REMEDIAL ACTION WORKPLAN

Former Newport School
7456 East Street
Newport, New York

Prepared By:

HRP Associates, Inc.
1 Fairchild Square, Suite 110
Clifton Park, NY 12065

HRP PROJECT#: NEWPORT

Issued On: October 2024

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1.0 INTRODUCTION

The Village of Newport requested HRP Associates, Inc. (HRP) prepare a Remediation Action Workplan for the former Newport School located at 7456 East Street in the Village of Newport, New York (see Figure 1, Site Location), herein referred to as "the Site". This Workplan includes the demolition, with asbestos containing materials in place and offsite disposal, of the on-site vacant and dilapidated three-story school building totaling 24,584 square feet (Figure 2).

This document provides a scope of work (SOW), site drawings, and health and safety (including asbestos management and monitoring) requirements associated with the asbestos/building removal.

The project is being funded by EPA Revolving Loan Funds (RLF) from two entities that hold RLF grants; Mohawk Valley Economic Development District, Inc. (MVEDD), and Mohawk Valley EDGE (EDGE). EDGE is funding the controlled demolition of the structure with asbestos in place, MVEDD is funding the transport and disposal of the waste and professional services to support the project.

1.1 Site Description and Background Information

The 1.10-acre Site consists of one parcel of land identified by the Herkimer County tax assessor as 094.47-2-8.2. One three-story building totaling 24,584 square feet improves the Site, which was constructed in 1928 and utilized as a public school until being vacated in 1990. The remainder of the Site includes grass covered areas and a driveway adjacent to the west of the building, and overgrown vegetation around the remainder of the building. The Site sits on the eastern side of East Street and is adjoined by residences and undeveloped land.

According to historical reports, the Site was utilized since at least 1887 to 1990 as a public school in the Village of Newport. The Site building has been vacant since at least 1990.

1.2 Proposed Future Site Use

In order to prepare the site for redevelopment as a community gathering area and/or housing re-development, removal of regulated asbestos containing material (RACM) via demolition of the dilapidated school building with asbestos in-place is necessary.

2.0 ACM BUILDING CHARACTERIZATION

The following design investigation activities were performed to evaluate existing onsite conditions and survey the building in support of the remedial action design:

- Pre-demolition hazardous materials survey inspection
- Development of a demolition and disposal cost estimate
- Building demolition plan and demolition debris quantity estimate
- Topographic land survey to establish project boundaries and address finish elevations

On August 22, 2022, Mr. Jamie Charter (NYSDOL Asbestos Handler Certification #14-06730), completed a hazardous materials (hazmat) survey at the refenced Site (see report included as Appendix A). The survey was requested to identify Asbestos Containing Materials (ACM) to assist the Village of Newport with managing the Site for planned redevelopment.

The surveyed Site consisted of one three-story building totaling approximately 38,000 ft^2 constructed in 1923. The building was constructed of concrete and wood floors, steel and wood frame, exterior brick and mortar walls, and an asphalt/rubber roof. Drywall, plaster, and tile walls were observed inside of the building.

The survey was limited by significant quantities of debris covering interior floors from deteriorated walls and ceilings. The surveyor collected 38 samples (including layers) of drywall, plaster, concrete skim coat, concrete, brick, mortar, roofing material, pipe insulation, and window glazing. Asbestos was detected in the following building materials:

- Black built up roof above auditorium (third floor) – 3.9% Chrysotile (Sample #06-32, #06-33), damaged and an uncontrolled release.
- White pipe insulation (second floor) – 28.6% Chrysotile (Sample #07-34 through #07-36) which was noted to be damaged and an uncontrolled release. Based on the lack of access in the building, pipe insulation throughout the building should be presumed to be an ACM, or further assessed by an asbestos building inspector following the removal of debris from the building.

3.0 REMEDIAL MEASURE DESIGN

3.1 Remedial Measure Description

The following is a description of the tasks associated with hazmat management and building demolition.

3.1.1 NYSDOL Variance

As the building has been condemned and the site building is contaminated with asbestos debris, a petition for variance for controlled demolition in place was drafted by a NYS DOL licensed project designer and submitted to DOL for approval.

The variance included work practices and will be included in the specification package. The variance application includes:

- Condemnation Letter
- Owner Name and Address
- Owner Federal ID Number

The Petition for Variance was approved by the DOL (Appendix B). The variance was optimized to reduce the impact of regulatory costs to the project and promote green recycling, and included request of relief from sealing windows in adjacent buildings, segregating brick, concrete, and metal that can be visually cleared and segregated from the asbestos project, as applicable. The variance will also request that the 10-day notification be waived, and emergency status be granted so that work can begin after three days, if requested.

3.1.2 Development of Project Documents

Project Documents will be prepared and provided to the Village of Newport for advertisement. The package will include:

- Project Overview
- Scope of Work
- DOL Approved Petition for Site Specific Variance
- Completed Waiver of Project Notification Fee Application
- Letter of Condemnation
- Plans and Specifications (e.g., work practices, removals, backfill)
- AIA Contract Document
- Bid format and structure
- Village of Newport specific requirements (e.g., work hours, permit requirements, insurance, bonding)
- EPA specific requirements (e.g. Davis Bacon)
- Topographic land survey.

We understand the Village of Newport will publicly advertise the bid.

3.1.3 Bid Walk & Solicitation

A public bid walk will be completed with respondent bidders to review the project and site conditions. Any questions or required clarifications will be collected and answered via a publicly available addenda. The submitted bids will be reviewed and the lowest cost qualified bidder selected.

3.1.4 Building Demolition

The building demolition will be completed by the selected contractor and overseen by a qualified engineer. The demolition will consist of site preparation and removing the site building to grade. Site preparation activities include, but are not limited to, clearing and grubbing, establishing site logistics, truck routing, disposal, and security fencing. Demolition will be completed, while monitoring and protecting adjacent structures, roadways, and pedestrians.

Due to the building structural damage and asbestos contamination, building components contaminated with asbestos will be managed as asbestos waste and placed into waste trucks.

Decontaminated materials such as steel, block, and concrete will be segregated for salvage and re-use off-site. The main slab will be cleaned of debris and remain. Any below grade areas identified after demolition will be backfilled to grade with clean off-site materials. Additionally, work will be completed in a manner to minimize or mitigate exposure to dust, nuisance odors, and potentially harmful vapors.

3.1.5 Oversight

An engineering professional will visit the site and observe contractor procedures, site controls, removals, waste loading, dust control, backfill and site restoration. A field report will be provided for each visit.

3.1.6 NYSDOL Air Monitoring

An independent third-party will complete asbestos project monitoring consisting of the collection and analysis of background air samples during removal activities. In addition, post abatement visual survey and air sampling will be conducted in accordance with NYS DOL ICR 56 requirements.

3.1.7 HAZMAT Abatement / Building RACM Demolition Report

A HAZMAT Abatement report will be completed which will include a summary of site activities, site personnel, waste streams, quantity of material removed and disposal facilities, restoration actions, analytical data, and any changes or deviations from this workplan.

3.2 Roles and Responsibilities

A description of the roles and responsibilities is provided below.

Site Engineer

A site engineer will conduct on-site construction management and engineering during the demolition including:

- Completing pre and post demolition structural assessments surrounding properties, this will include recommendations and/or restrictions on demolition work to minimize the impact on neighboring properties.
- Monitoring emissions and fugitive dust during demolition.
- Monitoring the contractor's performance and handling of hazardous materials during the work.
- Reviewing plans, specifications, and submittals from the demolition contractor.
- Hosting regular progress/pre-construction meetings and providing minutes to the Village of Newport and the demolition contractor for review and concurrence.
- Review of and compliance with Work Plan, Transportation and Disposal Plan, Health and Safety Plan, Traffic Control Plan and Nuisance Control Plan developed by selected contractor, as applicable.

Demolition Contractor

The Demolition Contractor activities will include:

- Providing all labor, equipment, and materials necessary to execute the Remediation Workplan.
- Provide pre job submittals including but not limited to asbestos handling and business licenses, transporter permits, and landfill permits.
- Preparation of a construction entrance and implementation of all required Site logistics such as truck routing, safety zones, and decontamination pads prior to demolition
- Attending a pre-construction meeting, daily health and safety meetings, periodic coordination meetings, and a post-construction meeting
- Containerizing, transporting (including providing and preparing manifests, bills-of-lading, etc.), and disposing of wastes in accordance with all applicable federal, state, and local laws. Based on existing information, further waste characterization is not required; the asbestos contaminated building debris will be disposed of as EPA Regulated Asbestos Containing Materials in a landfill permitted to receive RACM.
- Asbestos and hazardous materials abatement/management and monitoring, if deemed necessary by the asbestos survey
- Development of a Demolition Work Plan Presenting Means and Methods, Transportation and Disposal Plan, Health and Safety Plan, and Traffic Control Plan
- Develop a Nuisance Control Plan
- Securing Site, site preparation including safety protection of personnel and general public (2018 - International Building Code Ch. 33) (International Code Council 2017)
- Building demolition and off-site disposal of materials
- Site restoration (Section 3.5)
- Decontamination of all equipment and vehicles prior to leaving site, as necessary

3.3 Third Party Asbestos Monitoring

Per requirements of New York State Industrial Code, Rule 56, a third party will be contracted by the Owner or Owner's representative to provide air and project monitoring prior to and throughout the asbestos abatement and building demolition and inspect/observe asbestos removal areas and procedures to ensure all applicable regulations and site-specific variance conditions are followed. Monitoring performed by the third-party subcontractor will ensure that the abatement activities do not create a health hazard in adjacent areas (residential and commercial structures surround the Site). The third-party subcontractor will communicate hazardous conditions or non-conformances to the Engineer any for immediate stop work and / or corrective actions.

3.4 Permitting Plan/Permits

The demolition contractor will be required to obtain any work permits needed, including building permits at the municipal level and required notifications from the NYSDOL demolition contractor is responsible for payment and procurement for all permits and complying with all applicable local, state, and federal regulations. The following is a list of applicable permitting items that may be necessary prior to demolition.

- Asbestos Survey Report to the Village of Newport Building Department
- If deemed necessary, an asbestos abatement permit from the New York State Department of Labor (work to be performed in accordance with 12 New York Codes, Rules and Regulations Part 56) with proof of asbestos abatement.
- NYSDOL Notification of Asbestos Project
- Waste Hauling Permits
- Landfill permit(s)
- Identification of permitted recycling faculties
- General Building Permit including all relevant permits from the Village of Newport Building Department
- Sidewalk and road closure permits

3.5 Site Restoration

After the asbestos contaminated waste is removed, visual inspection by the project monitor, and receipt of compliant air sample results, the site restoration will begin with grading and seeding of disturbed soils with hydroseed. The Site will be graded in a manner to control stormwater.

FIGURES

NOTE: ALL DATA EXPORTED FROM GIS, IS APPOXIMATE AND IS NOT FOR CONSTRUCTION
ELEVATION CONTOURS SOURCED FROM THE 2017 HERKIMER COUNTY FEMA FLOOD STUDY, 2 FT INTERVALS (NYS GIS CLEARINGHOUSE DATABASE)

HRP
MOVE YOUR ENVIRONMENT FORWARD
ONE FAIRCHILD SQUARE
SUITE 110
CLIFTON PARK, NY 12065
(518) 877-7101
HRPASSOCIATES.COM

NORTH

0 15 30 Feet

REVISIONS

NO.	DATE	DESCRIPTION

DESIGNED:	CMS
DRAWN:	CMS
REVIEWED:	JZ
APPROVED:	
SCALE:	1"=30'
ISSUE DATE:	10/24/2024
PROJECT NUMBER:	HER1512.BA
SHEET SIZE:	24"X36"

Former School
7456 East Street
Newport, New York

SITE FEATURES

SHEET NO.
2

Path: S:\data\HER\CO_HERKIMER COUNTY (DA)\7456 EAST STREET NEWPORT NY\HER1512BA_Newport School\GIS\newport school demo\newport school demo.aprx

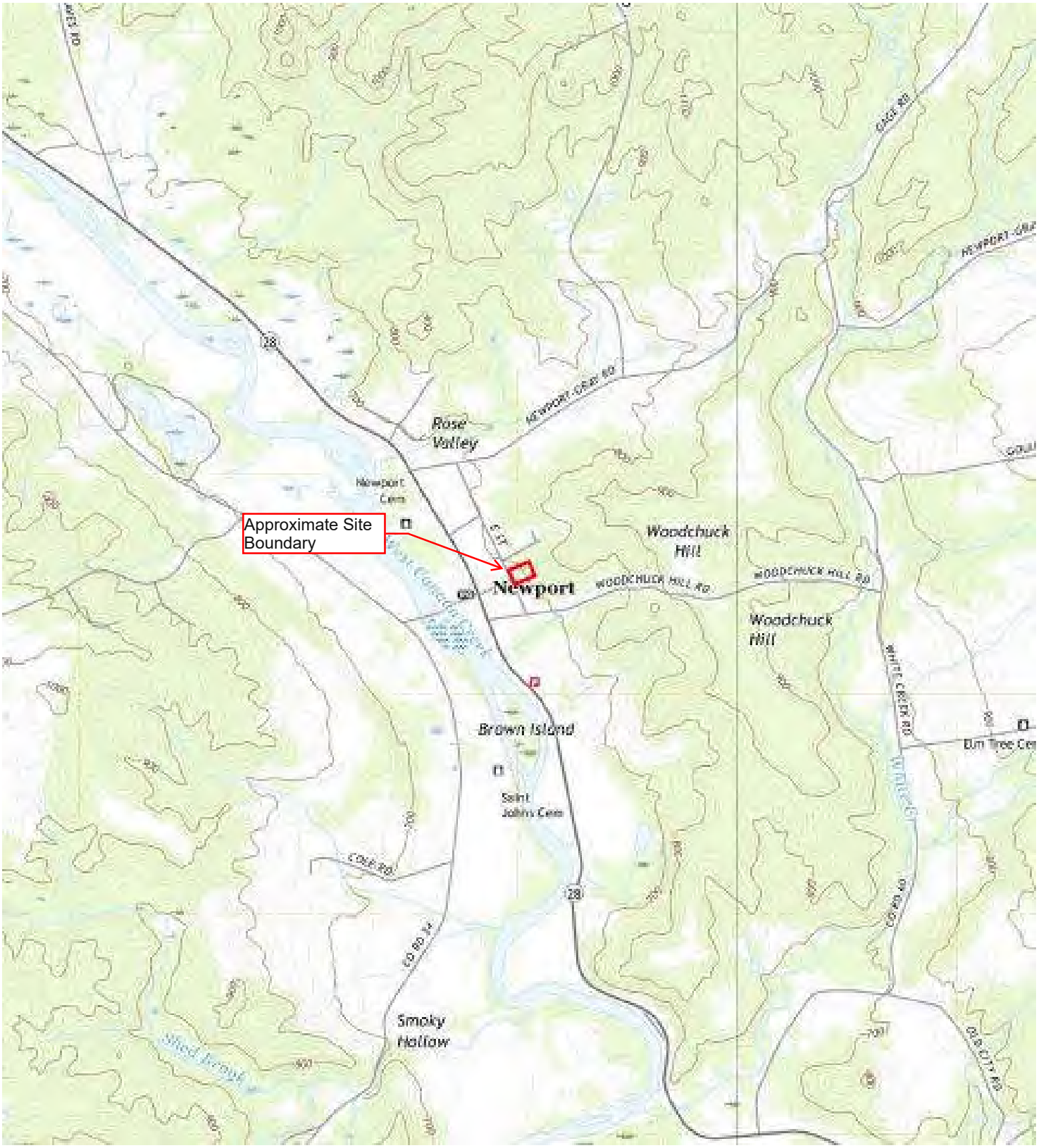

FIGURE NO. 1	Site Location Former School 7456 East Street Newport, NY	Issue Date: 10/10/2024	Designed By: JKC	Revisions		North	HRP MOVE YOUR ENVIRONMENT FORWARD 1 FAIRCHILD SQUARE SUITE 110 CLIFTON PARK, NY 12065 (518) 877-7101 hrpassociates.com
		Project No: HER1512.P1	Drawn By: JKC				
		Sheet Size: 8.5 X 11	Reviewed: MRA				

APPENDIX A

PRE-DEMOLOTION ASBESTOS SURVEY REPORT

MOVE YOUR ENVIRONMENT FORWARD

November 7, 2022

Herkimer County Industrial Development
Agency
Mr. John Piseck
Executive Director
420 E. German Street, Suite 101A
Herkimer, New York 13350

RE: PRE-DEMOLITION ASBESTOS SURVEY FOR THE FORMER NEWPORT SCHOOL: 7456 EAST STREET, NEWPORT, NEW YORK (HRP PROJECT #HER1506.BA)

Dear Mr. Piseck:

On August 22, 2022, Mr. James Charter (NYSDOL Asbestos Handler Certification #14-06730), of HRP Associates Inc. (HRP) completed a pre-demolition asbestos survey of one building located at 7456 East Street, Newport, New York. The purpose of the survey was to assess if ACM was present in the building prior to conducting renovation or demolition activities.

HRP met with the Mayor of the Village of Newport, Mr. Mark Butler, and the Chief Executive Officer at the Herkimer County Industrial Development Agency, Mr. John Piseck. Mr. Butler provided access to the on-site building. HRP visually inspected accessible interior and exterior portions of the on-site building for suspect ACMs. Methodologies used were generally consistent with USEPA publications: "Guidance for Controlling Asbestos Containing Materials in Buildings" (June 1985) and "Asbestos in Buildings: Simplified Sampling Scheme for Friable Surfacing Materials" (dated October 1985). The documents were used for their asbestos survey concepts, such as identifying homogeneous materials, quantifying materials, and evaluating friability (potential to crumble with hand pressure) and condition (good, damaged, or significantly damaged). HRP's inspection of the on-site building is outlined below. No surveys, plans or specifications were available for the surveyed structure.

Asbestos Survey

Former Newport School Building

The building, constructed in 1923, is a 38,016 square foot, three-story structure with concrete and wood floors, steel and wood frame, exterior brick and mortar walls, and an asphalt/rubber roof. HRP surveyed interior and exterior portions of the building consisting of a general school area with administrative and custodial offices, bathrooms, classrooms, an auditorium, and the building roof. Concrete, and wood floors were observed throughout the interior of the building, along with drywall, plaster, and tile walls. Plaster was observed behind the interior walls.

In general, materials sampled include drywall, plaster, concrete skim coat, concrete, brick mortar, roofing material, pipe insulation, and window glazing.

A limitation of the survey includes that areas of building interior walls and ceiling were significantly deteriorated, and large amounts of garbage and debris covered the interior floors, thus limiting inspection of these areas. Following removal of debris, any un-assessed suspect ACM should be sampled by an asbestos building inspector.

Results of Asbestos Survey

A material is considered by the US EPA and NYS DOL to be asbestos containing if at least one sample collected from the homogenous area shows asbestos present in an amount greater than 1%. Results of the asbestos survey are summarized in **Table 1**. Based on a review of the laboratory results, two of the submitted friable and non-friable ACM samples analyzed contain asbestos. These materials are described below:

Former Newport School Building:

- Black built up roof above auditorium (third floor) – 3.9% Chrysotile (Sample #06-32, #06-33)
- White pipe insulation (second floor) – 28.6% Chrysotile (Sample #07-34 through #07-36). Based on the lack of access in the building, pipe insulation throughout the building should be presumed to be an ACM, or further assessed by an asbestos building inspector following the removal of debris from the building.

Based on the results of this survey, HRP has the following recommendations at this time:

- Prior to any renovation or demolition activities, a copy of the asbestos survey should be provided to the demolition contractor and local asbestos control board.
- Maintain a copy of this asbestos survey with the property.
- An ACM Survey should be conducted prior to any renovation or demolition activities that take place on any buildings (other than the building sampled in this survey) located on the 7456 East Street Property.
- If un-assessed suspect ACM is identified during demolition activities, retain an asbestos building inspector to sample the material(s).
- One copy of this report must be immediately transmitted by the building owner, or their agent, to the local government entity charged with issuing a permit for such demolition, renovation, remodeling or repair work under applicable NY State or local laws.
- The completed asbestos survey for controlled demolition (as per Subpart 56-11.5) or pre-demolition asbestos projects shall also be submitted to the appropriate Asbestos Control Bureau district office.

If you have any questions or require additional information, please feel free to contact HRP at (518) 877-7101.

Sincerely,
HRP Associates, Inc.

Mark Wright, CSP, PG
Senior Project Manager

Attachments

SAMPLE LOCATION

HRP
MOVE YOUR ENVIRONMENT FORWARD
197 SCOTT SWAMP ROAD
FARMINGTON, CT 06032
(860) 674-9570
HRPASSOCIATES.COM

North

0 10 20
Feet

Revisions						
No.						
Date						

Designed By:	Drawn By:	Reviewed By:
EWJ	EWJ	MEW

Issue Date:	Project No:	Sheet Size:
10/20/2022	HER1506.BA	11x17

Asbestos Sample Location Map

7456-7458 East Street

Newport, New York

Figure No.

1

Path: C:\Users\elliott.jackson\Documents\ArcGIS\Projects\MyProject\MyProject.aprx

TABLE 1
Summary of Laboratory Analytical Results

TABLE 1 – RESULTS SUMMARY

Sample Numbers	Location	Homo-Geneous Area	Description of Material / Area	Asbestos Result		Condition of Material, Friability	Amount
				% by PLM	% by TEM		
01-01	Second floor	1	Gray plaster	NAD	NA	Friable, SD	Throughout building
01-02			Gray plaster	NAD	NA		
01-03			Gray plaster	NAD	NA		
01-04			Gray plaster	NAD	NA		
01-05			Gray plaster	NAD	NA		
01-06	Third floor		Gray plaster	NAD	NA		
01-07			Gray plaster	NAD	NA		
01-08			Gray plaster	NAD	NA		
01-09			Gray plaster	NAD	NA		
02-10	Second floor	2	White skim coat	NAD	NA	Friable, SD	Throughout building
02-11			White skim coat	NAD	NA		
02-12			White skim coat	NAD	NA		
02-13			White skim coat	NAD	NA		
02-14			White skim coat	NAD	NA		
02-15	Third floor		White skim coat	NAD	NA	Friable, SD	Throughout building
02-16			White skim coat	NAD	NA		
02-17			White skim coat	NAD	NA		
02-18			White skim coat	NAD	NA		
03-19	Second floor	3	Gray Esbary concrete block	NAD	NA	Friable, SD	1/3 of building walls
03-20			Gray Esbary concrete block	NAD	NA		
04-21	Third floor	4	Gray Pyrobar concrete block	NAD	NA	Friable, SD	Portion of 3rd floor walls
04-22			Gray Pyrobar concrete block	NAD	NA		

Sample Numbers	Location	Homo-Geneous Area	Description of Material / Area	Asbestos Result		Condition of Material, Friability	Amount
				% by PLM	% by TEM		
05-23	Second floor	5	Gray mortar	NAD	NA	Non-Friable, SD	½ of building walls
05-24			Gray mortar	NAD	NA		
05-25			Gray mortar	NAD	NA		
05-26			Gray mortar	NAD	NA		
05-27			Gray mortar	NAD	NA		
05-28	Third floor		Gray mortar	NAD	NA	Non-Friable, SD	½ of building walls
05-29			Gray mortar	NAD	NA		
05-30			Gray mortar	NAD	NA		
05-31			Gray mortar	NAD	NA		
06-32	Roof above auditorium	6	Built up black roof	NAD	Chrysotile 3.9%	Non-Friable, SD	11,000 SF
06-33			Built up black roof	NAD	NA/PS		
07-34	Second floor	7	White pipe insulation	Chrysotile 28.6%	NA	Friable, D	100 LF
07-35			White pipe insulation	NAD	NA/PS		
07-36			White pipe insulation	NAD	NA/PS		
08-37	First floor	8	White window glazing	NAD	NA	Friable, D	1000 LF
08-38			White window glazing	NAD	NA		

TEM = Transmission Electronic Microscope, PLM = Polarized Light Microscopy, HA = Homogenous Area, NA = Not Analyzed
NAD = No Asbestos Detected, PS = Positive Skip, D = Damaged, SD = Significantly Damaged

LABORATORY RESULTS

AmeriSci New York
117 EAST 30TH ST.
NEW YORK, NY 10016
TEL: (212) 679-8600 • FAX: (212) 679-3114

PLM Bulk Asbestos Report

HRP Associates, Inc.
Attn: Jesse Zahn
1 Fairchild Square
Suite 110
Clifton Park, NY 12065

Date Received 08/24/22
Date Examined 08/29/22
ELAP # 11480
AmeriSci Job # 222083360
P.O. # S-NY-02306
Page 1 **of** 7
RE: HERI506.BA Task 2; 7456 East Street, Newport, NY

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
01-01 01	222083360-01 **Location:** Second Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
01-02 01	222083360-02 **Location:** Second Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
01-03 01	222083360-03 **Location:** Second Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
01-04 01	222083360-04 **Location:** Second Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
01-05 01	222083360-05 **Location:** Second Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			

See Reporting notes on last page

PLM Bulk Asbestos Report

HERI506.BA Task 2; 7456 East Street, Newport, NY

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
01-06 01	222083360-06 **Location:** Third Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
01-07 01	222083360-07 **Location:** Third Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
01-08 01	222083360-08 **Location:** Third Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
01-09 01	222083360-09 **Location:** Third Floor - Gray Plaster	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
02-10 02	222083360-10 **Location:** Second Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
02-11 02	222083360-11 **Location:** Second Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			

See Reporting notes on last page

PLM Bulk Asbestos Report

HERI506.BA Task 2; 7456 East Street, Newport, NY

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
02-12 02	222083360-12 **Location:** Second Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
02-13 02	222083360-13 **Location:** Second Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
02-14 02	222083360-14 **Location:** Second Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
02-15 02	222083360-15 **Location:** Third Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
02-16 02	222083360-16 **Location:** Third Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
02-17 02	222083360-17 **Location:** Third Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			

See Reporting notes on last page

PLM Bulk Asbestos Report

HERI506.BA Task 2; 7456 East Street, Newport, NY

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
02-18 02	222083360-18 **Location:** Third Floor - White Skim Coat	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
03-19 03	222083360-19 **Location:** Second Floor - Gray Ebsary Concrete Block	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Cellulose 2%, Non-fibrous 98%			
03-20 03	222083360-20 **Location:** Second Floor - Gray Ebsary Concrete Block	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Cellulose 5%, Non-fibrous 95%			
04-21 04	222083360-21 **Location:** Third Floor - Gray Pyrobar Concrete Block	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Cellulose 5%, Non-fibrous 95%			
04-22 04	222083360-22 **Location:** Third Floor - Gray Pyrobar Concrete Block	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Cellulose 5%, Non-fibrous 95%			
05-23 05	222083360-23 **Location:** Second Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			

See Reporting notes on last page

PLM Bulk Asbestos Report

HERI506.BA Task 2; 7456 East Street, Newport, NY

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
05-24 05	222083360-24 **Location:** Second Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
05-25 05	222083360-25 **Location:** Second Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
05-26 05	222083360-26 **Location:** Second Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
05-27 05	222083360-27 **Location:** Second Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
05-28 05	222083360-28 **Location:** Third Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
05-29 05	222083360-29 **Location:** Third Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			

See Reporting notes on last page

PLM Bulk Asbestos Report

HERI506.BA Task 2; 7456 East Street, Newport, NY

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
05-30 05	222083360-30 **Location:** Third Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
05-31 05	222083360-31 **Location:** Third Floor - Gray Mortar For Brick Masonary Tiles	***No***	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 100%			
06-32 06	222083360-32 **Location:** Roof Above Auditorium - Black Built Up Roof	***No***	NAD (by NYS ELAP 198.6) by Kensen Caro on 08/29/22
Analyst Description: Black, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 39.4%			
06-33 06	222083360-33 **Location:** Roof Above Auditorium - Black Built Up Roof	***No***	NAD (by NYS ELAP 198.6) by Kensen Caro on 08/29/22
Analyst Description: Black, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 33%			
07-34 07	222083360-34 **Location:** Second Floor - White Pipe Insulation	***Yes***	28.6% (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Fibrous, Bulk Material **Asbestos Types:** Chrysotile 28.6 % **Other Material:** Non-fibrous 71.4%			
07-35 07	222083360-35 **Location:** Second Floor - White Pipe Insulation		NA/PS
Analyst Description: Bulk Material **Asbestos Types:** **Other Material:**			

See Reporting notes on last page

PLM Bulk Asbestos Report

HERI506.BA Task 2; 7456 East Street, Newport, NY

Client No. / HGA	Lab No.	Asbestos Present	Total % Asbestos
07-36 07	222083360-36 **Location:** Second Floor - White Pipe Insulation		NA/PS
Analyst Description: Bulk Material **Asbestos Types:** **Other Material:**			
08-37 08	222083360-37 **Location:** 1st Floor - White Window Glazing	***No***	NAD (by NYS ELAP 198.6) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 18.5%			
08-38 08	222083360-38 **Location:** 1st Floor - White Window Glazing	***No***	NAD (by NYS ELAP 198.6) by Kensen Caro on 08/29/22
Analyst Description: White, Homogeneous, Non-Fibrous, Bulk Material **Asbestos Types:** **Other Material:** Non-fibrous 22.9%			

Reporting Notes:

Analyzed by: Kensen Caro
Date: 8/29/2022

Reviewed by: Khaalid W. Perine

*NAD/NSD =no asbestos detected; NA =not analyzed; NA/PS=not analyzed/positive stop, (SOF-V) = Sprayed On Fireproofing containing Vermiculite; (SM-V) = Surfacing Material containing Vermiculite; PLM Bulk Asbestos Analysis using Olympus, Model BH-2 Pol Scope, Microscope, Serial #: 229003, by Appd E to Subpt E, 40 CFR 763 quantified by either CVES or 400 pt ct as noted for each analysis (NVLAP 200546-0), ELAP PLM Method 198.1 for NY friable samples, which includes the identification and quantitation of vermiculite, or ELAP 198.6 for NOB samples, or EPA 400 pt ct by EPA 600-M4-82-020 (NY ELAP Lab 11480); Note:PLM is not consistently reliable in detecting asbestos in floor coverings and similar non-friable organically bound materials. NAD or Trace results by PLM are inconclusive, TEM is currently the only method that can be used to determine if this material can be considered or treated as non asbestos-containing in NY State (also see EPA Advisory for floor tile, FR 59,146,38970,8/1/94) National Institute of Standards and Technology Accreditation requirements mandate that this report must not be reproduced except in full without the approval of the lab.This PLM report relates ONLY to the items tested. RI Cert AAL-094, CT Cert PH-0186, Mass Cert AA000054, NJ Lab ID #NY031.

_____END OF REPORT_____

Client Name: HRP Associates, Inc.

Table I
Summary of Bulk Asbestos Analysis Results

HERI506.BA Task 2; 7456 East Street, Newport, NY

AmeriSci Sample #	Client Sample#	HG Area	Sample Weight (gram)	Heat Sensitive Organic %	Acid Soluble Inorganic %	Insoluble Non-Asbestos Inorganic %	** Asbestos % by PLM/DS	** Asbestos % by TEM
01	01-01	01	----	----	----	----	NAD	NA
Location: Second Floor - Gray Plaster								
02	01-02	01	----	----	----	----	NAD	NA
Location: Second Floor - Gray Plaster								
03	01-03	01	----	----	----	----	NAD	NA
Location: Second Floor - Gray Plaster								
04	01-04	01	----	----	----	----	NAD	NA
Location: Second Floor - Gray Plaster								
05	01-05	01	----	----	----	----	NAD	NA
Location: Second Floor - Gray Plaster								
06	01-06	01	----	----	----	----	NAD	NA
Location: Third Floor - Gray Plaster								
07	01-07	01	----	----	----	----	NAD	NA
Location: Third Floor - Gray Plaster								
08	01-08	01	----	----	----	----	NAD	NA
Location: Third Floor - Gray Plaster								
09	01-09	01	----	----	----	----	NAD	NA
Location: Third Floor - Gray Plaster								
10	02-10	02	----	----	----	----	NAD	NA
Location: Second Floor - White Skim Coat								
11	02-11	02	----	----	----	----	NAD	NA
Location: Second Floor - White Skim Coat								
12	02-12	02	----	----	----	----	NAD	NA
Location: Second Floor - White Skim Coat								
13	02-13	02	----	----	----	----	NAD	NA
Location: Second Floor - White Skim Coat								
14	02-14	02	----	----	----	----	NAD	NA
Location: Second Floor - White Skim Coat								
15	02-15	02	----	----	----	----	NAD	NA
Location: Third Floor - White Skim Coat								
16	02-16	02	----	----	----	----	NAD	NA
Location: Third Floor - White Skim Coat								

See Reporting notes on last page

Table I
Summary of Bulk Asbestos Analysis Results

HERI506.BA Task 2; 7456 East Street, Newport, NY

AmeriSci Sample #	Client Sample#	HG Area	Sample Weight (gram)	Heat Sensitive Organic %	Acid Soluble Inorganic %	Insoluble Non-Asbestos Inorganic %	** Asbestos % by PLM/DS	** Asbestos % by TEM
17	02-17	02	----	----	----	----	NAD	NA
Location: Third Floor - White Skim Coat								
18	02-18	02	----	----	----	----	NAD	NA
Location: Third Floor - White Skim Coat								
19	03-19	03	----	----	----	----	NAD	NA
Location: Second Floor - Gray Ebsary Concrete Block								
20	03-20	03	----	----	----	----	NAD	NA
Location: Second Floor - Gray Ebsary Concrete Block								
21	04-21	04	----	----	----	----	NAD	NA
Location: Third Floor - Gray Pyrobar Concrete Block								
22	04-22	04	----	----	----	----	NAD	NA
Location: Third Floor - Gray Pyrobar Concrete Block								
23	05-23	05	----	----	----	----	NAD	NA
Location: Second Floor - Gray Mortar For Brick Masonary Tiles								
24	05-24	05	----	----	----	----	NAD	NA
Location: Second Floor - Gray Mortar For Brick Masonary Tiles								
25	05-25	05	----	----	----	----	NAD	NA
Location: Second Floor - Gray Mortar For Brick Masonary Tiles								
26	05-26	05	----	----	----	----	NAD	NA
Location: Second Floor - Gray Mortar For Brick Masonary Tiles								
27	05-27	05	----	----	----	----	NAD	NA
Location: Second Floor - Gray Mortar For Brick Masonary Tiles								
28	05-28	05	----	----	----	----	NAD	NA
Location: Third Floor - Gray Mortar For Brick Masonary Tiles								
29	05-29	05	----	----	----	----	NAD	NA
Location: Third Floor - Gray Mortar For Brick Masonary Tiles								
30	05-30	05	----	----	----	----	NAD	NA
Location: Third Floor - Gray Mortar For Brick Masonary Tiles								
31	05-31	05	----	----	----	----	NAD	NA
Location: Third Floor - Gray Mortar For Brick Masonary Tiles								
32	06-32	06	0.351	42.5	18.1	35.5	NAD	Chrysotile 3.9
Location: Roof Above Auditorium - Black Built Up Roof								

See Reporting notes on last page

Table I
Summary of Bulk Asbestos Analysis Results

HERI506.BA Task 2; 7456 East Street, Newport, NY

AmeriSci Sample #	Client Sample#	HG Area	Sample Weight (gram)	Heat Sensitive Organic %	Acid Soluble Inorganic %	Insoluble Non-Asbestos Inorganic %	** Asbestos % by PLM/DS	** Asbestos % by TEM
33	06-33	06	0.363	44.6	22.4	33.0	NAD	NA/PS
Location:	Roof Above Auditorium - Black Built Up Roof							
34	07-34	07	----	----	----	----	Chrysotile 28.6	NA
Location:	Second Floor - White Pipe Insulation							
35	07-35	07	----	----	----	----	NA/PS	NA
Location:	Second Floor - White Pipe Insulation							
36	07-36	07	----	----	----	----	NA/PS	NA
Location:	Second Floor - White Pipe Insulation							
37	08-37	08	0.278	9.6	72.0	18.5	NAD	NAD
Location:	1st Floor - White Window Glazing							
38	08-38	08	0.351	14.9	62.2	22.9	NAD	NAD
Location:	1st Floor - White Window Glazing							

Analyzed by: Khaalid W. Perine 

Date: 8/30/2022

Reviewed by: Khaalid W. Perine 

**Quantitative Analysis (Semi/Full); Bulk Asbestos Analysis - PLM by Appd E to Subpt E, 40 CFR 763 or NYSDOH ELAP 198.1 for New York friable samples or NYSDOH ELAP 198.6 for New York NOB samples; TEM (Semi/Full) by EPA 600/R-93/116 (or NYSDOH ELAP 198.4; for New York samples). Analysis using Hitachi, Model H7000-Noran 7 System, Microscope, Serial #: 747-05-06. NAD = no asbestos detected during a quantitative analysis; NA = not analyzed; Trace = <1%; (SOF-V) = Sprayed On Fireproofing containing Vermiculite; (SM-V) = Surfacing Material containing Vermiculite; Quantitation for beginning weights of <0.1 grams should be considered as qualitative only; Qualitative Analysis: Asbestos analysis results of "Present" or "NVA = No Visible Asbestos" represents results for Qualitative PLM or TEM Analysis only (no accreditation coverage available from any regulatory agency for qualitative analyses): NVLAP (PLM) 200546-0, NYSDOH ELAP Lab 11480, NJ Lab ID #NY031.

Warning Note: PLM limitation, only TEM will resolve fibers <0.25 micrometers in diameter. TEM bulk analysis is representative of the fine grained matrix material and may not be representative of non-uniformly dispersed debris for which PLM evaluation is recommended (i.e. soils and other heterogenous materials).

Relinquished By: James Charter	**Date/Time:** 8/23/22 12:00
Received By:	**Date/Time:**
Relinquished By:	**Date/Time:**
Received By:	**Date/Time:**

AMERI SCI

BULK SAMPLE SHEET

117 EAST 30TH STREET
NEW YORK, NY 10016
TOLL FREE (800) 705-5227
Fax (212) 679-3114

Company: HRP Associates, Inc.	**HRP Project No:** HER1506.BA Task 2 — **AMERISCI #:**
Street Address: One Fairchild Square, Suite 110	**Project Address:** 7456 East Street, Newport, NY
City: Clifton Park **State:** NY **Zip:** 12065	**Project Manger:** Jesse Zahn
Phone: 518-877-7101 **Fax:** 518-877-8561	**Analysis:** __PLM Only __TEM Only ✓NY ELAP PLM/TEM __ ASTM Dust (microvac) __ ASTM Dust (Wipe)) __ Other (describe in Comments)
Site/Secondary Fax #:	**Turnaround Time:** 5-day — **Material Type:** ✓ Bulk __Dust ___Water
Results to: james.charter@hrpassociates.com	**Sampled By:** James Charter — **Date Sampled:** 8/22/22

Special Instructions or Comments: Please sample homogenous materials on a positive stop basis

Field ID	Location	Sample Description (for dust= size of surface area sampled)	Homogenous Area (HA #)
01-01	Second Floor	Gray Plaster	01
01-02	↓	↓	↓
01-03			
01-04	↓		↓
01-05	Second Floor		01
01-06	Third Floor		↓
01-07	↓		
01-08		↓	↓
01-09	Third Floor	Gray Plaster	01
02-10	Second Floor	White Skim Coat	02
02-11	↓	↓	↓
02-12			
02-13	↓		
02-14	Second Floor		
02-15	Third Floor		↓
02-16	Third Floor	White Skim Coat	02

222083360

Relinquished By: James Charter	**Date/Time:** 8/23/22 12:00
Received By:	**Date/Time:**
Relinquished By:	**Date/Time:**
Received By:	**Date/Time:**

AMERI SCI

BULK SAMPLE SHEET

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Phone: 518-877-7101 **Fax:** 518-877-8561	**Analysis:** __PLM Only __TEM Only ✓NY ELAP PLM/TEM __ ASTM Dust (microvac) __ ASTM Dust (Wipe)) __ Other (describe in Comments)
Site/Secondary Fax #:	**Turnaround Time:** 5-day — **Material Type:** ✓ Bulk __Dust ___Water
Results to: james.charter@hrpassociates.com	**Sampled By:** James Charter — **Date Sampled:** 8/22/22

Special Instructions or Comments: Please sample homogenous materials on a positive stop basis

Field ID	Location	Sample Description (for dust= size of surface area sampled)	Homogenous Area (HA #)
02-17	Third Floor	White Skim Coat	02
02-18	Third Floor	White Skim Coat	02
03-19	Second Floor	Gray Ebsary Concrete Block	03
03-20	Second Floor	Gray Ebsary Concrete Block	03
04-21	Third Floor	Gray Pyrobar Concrete Block	04
04-22	Third Floor	Gray Pyrobar Concrete Block	04
05-23	Second Floor	Gray Mortar for Brick Masonary Tiles	05
05-24	↓	↓	↓
05-25			
05-26			
05-27	Second Floor		
05-28	Third Floor		
05-29	↓		
05-30			
05-31	Third Floor	Gray Mortar for Brick Masonary Tiles	05
06-32	Roof Above Auditorium	Black Built UP Roof	06

222083360

Relinquished By: James Charter	**Date/Time:** 8/23/22 12:00
Received By:	**Date/Time:**
Relinquished By:	**Date/Time:**
Received By:	**Date/Time:**

AMERI SCI

BULK SAMPLE SHEET

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Phone: 518-877-7101 **Fax:** 518-877-8561	**Analysis:** __PLM Only __TEM Only ✓NY ELAP PLM/TEM __ ASTM Dust (microvac) __ ASTM Dust (Wipe)) __ Other (describe in Comments)
Site/Secondary Fax #:	**Turnaround Time:** 5-day **Material Type:** ✓ Bulk __Dust ___Water
Results to: james.charter@hrpassociates.com	**Sampled By:** James Charter **Date Sampled:** 8/22/22

Special Instructions or Comments: Please sample homogenous materials on a positive stop basis

Field ID	Location	Sample Description (for dust= size of surface area sampled)	Homogenous Area (HA #)
06-33	Roof Above Auditorium	Black Built up Roof	06
07-34	Second Floor	White Pipe Insulation	07
07-35	↓	↓	07
07-36	Second Floor	White Pipe Insulation	07
08-37	1st floor	White window glazing	08
08-38	1st floor	White window glazing	08

#222083360

CERTIFICATIONS

STATE OF NEW YORK - DEPARTMENT OF LABOR
ASBESTOS CERTIFICATE

N.Y.S.

JAMES K CHARTER
CLASS(EXPIRES)
D INSP(09/22)

CERT# 14-06730
DMV# 770447817

MUST BE CARRIED ON ASBESTOS PROJECTS

APPENDIX B

NYSDOL PETITION FOR VARIANCE

STATE OF NEW YORK
DEPARTMENT OF LABOR
STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12226

Variance Petition

of

Rome Environmental Solutions & Testing, LLC
Petitioner's Agent on Behalf of

Village of Newport
Petitioner

in re

Premises: Former Newport School
7456 East Street
Newport, NY 13416

Controlled Demolition with ACM In-Place

File No. 24-0263

DECISION

Cases 1-5

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 18-0263 on February 29, 2024 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 February 28, 2024; 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 56-8.9(g)
Case No. 2	ICR 56-9.2(d)(1)
Case No. 3	ICR 56-11.5(c)(7) **Limited.**
Case No. 4	ICR 56-11.5(c)(9) **Denied.**
Case No. 5	ICR 56-11.5(c)(11) **See modification.**

VARIANCE GRANTED. The Petitioner's proposal is for controlled demolition with asbestos in-place at the subject premises in accordance with the attached 6-page stamped copy of the Petitioner's submittal, is accepted; subject to the Conditions noted below:

THE CONDITIONS

Full-Time Project Monitor:

1. A full-time independent project monitor (PM) shall be on site and is responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 requirements including but not limited to ICR 56-3.2(d)(8) and variance conditions.

2. In addition, the PM shall ensure that no visible emissions are generated during abatement activities. If visible emissions are observed, work practices shall be altered according to the PM's recommendations.

3. The PM shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:

    a. Inspection of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor.
    b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used comply all applicable asbestos laws and regulations.
    c. Inform the asbestos abatement contractor of work practices that, in the PM's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable asbestos rules and/or regulations.
    d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.
    e. Duties specified in variances issued for the project.

4. The PM shall alert the local District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos Supervisor, unresolved conditions remain at the asbestos project site which present a significant potential to adversely affect human health or the environment.

5. The PM is not onsite to direct the abatement workers in their work. That is the responsibly of the Contractor's designated Supervisor. The ultimate caliber of work performance and quality of the completed project is the responsibility of the contractor who performs the work.

6. The PM is not responsible for enforcing Local, State, Industry, or Federal regulations, rules or codes which are not directly applicable to the contracted asbestos abatement activities. These would include, but not limited to, fire codes, electrical codes, building codes, wage rates schedules, etc. While the PM is not responsible for enforcement of these items, the Contractor is still responsible for compliance with such requirements as applicable.

7. The PM is responsible for any duties specified in his/her contract with the Owner.

8. All generated waste removed from the site must be documented, accounted for, and disposed of in compliance with the requirements of NESHAPS and NYSDEC.

Secure the Work Site

9. 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.

Establishment of Regulated Areas

10. 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.

11. Entry/Exit of all persons and equipment shall be through one designated and secure "doorway" in the barrier or fence, which shall provide an adequate and appropriate means of egress from the work site.

12. All adjacent building openings within twenty-five (25) feet of the outermost limit of the disturbance shall be sealed with two (2) layers of six (6) mil fire retardant plastic sheeting. If the owner of an adjacent building does not allow openings to be sealed as required, the asbestos abatement contractor's supervisor must document the issue within the daily project log, and have the affected building owner sign the log confirming that the owner will not allow the asbestos abatement contractor to seal the openings in the building as required. In addition, a daily abatement air sample shall be included within ten feet of the affected portion of the adjacent building

Controlled Demolition Removals

13. The provisions of 56-11.5 shall be followed for all controlled demolition removals, except as modified by this variance.

14. Decontamination system enclosures and areas shall be constructed and utilized as per the requirements of 56-7.5(d) and 56-11.5.

15. 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.

16. No dry disturbance or removal of asbestos material shall be permitted.

17. Wastewater shall be confined within the controlled demolition area as required by ICR56-11.5(c)(10).

18. All decontamination areas shall be within the regulated abatement work area. An equipment decontamination area shall be cordoned off within the worksite for cleaning of heavy equipment, i.e., backhoes, excavators, loaders, etc. The ground surface in this decontamination area shall be banked on the sides to confine the contaminated wastewater.

19. All demolition debris, structural members, barrier components, used filters and similar items shall be considered to be asbestos containing materials/asbestos contaminated waste and shall be transported and disposed of by appropriate legal method. Structural members, steel components and similar non-ACM components shall be fully decontaminated as per ICR 56, prior to being treated as salvage.

20. All material shall be treated as RACM including soil around and beneath the demolition abatement area, except for structural members, steel components and similar non-porous and non-suspect items that can be fully decontaminated.

21. Non-porous cleanable objects/materials, non-ACM material (concrete, structural steel members, metal components and similar non-suspect materials) may be fully decontaminated for disposal by appropriate legal methods. Prior to disposal, the Project Monitor shall verify that the material has been properly cleaned/decontaminated.

22. All demolition debris, structural members, barrier components, used filters and similar items shall be considered to regulated asbestos containing material (RACM) and managed accordingly. The Project Monitor shall confirm that the foundation can be adequately decontaminated.

Perimeter Air Sampling:

23. In addition to the requirement of Subpart 56-4.9(c), air monitoring shall be conducted daily at the perimeter of the work area.

24. A minimum of two upwind air samples shall be collected. The samples shall be spaced approximately 30 degrees apart from the prevailing wind direction.

25. A minimum of three downwind samples shall be collected. The samples shall be equally spaced in a 120-degree arc downwind from the source.

26. 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.

27. Daily abatement air monitoring is required only on days when abatement or support activities such as ACM disturbance or cleaning activities are performed.

28. 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.

29. After removal and cleanings are complete and a minimum drying period has elapsed, the 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.

Site Soil Cleanup:

30. After demolition debris has been removed, the site shall be inspected. Any required cleanup shall include, all visible asbestos or suspect asbestos debris. Soil removal shall meet ASTM 1368 (latest edition), Section 9.1.1-9.1.5 inspection criteria.

31. No pieces of ACM shall be present on top of the soil.

32. Visibly contaminated soil or soil suspected of being contaminated shall be removed down to the level where no visible contamination is noted.

33. The Project Monitor shall write in the project log that the area has been cleaned and has passed a visual inspection.

Preparation of Waste Transport Equipment:

34. Dumpsters/trailers used to haul non-friable ACM materials do not need to be doubled lined as required by ICR 56-11.5 (c) (11).

36. Debris shall be secured to prevent movement during transport.

37. Such trailers must be made air, dust and water tight prior to leaving the site.

Final Clearance:

38. After removal and cleaning are complete, an authorized and qualified Project Monitor shall visually inspect the work area as per ICR 56-9.2(e). If the area is determined to be acceptable and the most recent daily abatement air sample (including perimeter air samples) results meet ICR 56-4.11 clearance criteria, the final dismantling of the site may begin. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

40. 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.

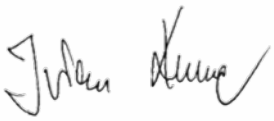
3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.

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 March 31, 2025.

Date: March 6, 2024

ROBERTA READON
COMMISSIONER OF LABOR

By  for

Chek Beng Ng, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Paul Demick
Associate Safety & Health Inspector

REVIEWED BY: Chek Beng Ng, P.E.
Professional Engineer 2 (Industrial)

24-0263

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

Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
- Send two copies of the petition and all attachments, with your $350 fee, to the address at the top of this page.
    - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. **Is this petition related to a safety or health emergency?** _____ Yes __X__ No
b. If yes, explain:

2a. **Name of Petitioner,** (Property Owner): Village of Newport
b. Street Address: PO Box 534
c. City: Newport d. State: NY e. Zip: 13416
f. Telephone Number: (315) 845- 8543 g. Fax Number: ( ) -
h. Petitioner's Federal Employee Identification Number (FEIN)

3a. **Petitioner's Agent (Asbestos Contractor) Firm Name:** Rome Environmental Solutions & Testing, LLC
b. Street Address: 8041 River Road
c. City: Rome d. State: NY e. Zip: 13440
f. Telephone Number: (315) 794-7946 g. Fax Number: ( ) -

4a. Asbestos Contractor License No. 137256 b. Name of Firm: Rome Environmental Solutions & Testing, LLC

5. **Building Description:**
a. Affecting premises known as: Former Newport School
b. These premises are situated on the ___ North, ___ South, _X_ East, ___ West side of _X_ Street, ___ Ave, ___ Road.
c. County of Herkimer
d. Street Address: 7456 Est Street
e. City Newport f. State: NY g. Zip 13416
h. Is building occupied? ___ Yes _X_ No
i. Current function of building: Abandoned

j. Approximate area (square feet) of building: 38,016 k. Number of stories or height in feet: 3
l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: Land

6. **Order To Comply or Notice of Violation.** Attach copy.
a. Issued to: _____Owner _____Asbestos Contractor _____Operator _____Other
b. Name on Order or Notice: c. Date issued: / /
d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation:

7. If a variance has been granted previously for work closely resembling this project list:
a. Variance number: b. Date variance granted: / /

PS 166

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

8. **Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
Entire Bldg	Exterior	38,016 SF	RACM	Unknown	Poor	Friable	Controlled Demolition

9. **ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. See Attachment #1

10. **Hardship Description:** What is the hardship. (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. See Attachment #1

11. **Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.
    a. Will proposed abatement methods render non-friable ACM material friable? _____ Yes X No
    b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. _____

See Attachment #2

Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

I certify that the information contained in this petition is true and accurate.

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I.registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Matthew Eric Dousharm

b. Project Design Asbestos Contractor firm name: Rome Environmental Solutions & Testing, LLC

c. Street: 8041 River Road

d. City: Rome e. State: NY f. Zip: 13440 g. Phone: (315) 794-7946

h. Designer certificate number: 23-6L8PO-SHAB i. Expiration Date: 10 / 31 / 2024

j. Design Firm Asbestos Contractor license Number 137256 k. Expiration Date: 04 / 30 / 2024

13 a. Project designer signature: Matthew E. Dousharm b. Date: 02 / 28 / 2024

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Village of Newport
Former School
7456 East Street
Newport, NY 13416
Tax Map Parcel Number 094.047-02-08.2

24-0263

ATTACHMENT #1
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BACKGROUND

The former Newport School located at 7456 East Street in the village of Newport, New York is owned by the village (The Owner) and is scheduled for demolition. A Pre-demolition Survey was conducted by HRP Associates, Inc on August 22, 2022. The Report dated September 7, 2022 indicated the presence of non-friable roofing materials and friable thermal pipe insulation as asbestos containing materials. The survey indicated that not all areas where accessible due to the condition of the structure. The building construction consists of steel and wood framing with brick-and-mortar exterior walls and both a rubber roof and asphalt built-up roofing. The building is a three-story structure approximately 38,016 ft^2. It is the intent to perform the work as a controlled demolition with asbestos in-place. The structure was condemned by the Village of Newport, Code Enforcement Officer (See Attached Letter of Condemnation).

9. **ICR 56 Relief Sought:** Relief is being sought on behalf of The Owner from performing this work in full compliance with Part 56 of Title 12 of the Official Compilation of Codes, Rules, and Regulations of the State of New York State.

Relief Sought: The work will be done in accordance with the general provisions of Industrial Code Rule 56 and specific work practices in accordance with Section 56-11.5 Controlled Demolition with relief being sought as noted below:

Demolition Debris Clean up:

1. ICR 56-8.9(g) – Trailers and Dumpsters – Dumpsters/trailers used to haul non-friable ACM materials. Relief is being requested to not double line the containers with polyethylene as required under this part. Containers must be made air, dust and water tight prior to leaving the site.
2. ICR 56-9.2(d)(1) – Clearance Air Sampling – Negative Pressure Containments are not being utilized for this project and therefore Aggressive Final Air Sampling will not be done, instead the final set of daily air samples shall serve as the final clearance air samples.
3. ICR 56-11.5(c) (7) – Debris – Given a pre-demolition survey was conducted by a licensed professional and only non-friable ACM materials were identified, relief is being requested to not consider all waste generated by demolition as contaminated and to be disposed of as RACM. * Limited to materials that can be decontaminated. PB
4. ICR 56-11.5(c)(9) – Wetted Piles of Waste – Relief from covering piles of waste is being requested. Waste in general will be picked up daily, however if piles of debris are left, they will be thoroughly saturated at the end of each shift. The site is completely remote and secured with fencing. In the event piles are left for more than 24 hours, they will be assessed by the project monitor and covered if necessary.
5. ICR 56-11.5(c)(11) – Pending Disposal – Relief is being requested to eliminate hard tops on containers and two layers of polyethylene liners in the waste dumpster. See modifications PB

Limited relief PB

Denied PB

10. Hardship Description. Given the structure constitutes a clear and imminent threat to human life, safety or health to the public, it would be a hardship to prepare the area in accordance with the above-referenced requirements. We feel this work can be done as proposed, practically and safely without jeopardizing the health and safety of the community, the workers, or the environment. For additional information and a detailed procedure please refer to Attachment #2.

PB 3 of 6

Village of Newport
Former School
7456 East Street
Newport, NY 13416
Tax Map Parcel Number 094.047-02-08.2

24-0263

ATTACHMENT #2
(Page 1/1)

11. Proposed Abatement Method Description for each work or method used. The work will be done in accordance with 12 NYCRR Part 56 except as noted in the proposed abatement method Description below:

1. A full-time independent project monitor shall be on site to conduct oversight of the contractor to assure full compliance with all applicable regulations and the conditions set forth in this variance and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered accordingly to the project monitors recommendations.
2. The active work area will be cordoned (fenced) off at a distance of 25', except where physical restrictions limit the barrier distance (e.g. property boundary, roadway, neighboring building/structure). A daily air sample shall be taken at the reduced barrier.
3. Adjacent critical barriers within 25' of the regulated work area will be plasticized with two layers of 6-mil polyethylene. If permission to plasticize cannot be obtained from adjacent property owners, the owner will document the issue within the daily log. In addition to required air sampling, a daily air sample will be collected within 10' of the affected portion of the adjacent buildings.
4. One single egress shall be located where space is practical. A remote personal decontamination trailer shall be placed and shall be in close proximity to the entrance to the work area. The decon trailer shall be cordoned off 25 feet from the public.
5. Uncertified personnel shall not be allowed to access the 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.
6. Equipment operators utilized for demolition or removal activities within the work area shall be certified in compliance with ICR 56-3.2.
7. No dry disturbance or removal of debris materials shall be permitted. All demolition and cleanup of debris shall be completed using wet methods. All debris shall be wetted prior to and during placement into dumpsters. Debris pile shall be thoroughly wetted up until end of shift and immediately at the beginning of shift the next day.
8. All sheet metal, structural steel and similar non-ACM building materials shall be fully decontaminated as per ICR 56, prior to being treated as salvage. Cement block walls and brick capable of being separated and cleaned shall be disposed of as hardfill. Verification that they are clean shall be done by the onsite independent third-party project monitor.
9. In addition to the requirement of Subpart 56-4.9(b-c), air monitoring within the work area shall be conducted daily only on days when abatement or support activities such as ACM disturbance or cleanup activities are performed.
10. Two additional daily air samples shall be collected at the perimeter of the work area for each entire work shift with the sample locations being distributed both upwind and downwind of the regulated work area.
11. Daily abatement air monitoring is proposed to be completed on days only when abatement, demolition or cleaning activities are performed.
12. The final set of daily air samples for the demolition shall be analyzed and serve as clearance samples for the controlled demolition work area.
13. Upon receipt of satisfactory clearance air sampling results for the entire regulated work area, the final dismantling of the site shall begin.

Village of Newport
Former School
7456 East Street
Newport, NY 13416
Tax Map Parcel Number 094.047-02-08.2

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Attachement #3
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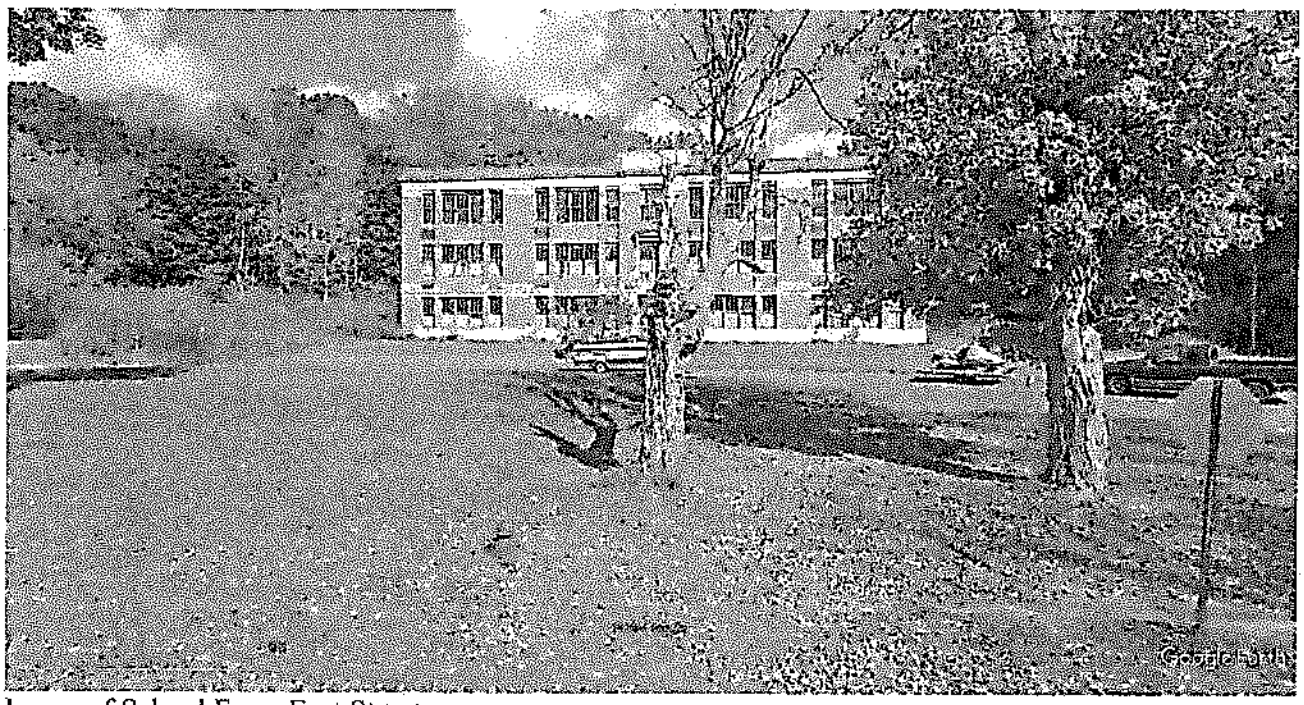
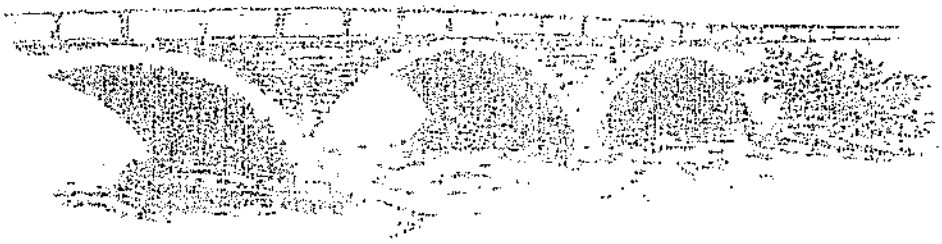


Image of School From East Street

Possible

24-0263



Historic 1853 Stone Arch Bridge

Village of Newport

P.O. Box 534
Newport, NY 13416

January 27, 2024

RE: **LETTER OF CONDEMNATION**
NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE
OLD SCHOOL BUILDING EAST STREET
TAX MAP PARCEL NUMBER: 094.047-02-08.2

In accordance with the 2020 Property Maintenance Code of New York State (NY) SECTION 107 UNSAFE STRUCTURES AND EQUIPMENT (NY) 107.1 General. If the authority having jurisdiction determines, during the inspection or otherwise, that a premises, building or structure, or any building system or equipment, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the authority having jurisdiction shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of threat to human life, safety, or health. [NY] 107.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible. I have determined the Old School Building is unsafe and is condemned.

If you have any questions, please contact me at 315-736-0987.

Respectively:

George J. Farley
Code and Zoning Enforcement Officer

C: Tricia Foster, Village Clerk