent contractual arrangement by the Department.

- For contracts utilizing consultant forces for construction inspection, project monitoring may be included under the scope of services for the Construction Inspection (CI) consultant.
- For contracts utilizing State forces for construction inspection, project monitoring services may be arranged through the Asbestos Services Term Agreement contracts. Requests for these services should be directed to Consultant Management Bureau through the Regional Construction group. Final work area visual inspections are the only required Project Monitor activity included in the amendment to 12 NYCRR 56.

- When the abatement work is of small scope and/or short duration, contracting for a Project Monitor, who can assist the EIC with all of the associated reviews, for the entire abatement duration remains an option for the Department.

- 12 NYCRR 56 now requires that a project record be available onsite during the abatement activities and maintained by the Department. If a project monitor is not assigned to the contract for all of the abatement activities, the project record is still required to be maintained by the Department on a daily basis, including the following:

1. Copies of NYSDOL Asbestos Handling Licenses for all contractors involved in the project (abatement contractor or subcontractor, compliance air monitor, project monitor).
2. Copies of NYSDOL supervisors and handlers certifications.
3. Copies of all project notifications to NYSDOL & EPA.
4. Copies of all regulatory variances being used on the project.
5. Copies of all compliance air sampling results and air sampling technician sample log (if compliance air sampling is required for the project).
6. Copies of the project monitor daily logs and visual inspection reports.
7. Copies of the abatement contractor supervisor daily log with worker entry/exit logs for each work area.
8. Copies of all bulk sample data including all asbestos inspections and surveys completed for the project.

- Abatement contractor supervisor daily logs and worker entry/exit logs are provided to the EIC as part of the post-abatement submittal package explicitly required in the specification, however 12 NYCRR 56, which is included by reference, requires the Contractor to provide them on a daily basis.

**BACKGROUND:**
An amended version of 12 NYCRR Part 56 was promulgated on January 11, 2006, and became formally effective on September 5, 2006. Based on this regulatory amendment, revisions to Standard Specifications Section 210 were developed and transmitted with EI 06-027.

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