



STATE OF NEW YORK
OFFICE OF GENERAL SERVICES
DESIGN AND CONSTRUCTION GROUP
THE GOVERNOR NELSON A. ROCKEFELLER
EMPIRE STATE PLAZA
ALBANY, NY 12242



ADDENDUM NO. 1 TO PROJECT NO. 44909

**ELECTRICAL WORK
PPOVIDE EMERGENCY POWER
BUILDING NO.73
80-45 WINCHESTER BLVD
CREEDMOOR PSTCHIATRIC CENTER
QUEENS VILLAGE, NY 11427**

March 20, 2015

NOTE: This Addendum forms a part of the Contract Documents. Insert it in the Project Manual.
Acknowledge receipt of this Addendum in the space provided on the Bid Form.

SPECIFICATIONS

1. Please add the attached "Variance Petition" to Section 028213 "Asbestos Abatement" of the Contract Project Manual.

END OF ADDENDUM

Margaret F. Larkin
Executive Director
Design and Constructio

Division of Safety and Health
Engineering Services Unit

Department of Labor

W. Averell Harriman State Office Campus
Building 12, Room 154, Albany, NY 12240
www.labor.ny.gov
518-457-1536

February 20, 2015

Delta Engineers,Architects & Land Surveyors, PC
860 Hooper Road
Endwell, NY 13760

RE: File No. 15-0145

Dear Sir/Madam:

**STATE OF NEW YORK
DEPARTMENT OF LABOR
DIVISION OF SAFETY AND HEALTH**

The attached is a copy of Decision, dated, 2/19/2015, which I have compared with the original filed in this office and which I DO HEREBY CERTIFY to be a correct transcript of the text of the said original.

If you are aggrieved by this decision you may appeal within 60 days from its issuance to the Industrial Board of Appeals as provided by Section 101 of the Labor Law. Your appeal should be addressed to the Industrial Board of Appeals, State Office Building Campus, Building 12, Room 116, Albany, New York, 12240 as prescribed by its Rules and Procedure, a copy of which may be obtained upon request.

WITNESS my hand and the seal of the
NYS Department of Labor, at the City of
Albany, on this day of 2/19/2015.



Edward A. Smith, P.E.
Associate Safety and Health Engineer

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12240-0100

Variance Petition

Delta Engineers, Architects & Land Surveyors, PC
Petitioner's Agent

On behalf of

New York State Office of General Services (OGS)
Petitioner's Agent

On Behalf Of

NYSOMH
Petitioner

in re

Premises: Creedmoor Psychiatric Center
7925 Winchester Boulevard
Queens Village, NY 11427

**Interior ACM Spot Drilling and Cutting
Operations**

File No. 15-0145

DECISION

Cases 1-9

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 15-0145 on February 05, 2015 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited 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 January 30, 2015; 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:

Case No. 1	ICR 56-6
Case No. 2	ICR 56-7.1
Case No. 3	ICR 56-9.2
Case No. 4	ICR 56-7.5
Case No. 5	ICR 56-7.8
Case No. 6	ICR 56-8.1
Case No. 7	ICR 56 7.11(a)(b)(c)(e)(f)
Case No. 8	ICR 56-8.2(b)
Case No. 9	ICR 56-9.2(d)

VARIANCE GRANTED. The Petitioner's proposal to drill in multiple spots and a few saw cutting locations through friable ACM wall/ceiling plaster at the subject premises in accordance with the attached 10-page stamped copy of the Petitioner's submittal is accepted; subject to the Conditions noted below:

THE CONDITIONS

1. A full time project monitor shall be on site and responsible for oversight of the abatement contractor during all abatement and installation activities to ensure compliance with ICR 56, the approved variance petition proposal, the following variance conditions and to ensure that no visible emissions are observed.
2. A remote personal decontamination system and waste decontamination system may be utilized in accordance with ICR 56-7.5(d,f).
3. The restricted areas, regulated abatement work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25'), and shall remain vacated except for certified workers until satisfactory clearance air monitoring results have been achieved or the abatement project is complete. These areas shall have Signage posted in accordance with Subpart 56-8.1(b) of this Code Rule.
4. Each affected room/area/space shall be vacated for the duration of preparation, drilling/saw cutting/penetration, and cleaning operations and shall be considered a restricted area. Each affected space shall not be reoccupied until receipt of satisfactory air results as detailed below.
5. A Nilfisk and Kett Vacuum Saw, or similar type, negative pressurized tools shall be used in combination with a suitable HEPA vacuum for all ACM drilling and attaching operations. ACM drilling and sawing shall follow manufacturer's recommended operating procedures.
6. All power tools used to disturb ACM shall be HEPA ventilated as per ICR 56-7.2(o).

7. The interior of the negative-pressurized drill and saw shields are the regulated abatement work area for each drilling or sawing location. However, the room/area/space where operations occur is considered to be a restricted area, limited to certified personnel and authorized visitors only, until the asbestos project is complete. The restricted area shall be cordoned off and signage posted in accordance with ICR 56-7.4(c).
8. All exposed edges of drill holes and sawed areas shall be encapsulated.
9. If a wall partition is to be penetrated through, then the opposite side of the ceiling or wall partition shall be considered part of the restricted area. Glovebags shall be used, as proposed, during penetration operations to prevent uncontrolled disturbance at the opposite side of the ceiling or wall penetration.
10. In addition to the requirement of Subpart 56-4, air monitoring near the work area shall be conducted daily. One daily abatement air sample shall be collected within ten (10) feet of each ACM drilling and sawing location during removal and attaching operations.
11. Daily abatement air monitoring is required only on days when abatement or support activities such as ACM disturbance or cleaning activities are performed.
12. In lieu of post-abatement clearance air monitoring in compliance with ICR-56-9.2(d), the most recent daily abatement air samples collected during drilling and cleaning operations in the restricted area, shall be used for comparison with ICR 56-4.11 clearance criteria.
13. The contractor shall observe, at a minimum, a ten (10) minute waiting (settling/drying) period after removal and cleaning is complete at each location.
14. After removal and cleanings are complete and the work area surface is dry, the Project Monitor shall determine if the area is dry and free of visible asbestos debris.
15. Upon completion of a satisfactory visual inspection and obtaining air sample results that satisfy the clearance criteria, all remaining plastic sheeting and tape will be treated as contaminated material and properly disposed of as asbestos waste. Once all remaining work area preparation has been removed, the space may be reoccupied.
16. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

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

GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.
2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.
3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.
4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.
5. This DECISION shall terminate on February 28, 2016.

Date: February 19, 2015

MARIO J. MUSOLINO
ACTING COMMISSIONER OF LABOR

By


Edward A. Smith, P.E.
Associate Safety and Health Engineer

PREPARED BY: Mark G. Wykes, P.E.
Senior Safety and Health Engineer

REVIEWED BY: Edward A. Smith, P.E.
Associate Safety and Health Engineer

State of New York - Department of Labor
Division of Safety and Health
Engineering Services Unit
State Office Building Campus
Albany, NY 12240

January 30, 2015

Re: **Petition for Variance: New York State OMH, Creedmoor Psychiatric Center, 7925 Winchester Boulevard, Queens Village, NY
Provide Emergency Power Project - Asbestos Material Penetrations**

ATTACHMENT A
RESPONSE TO ITEM 25 - Reason for Request

BACKGROUND INFORMATION

Delta Engineers has been hired by the New York State Office of General Services (OGS) to prepare and submit a Petition for Variance associated with the "Provide Emergency Power Project" to be performed at the Creedmoor Psychiatric Center, Building 73, located at 7925 Winchester Boulevard in Queens Village, NY. As part of the Emergency Power Project, new conduits/raceways will be run throughout the building and connected to provide emergency power. In order to mount/run the hardware and conduit/raceway feeds on and through the interior walls, floors and ceilings, known asbestos containing materials (identified through pre-renovation asbestos surveys for the buildings) will be impacted. These ACM's include floor tile (mastic is non-ACM) and single coat plaster applied to the wall & ceiling systems. The owner will retain a third party Environmental Consulting firm for all on-site consulting services, to provide Project & Air monitoring duties.

Nature of the Work:

The operations necessary to mount the new conduit will include the drilling of one 3/16" diameter hole every 4' to 8' into asbestos containing single coat plaster for anchor installation.

The coring/cutting of holes through the asbestos containing single coat plaster is necessary for a continuous run of conduits from floor to floor. Penetrations for conduit/raceway feeds will also pass through walls having asbestos containing single coat plaster in order to install the conduit from room to room. These ceiling and wall cores will range in size, up to 4" diameter.

As the drilling/coring/cutting operations would have very limited impact on the ACM single coat plaster present on the ceiling and wall surfaces (significantly less than 1 square foot total of ACM single coat plaster per location), it would be excessive to require a tent set up at each of the locations.

The method proposed in Attachment B would involve a very minimal impact to the ACM single coat plaster at each location using power tools with Manufacturer-equipped shrouds/shields with HEPA-filtered local exhaust ventilation in lieu of tented enclosures while performing drilling and coring operations in the ACM plaster removals.

Due to the high priority and urgency of the Emergency Power Project, the limited overall project time frame

AN ISO 9001:2008 CERTIFIED COMPANY

constraints, and the potential adverse impact to the facilities day to day operations, we are requesting relief from standard negative pressure tent containment requirements during the wall/ceiling drilling operations for the anchor installations, coring of floor/ceiling deck for continuous "floor-to-floor" conduit, and the wall coring/opening operations necessary for the "room-to-room" installation of continuous conduit/cabling feeds.

Based on the above information, Specific Relief is requested from the following sections of 12 NYCRR Part 56:

<u>Section - Title</u>	<u>Reason / Proposed Plan for Protection w/o literal compliance</u>
56-6 – Background Air Sampling	We are proposing one air sample be collected at each drilling/coring location and one sample "outside" on the same floor during work area preparation and drilling/coring/cutting operations.
56-7.1 – Work Area Preparation Air Sampling	
56-8.1 – Asbestos Abatement Air Sampling	
56-9.2 – Clearance Procedures, Air Sampling	
56-7.5 – Personal and Waste Decontamination System Enclosures (drilling/coring operations)	As the amount of asbestos material to be impacted at each individual anchor installation location is extremely limited and the overall space constraints of the building, we are proposing to utilize a remote "small project" decontamination enclosure system. The unit will be located in a secured room within the given floor where active drilling, coring and opening cut-out operations are being performed. The walkway from the interior restricted work area to the decontamination system or next interior restricted work area shall be cordoned off and signage installed as per Section 56-7.4(c), to delineate it from public areas while in use during Phase IIA through IID.
56-7.8 – Engineering Controls	As the potential to impact or otherwise disturb the wall/ceiling ACM plaster during drilling, coring, operations is minimal, we are proposing to utilize localized negative pressure via the use of HEPA vacuums attached to power tools having manufacturer-equipped shrouds/shields as necessary during Phase IIA through IID operations. In addition to the HEPA shroud a localized negative air filtration unit (1000 cfm minimum) shall be placed in the vicinity of the work area.
56-7.11(a), (b), (c), (e) & (f) – Regulated Abatement Work Area Enclosure	As the potential to impact or otherwise disturb the wall/ceiling ACM plaster during drilling, and coring operations is minimal, we propose to perform the operations within an "Interior Restricted Area". The entire room/floor/area where drilling and coring operations are being performed shall be isolated/cordoned off, signage installed as per Section 56-7.4(c), and will be restricted to certified personnel only during Phase IIA through IID operations.
56-8.2 (b) – Waiting Period	We are proposing to allow the commencement of drilling, coring, opening cut-out operations immediately following completion of IIA Area Preparation and acceptance of Pre-Abatement Visual Inspection by a Project Monitor.
56-9.2 (d) – Clearance Air Sampling	Utilize the results of the "daily" 1 inside "Interior Restricted Area" results in lieu of clearance air sampling. If the daily air samples are reported as being greater than 0.01 f/cc, then the interior restricted work area shall be re-cleaned and final clearance air sampling for the area shall be performed.

We feel the requested relief is justified and the proposed abatement means and methods outlined in Attachment B are sufficient to minimize the potential for any airborne asbestos fiber release during the drilling, coring, and opening cut-out procedures and will sufficiently protect the Abatement Workers, the follow-up Trades, future

building occupants and the General Public. Proposed means and methods for drilling and coring operations are present in Attachment B.

Respectfully,

DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, P.C.



William T. Johnson
Project Manager
Asbestos Project Designer Certificate No. 88-05722

Date: January 30th, 2015

State of New York - Department of Labor
Division of Safety and Health
Engineering Services Unit
State Office Building Campus
Albany, NY 12240

January 30, 2015

Re: **Re: Petition for Variance: New York State OMH, Creedmoor Psychiatric Center, 7925 Winchester Boulevard, Queens Village, NY**
Provide Emergency Power Project - Asbestos Material Penetrations

ATTACHMENT B
Proposed Abatement Method Description

Based on the background information presented in Attachment A, in addition to the "general" requirements of 12 NYCRR Part 56, we are requesting that the following operations/procedures be used for the drilling, coring and opening cut-out operations into and through asbestos containing materials to be performed at the Creedmoor Psychiatric Center, Building 73, located at 7925 Winchester Boulevard in Queens Village, NY as a part of the Provide Emergency Power Project:

Drilling/Coring Operations impacting Asbestos Containing Material - In association with the upcoming provide emergency power project to be performed at the Creedmoor Psychiatric Center building, we are requesting a Variance to address drilling, and coring operations into and through wall and ceiling systems having asbestos containing single coat plaster. The proposed operations, if approved by this variance, would include the following:

- 1) Prior to any coring or drilling work on a given floor, access to the entire floor or room would be restricted to certified personnel only. A remote small project decontamination system enclosure shall be constructed in a secured room and made fully operational. In general, the entire floor/room/wing where active work is being performed shall be considered the interior restricted work area. The walkway from the active restricted area to the personal decontamination system, or next interior restricted area, shall be cordoned off and signage installed as per Section 56-7.4(c), to delineate it from public areas while in use during Phase IIA through IID.
- 2) With the remote decontamination system in-place, the drilling/coring operations would be performed as follows:

A) New Surface-Mounted Conduit/Raceway Support Installation - For surface-mounted conduit and raceway anchor installation operations, a 2-layer 6 mil fire retardant poly drop cloth shall be installed under the entire length of the new run for a given room/area. The size of the drop cloth shall be a minimum 6' wide by the entire length of the new conduit run. One 3/16" diameter hole would then be drilled every 4' to 8' along the given run into the given wall/ceiling surface utilizing a drill equipped with a manufactured HEPA shroud. The HEPA vacuum would operate continuously during all drilling operations. Once the holes are drilled the edges shall be encapsulated prior to the installation of the anchors and supports.

B) Wall (Through-Wall) Coring/Opening Cut-Out Operations - For this operation, a complete core or opening is required through a given wall for the surface conduit/raceway pass-throughs. Coring and opening cut-out operations at each location will be performed in two separate phases so that the asbestos containing plaster being impacted is isolated within the power tool shroud/shield (i.e. core/cut-out a hole into one side of the wall utilizing the proposed methods below then proceed to the other side of the wall and perform the identical operation).

- a. A 2-layer 6 mil fire retardant poly drop cloth shall be installed on both sides of the wall under the coring/cutting location. The size of the drop cloths shall be a minimum 6' out from the wall by 8' in length. The drop cloths will be disposed of as asbestos waste at the completion of operations.
- b. As stated above, although wall coring/cutting operations will be performed in two separate phases so that the plaster being impacted is isolated within the tool shroud/shield at all times, a commercial glovebox will be sealed to the non-drill shield side of the wall for each coring/cutting phase at a given location.
- c. Coring operations requiring up to a 4" diameter would be performed using a drill equipped with the manufacturer's shroud/shield and HEPA-filtered local exhaust ventilation. The HEPA vacuum would operate continuously during all coring operations. The coring would be performed on one side of a given wall initially and would be to a minimal depth so as to core through the "active surface" of the wall only. Once this initial core is complete, the opposite surface of the wall would be cored following the identical set-up and coring procedure.
 1. A "Cut-Sheet" on the Shroud and Drill unit proposed for use in drilling/coring up to 1-5/8" diameter is included in Appendix A.
- d. Once the cores on both sides of a given wall location are complete, all exposed wall edges shall be encapsulated.
- e. Upon completion of these operations at a given location, the drop cloth shall be HEPA vacuumed and placed in an asbestos disposal bag. All waste shall be double bagged within the interior restricted work area for transfer to the waste storage trailer/dumpster. The area shall then be inspected by a 3rd party independent project monitor for completeness of abatement and cleaning.

C) Ceiling Coring/Opening Cut-Out Operations - For this operation, a complete core is required through a given ceiling for the surface conduit/raceway pass-throughs from floor-to-floor. Coring operations at each location will be performed in two separate phases so that the asbestos containing plaster being impacted is isolated within the drill shroud (i.e. drill a hole into the ceiling side of the deck from the "bottom" floor utilizing the proposed methods below.

A 2-layer 6 mil fire retardant poly drop cloth shall be installed beneath the ceiling core location. The size of the drop cloths shall be a minimum 8' x 8'. The drop cloths will be disposed of as asbestos waste at the completion of operations.

- a. Coring operations requiring up to a 4" diameter would be performed using a drill equipped with the manufacturer's shroud/shield and HEPA-filtered local exhaust ventilation. The HEPA vacuum would operate continuously during all coring operations. The coring would initially be performed on the ceiling. Once this initial ceiling core is complete, the opposite side of the deck (i.e. floor above) would be cored following the identical set-up and coring procedure.
- b. Once the cores on both sides of a given floor/ceiling deck are complete, all exposed edges shall be encapsulated.
- c. Upon completion of these operations at a given location, the drop cloth shall be HEPA vacuumed and placed in an asbestos disposal bag. All waste shall be double bagged within the interior

restricted work area for transfer to the waste storage trailer/dumpster. The area shall then be inspected by a 3rd party independent project monitor for completeness of abatement and cleaning.

- 3) Daily "Full-Shift" Air Sampling will be performed during all drilling and coring operations. This will consist of one air sample being collected within each active interior restricted work area location. Provided that airborne fiber concentrations remain below 0.01 fibers per cubic centimeter, clearance air sampling as described in Subpart 56-9.2, (d) will not be performed. If air sample results indicate airborne fiber concentration at or above 0.01 fibers per cubic centimeter, all surfaces present within the room where the elevated sample result was reported will be re-cleaned and clearance air sampling for the given room will be performed following a two hour waiting period.
- 4) When all drilling, coring and opening cut-out operations have been completed, and daily air samples are received and acceptable for a given restricted work area, then the signage and barrier tape shall be removed and the area/building floor shall be opened for access by follow-up trades to perform their work.

The health and safety of the staff as well as that of the contractors working within its building is of the utmost concern to the facility. By having a Variance in-place that addresses the drilling and coring operations necessary to accomplish the Emergency Power Project, the necessary asbestos abatement within the affected areas of the building can be completed in a safe and timely manner. We feel that the proposed means and methods for drilling and coring operations minimally impacting the asbestos containing single coat would in no way compromise the security or safety of the general public, the staff, or any workers involved with the project.

As per the standard conditions, we are requesting that, if approved, the variance termination date be the maximum two years from its date of issuance. If you have any questions or require any additional information, please feel free to contact William T. Johnson of Delta Engineers (607) 231-6675, Cell (607) 343-3028.

Respectfully,

DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, P.C.



William T. Johnson
Project Manager
Asbestos Project Designer Certificate No. 88-05722

Date: January 30th, 2015

Appendix A

Specifications and Cut-Sheets for Nilfisk Drill Shield Proposed for use for all Drilling and Coring Operations up to 1-5/8" diameter

150145

14-0946

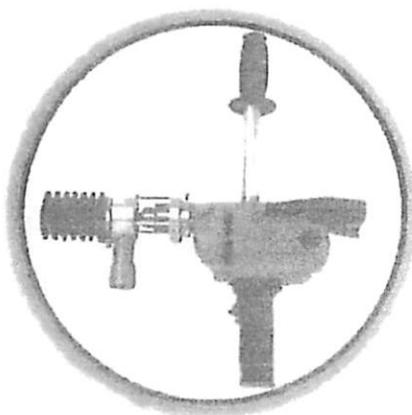
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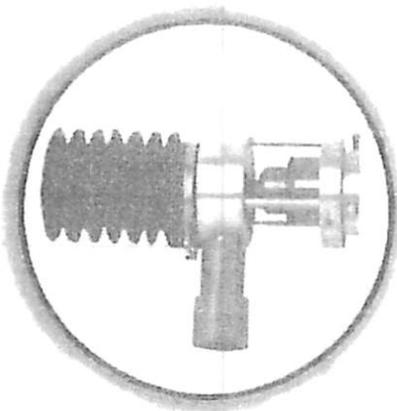
Nilfisk

POWER TOOLS



Drill Shield

The Drill Shield is a professional quality hand tool for the effective control of toxic and nuisance dust while drilling or cutting holes. Engineered to attach to most drills and work as a single unit, a standard 6" drill bit can penetrate materials easily while a rubber pleated casing captures the extracted dust. As the material is drilled, the drill nozzle compresses without hindering operation and ensures that the bit is shrouded and the dust is contained. Ideal for plunging holes in a variety of substrates, the precise pairing of vacuum and tool is designed to comply with OSHA standards.



Benefits

- Creates a virtually dust-free environment, providing greater visibility while enhancing worker productivity
- Universally tailored to fit a range of drills, including standard and hammer drills
- Specifically designed to accurately position the bit to begin drilling
- Does not require special operating procedures
- Ergonomically designed for ease of use
- For use with Nilfisk and CFM vacuums



Specifications

- Accepts up to a 1-5/8" hole saw
- Accepts up to 1/2" x 8" long drill bits
- Designed for 1" diameter hose

Visit us online at www.pa.nilfisk-advance.com

1-800-NILFISK
 Fax: (610) 647-6427
 Nilfisk-Advance America, Inc.
 300 Technology Drive
 Malvern, PA 19355-1315



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setting standards



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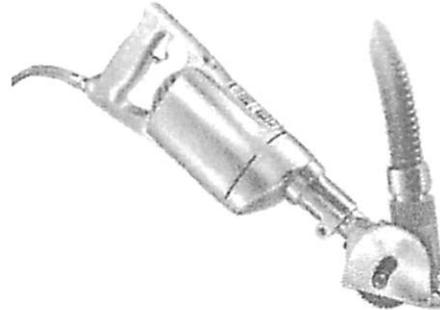
Appendix B

Specifications and Cut-Sheets for Kett Saw and Shroud Attachment Proposed for use for all Coring/Opening Cut-out/Trenching Operations greater than 1-5/8" diameter

150145
14 - 0946
13 - 0303



We Make The Cut!



KSV-33AM vacuum master saw

Features

- Industrial type, 5.5 amp D-handle, single speed, 1500 RPM motor.
- Replaceable tool steel saw blades.
- Cuts C.R. mild steel 16 gauge and lighter, plastic and other rigid materials up to 1/2" and aluminum to 1/8".
- Great for cutting Drywall, fiberglass and plaster products with dust control.
- Leaves a milled, ready to fabricate finish without burning the material.
- Lightweight and easily maneuverable, dust free cutting.
- Plunge cuts into the middle of the material.

Specifications

▪ Amps	5.5
▪ RPM	1500
▪ Power source	120 volts
▪ Saw unit	KSV-33
▪ Maximum depth of cut	5/8"
▪ C.R. mild steel	16 gauge
▪ Aluminum	1/8"
▪ Rigid materials	1/2"
▪ Length	18 inches
▪ Weight	13 pounds