



STATE OF NEW YORK
 DEPARTMENT OF LABOR
 DIVISION OF SAFETY AND HEALTH
 65 Court Street
 Buffalo, NY 14202
 ASBESTOS CONTROL BUREAU
 ROOM 405

Al Jakubowski
 NYS Labor 847-7601
 Ray Pilon - C.O.E.
 DATE OF INSPECTION:

NOTICE ISSUED TO:
 Supervisor
 Town of Lewiston
 1375 Ridge Rd.
 Lewiston NY 14092
 Lewiston NY 14092

12/23/99

DATE OF ISSUANCE:
 01/05/00

NOTICE GIVEN-MAILED TO:
 contractor owner other

PROJECT SITE:
 Former waste water treatment plant

Bldg1

Balmer Rd
 Lewiston, NY 14092
 ACo9991059

NOTICE OF VIOLATION AND ORDER TO COMPLY

You are hereby ordered to comply with the following requirements of the Labor Law or Industrial Code, related laws and the rules and regulations promulgated thereunder at the premises described above. These requirements must be complied with IMMEDIATELY unless otherwise specified herein:

ITEM No.
 ITEM 1
 12 NYCRR 56-
 1.6.b. Notification.

ORDERS

Page 1 of 5

Neither definition of asbestos project: §901.7 LL or R 56-1.4(o), asbestos project sets the upper or lower limits of the scope of a project. Both R 56-1.6(b)(2), and §904.2 of the Labor Law make several references to "building or area". In all instances, the reference is singular, not plural. The primary purpose of the asbestos project notification (DOSH 483) is to inform the Asbestos Control Bureau of an asbestos abatement project. Notifications must provide sufficient particulars to prioritize and schedule on-site investigations. Sufficient particulars cannot be provided to facilitate efficient scheduling of investigations if buildings or structures are combined on one notification form. There is absolutely no authorization in the law or regulations to include more than one building or structure on one notification. A project cannot include more than one building, whether or not the buildings are adjacent, or served by common utilities. Therefore no more than one building may be included in one notification. Since no more than one building may be included in a project/notification, the "cumulative" provision applies to each building separately. This standard has been applied consistently. Whenever notifications are filed which obviously cover more than one building, they are returned as invalid. When field inspection reveals that one notification has been filed for multiple buildings, the contractor is cited. The language in the code defining large projects and specifying when notification is required is quite specific. See CR56-1.6(b) and R

Requirements explained to: CERT MAIL
 Title:

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 FOR THE COMMISSIONER OF LABOR



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ITEM No.

ORDERS

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Item 1

56-1.4(tt). For this reason, we will not require a notification unless either two hundred sixty linear feet or one hundred sixty square feet is exceeded, or notification for a lesser scope of work is required by the conditions of an individual or applicable variance.

Fees will be required only for notifications exceeding 260 linear feet or 160 square feet, as §904.2 as amended is specific as to amounts. For similar reasons, fees are calculated on both linear feet and square feet. If both 1650 linear feet and 1000 square feet are exceeded, \$2000 is due.

Contractor did not sent in the required notification and fee for bldg.1.

Item 2

12 NYCRR


56-1.9.a.

Survey required.

Prior to advertising for bids or contracting for or commencing work on any demolition work on a building, except an agricultural building or a building the construction of which was begun on or after January 1, 1974, an owner and his/her agents, except the owner of one and two-family dwellings who contracts for but does not direct or control the work, shall conduct or cause to be

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conducted a survey to determine whether or not the building or portion thereof to be demolished contains asbestos or asbestos material as defined in section 56-1.4 of this Subpart. All such surveys shall be conducted in conformance with the requirements of subdivision (b) of this section.

Contractor did do required survey prior to demolition.

Item 3
12 NYCRR 56-2

LICENSING AND CERTIFICATION

12 NYCRR

56-2.1. Licensing requirements and procedures.

56-2.1.a. License required.

No contractor shall engage in an asbestos project unless such contractor has a valid asbestos handling license issued by the commissioner. All firms, corporations or other business entities providing management planning, project design, monitoring, inspection and/or air monitoring services shall obtain an asbestos handling license. In addition, the individuals employed by such firms, corporations or other business entities shall obtain the asbestos handling certificate appropriate to the tasks performed by such individuals.

Contractor did not have a license to perform asbestos abatement in bldg. 1

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ITEM No.

ORDERS

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Item 4

12 NYCRR

56-2.2 Certification requirements and procedures.

56-2.2.a. Certification and Training required.

No contractor shall engage in or permit a person employed by the contractor to engage in or supervise work on an asbestos project unless each such person has a valid asbestos handling certificate issued by the commissioner appropriate to the work performed by such person on an asbestos project as defined elsewhere in this Part (rule). Training for all certificates hereafter set forth shall meet all requirements established by the New York State Department of Health.

Contractor employed workers that did have certificates.

Item 5

12 NYCRR

56-17 AIR SAMPLING, MONITORING AND ANALYSIS

56-17.1 Schedules and methods. Air sampling and analysis shall be conducted in accordance with the following table:

Table 1

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ASSOCIATE INDUSTRIAL HYGIENIST
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ASBESTOS PROJECT AIR SAMPLING & ANALYSIS REQUIREMENTS

Project	Background (Prior to Start of Project)	Pre-Abatement (Area Preparation)	Abatement (Work in Progress)	Post-Abatement (Clearance Air Monitoring)
<u>Large Asbestos Project</u> All Projects	Required	Required	Required	Required
<u>Small Asbestos Project</u> All Projects	Required	Required	Not Required	Required
<u>Minor Asbestos Projects</u> *required on glovebag or tent failure or loss of integrity	Not Required	Not Required	Not Required	Required*

Contractor did not perform air monitoring as required during abatement of bldg.1.

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 FOR THE COMMISSIONER OF LABOR

1-10-2000

Fax to:

Bill Kovalski - C.O.E. (879 4418)
879-4355

From: Bob Gullucci

NYS Labor Dept.

Asbestos report for
Remediation of STP at
LWOW Site