



**DESIGN AND CONSTRUCTION GROUP
THE GOVERNOR NELSON A. ROCKEFELLER
EMPIRE STATE PLAZA
ALBANY, NY 12242**

ADDENDUM NO. 1 TO PROJECT NO. 45308

**Construction Work
Demolish Building 38
Mohawk Valley Psychiatric Center
1400 Noyes St
Utica, NY 13502**

September 22, 2016

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.

SPECIFICATION GROUP

1. Section 000110 Table of contents: ADD "SITE SPECIFIC VARIANCE" to the appendix

Page 028213-2, delete section 1.06 and add the Following Article to PART 1 GENERAL:

1.06 "ASBESTOS SITE SPECIFIC VARIANCE

A. If an additional site specific variance is sought, the application must be submitted by the contractor's NYS DOL Certified Asbestos Project Designer with 14 days after the Contract Agreement is approved by the Comptroller. Forward the required forms to the Department of Labor for their action."

END OF ADDENDUM

Margaret F. Larkin
Executive Director
Design and Construction

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

September 21, 2016

CHA Consulting Inc.
3 Winners Circle
Albany, NY 12205

RE: File No. 16-1071

Dear Sir/Madam:

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

The attached is a copy of Decision, dated, 9/14/2016, 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 9/14/2016.



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



Department
of Labor

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

Variance Petition

Of

CHA Consulting, Inc
Petitioner's Agent on Behalf of

NYSOGS
Petitioner

in re

Premises: Mohawk Valley PC – Building 38
1400 Noyes Street
Utica, NY 13502

**Controlled Demolition of Condemned
Structure With Friable ACM**

File No. 16-1071

DECISION

Case(s) 1

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 16-1071 on September 13, 2016 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 August 18, 2016; 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 56-11.5(c)(12)

VARIANCE GRANTED. The Petitioner's proposal for controlled demolition of a 3-story condemned structure with friable ACM, at the subject premises in accordance with the attached 3-page stamped copy of the Petitioner's submittal, is accepted; subject to the Conditions noted below:

THE CONDITIONS

Secure the Work Site

1. The entire controlled demolition area and all surrounding portions of the site to be utilized for demolition cleanup, staging areas and regulated abatement work areas, shall be enclosed within a barrier or fence. The intent of this barrier is to define the restricted area at the work site, alert the public to the asbestos work and associated hazards, and to prevent unauthorized entry onto the work site.
2. Signage in accordance with the requirements of ICR 56-7.4(c) shall be posted on the exterior of the work site boundary fence/barrier, to warn the public of the asbestos hazard.

Establishment of Regulated Areas

3. The regulated work areas, decontamination units, airlocks, and dumpster areas shall be cordoned off at a distance of twenty-five feet (25') where possible, 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 56-7.4(c) of this Code Rule. For areas where twenty-five feet isn't possible, the areas shall be cordoned off as practical, and a daily abatement air sample shall be included in the vicinity of the barrier.

Controlled Demolition Removals

4. Decontamination system enclosures and areas shall be constructed and utilized as per the requirements of 56-7.5(d) and 56-11.5.
5. Uncertified personnel shall not be allowed to access any regulated abatement work area, with the exception of waste hauler truck drivers. These truck drivers will be restricted to their enclosed cab, while temporarily in the regulated work area for waste transfer activities only. All equipment operators utilized for demolition or removal activities within the regulated work area must be certified in compliance with ICR 56-3.2.
6. No dry disturbance or removal of asbestos material shall be permitted.

7. Wastewater shall be confined within the controlled demolition area.
8. All demolition debris, barrier components, used filters and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and shall be disposed of as RACM. Structural members, steel components and such non-porous materials may be fully decontaminated prior to being treated as salvage.
9. In addition to the requirement of Subpart 56-4.9(c), air monitoring within the work areas shall be conducted daily. If more than one shift daily is required to accomplish the work, air monitoring within the work area during abatement shall be performed on each shift, preferably at mid-shift timing.
10. Daily abatement air monitoring is required only on days when abatement or support activities such as ACM disturbance or cleaning activities are performed.
11. The contractor shall observe, at a minimum, the following waiting (settling/drying) periods: Demolition - 2 hrs.
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 removal and cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.
13. After removal and cleanings are complete and a minimum drying period has elapsed, an authorized and qualified Project Monitor shall determine if the area is dry and free of visible asbestos debris/residue. If the area is determined to be acceptable and the most recent daily abatement air sample results meet 56-4.11 clearance criteria, the final dismantling of the site may begin.
14. 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 September 30, 2017.

Date: September 14, 2016

ROBERTA L. REARDON
COMMISSIONER OF LABOR

By


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

PREPARED BY: Ravi Pilar, P.E.
Senior Safety and Health Engineer

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



August 22, 2016

New York State Department of Labor
Division of Safety and Health - Engineering Services Unit
Building 12, Room 159
State Office Building Campus
Albany, New York 12240

Re: Petition for Variance
Building 38 Mohawk Psychiatric Center, Utica, New York
CHA Project No. 30872

To Whom it May Concern:

Background

Building 38 is a two story brick building with a full basement and attic space. The building is structurally unsound due to a partial roof collapse and resultant water infiltration and deterioration of the existing structural members. As such, the building could not be safely entered to inspect for suspect asbestos-containing materials and will be demolished with presumed asbestos in place. The building demolition will be performed in accordance with Code Rule 56, Subpart 11.5 "Controlled Demolition with Asbestos in Place" in addition to the requested clarification and relief outlined below.

Request for Relief

This variance petition is intended to clarify the building condemnation and procure relief from the following subsections of Title 12 of the New York Codes, Rules and Regulations Part 56 (12 NYCRR 56) Code Rule 56-11.5, "Controlled Demolition with Asbestos in Place" for this site.

- Case No. 1 ICR 56 – 11.5 (b)(1) → No relief required
- Case No. 2 ICR 56 – 11.5 (c)(12) → No relief required.
- Case No. 3 ICR 56 – 11.5 (c)(13) → No relief required.

56-11.5 (b)(1) Asbestos to Remain During Demolition (Clarification) – This subpart requires that a building be condemned to allow for controlled demolition with asbestos in place. A letter of condemnation has been prepared by the NYS Office of General Services who will be acting as the permitting entity for this project. The condemnation letter is attached to this petition for your records.

56-11.5 (c)(12) Contaminated Earth Surfaces - This subpart states that the earth surface below the rubble and/or contaminated areas shall be scraped clean of any residual asbestos contamination and this material removed and disposed of as asbestos contaminated waste. We wish to clarify that the

9/14/16

Project Monitor shall verify that -
9/14/16

basement slab and foundation walls of Building 38 will remain in place. The foundation side walls and basement slab will be cleaned of all residual debris following the demolition activities. All water used during the cleaning process will be collected, filtered through a 5-micron particle size collection system and discharged in accordance with all applicable codes.

Project
Monitor
shall verify
this
for
9/14/16

56-11.5 (c)(13) Final Cleaning and Clearance Procedures - This subpart states that final clean-up and clearance procedures shall comply with Section 56-9. This section allows an exemption of clearance air sampling for exterior projects completed without a negative pressure enclosure. We plan on using the last (most recent) set of daily abatement air sample results for comparison with the clearance air sample results criteria, as outlined in the current guidance document (version 2.0) in Q/A #320.

Please do not hesitate to call me at 518-453-3915, if there are any questions regarding the information provided in this variance petition. My asbestos project designer certification number is 99-08548.

Sincerely,



James N. Morey
Scientist IV
Asbestos Inspector/Project Designer #00-11983

Enclosure

V:\Projects\ANY\K4\30872\Tech\Design_Data\Site Specific Variance Petition.docx



**Office of
General Services**ANDREW M. CUOMO
GovernorROANN M. DESTITO
Deputy Governor

May 3, 2016

Office of Mental Health
Capital District PC
75 New Scotland Avenue
Albany, NY 12208Re: **NYSOGS PN 45308**
Demolish Buildings 38
Mohawk Valley Psychiatric Center
1400 Noyes Street, Utica, New YorkAttn: Mr. Edward Killeen
Director of Bureau of Capital Operations

Dear Mr. Killeen:

On November 19, 2015, a site visit was conducted at the Mohawk Valley Psychiatric Center to evaluate the structural integrity of Building 38, to evaluate the structural integrity of Building 38. Findings and recommendations were provided to the New York State Office of General Services (NYS OGS) in a Professional Consultation Report (Report), prepared by CHA, dated January 8, 2016 (CHA Prj No 30872).

The referenced Report, indicates Building 38, having been vacant for an extended period of time, has deteriorated to the point where upper floors of this three story structure have collapsed into the first floor and basement levels, that the Building interior is deteriorated, inaccessible and unsafe for abatement and should be demolished using means that do not require working from the structure's interior.

The NYS OGS, as the Authority Having Jurisdiction, concurs with the findings presented in the Report, and pursuant to the Department of Labor Code Rule 56-11.5(b)(1), Building 38 being structurally unsafe considers the building condemned.

Please contact Mr. John Kochem of our office at (518) 402-5845 with any questions regarding this matter.

Sincerely,

Anthony J. Nuciforo, C.E.O.
Agency Code Compliance Manager
Office of General Services
Design and Construction

AJN/an

email cc: M. Larkin, E. Deyoe, J. Kochem, B. Morey, C. Jedrich, P.E. – CHA