



MOVE YOUR ENVIRONMENT FORWARD

# ANALYSIS OF BROWNFIELDS CLEANUP ALTERNATIVES (ABCA)

**Former Newport School**  
7456 East Street  
Newport, New York

MVEDD CA#4B 96219500  
Mohawk Valley EDGE CA# BF 96238700

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HRP PROJECT# HER1512.BA

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### **Figure**

Figure 1 – Site Location Map

Figure 2 – Site Plan

### **Appendices**

Attachment A - NOAA State Climate Summaries – New York State Climate Summary (2022)

Attachment B - FEMA Flood Zone Map

Attachment C - Petition for Variance, Asbestos Survey, Condemnation Letter

Attachment D - ABCA Public Meeting Details and Comments

## **1.0 INTRODUCTION**

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This Analysis of Brownfield Cleanup Alternatives (ABCA) was conducted to evaluate cleanup alternatives and establish the costs to support the cleanup necessary for the redevelopment of the parcel at 7456 East Street, Newport, New York (Site). The Village of Newport intends to remove the hazardous building materials from Site buildings to redevelop the Site for new housing. However, buildings on-site are damaged and present a safety hazard. A topographic map with the general Site location is attached as **Figure 1**.

This ABCA is intended to briefly summarize the Site and contamination issues including cleanup standards, applicable laws, cleanup alternatives considered, and the proposed cleanup. Each of the cleanup alternatives was reviewed for effectiveness, ability to implement the alternative, cost, how commonly accepted climate change conditions might impact the alternatives, reasonableness of the cleanup alternatives and a recommendation of a cleanup alternative.

Cleanup alternatives were evaluated in accordance with USEPA Region 2, NYS Department of Environmental Conservation (NYSDEC) and (NYSDOL) regulations and guidance.

### **1.1 Background**

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 it was 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 1990.

Three underground storage tanks (USTs) have been historically used for heating (#2 fuel oil) and bus fueling (gasoline) purposes. These tanks were utilized on-site/off-site between 1941 and 2003. The location and status of the gasoline UST is unknown.

### **1.2 Site Assessment History**

On August 22, 2022, Mr. Jamie Charter (NYSDOL Asbestos Handler Certification #14-06730), completed a hazardous materials (hazmat) survey at the referenced 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 24,584 ft<sup>2</sup> constructed in 1928. 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 likely from deteriorated walls and ceilings. As such, inspection of building interior materials was limited. 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)
- 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.

### **1.3 Summary of Hazardous Substances for Remedy**

#### Asbestos

Asbestos is the hazardous substance identified for this ABCA. Asbestos is a naturally occurring mineral fiber that occurs in rock and soil. Because of its fiber strength and heat resistance asbestos has been used in a variety of building construction materials for insulation and as a fire retardant. Asbestos has also been used in a wide range of manufactured goods, mostly in building materials (roofing shingles, ceiling and floor tiles, paper products, and asbestos cement products), friction products (automobile clutch, brake, and transmission parts), heat-resistant fabrics, packaging, gaskets, and coatings.

Asbestos may be found in attic and wall insulation produced containing vermiculite, vinyl floor tiles and the backing on vinyl sheet flooring and adhesives, roofing and siding shingles, textured paint and patching compounds used on walls and ceilings, walls and floors around wood-burning stoves protected with asbestos paper, millboard, or cement sheets, hot water and steam pipes coated with asbestos material or covered with an asbestos blanket or tape, oil and coal furnaces and door gaskets with asbestos insulation and heat-resistant fabrics.

Asbestos fibers may be released into the air by the disturbance of asbestos-containing material during product use, damaged or dilapidated structures, demolition work, building or home maintenance, repair, and remodeling. In general, exposure may occur only when the asbestos-containing material is disturbed or damaged in some way to release particles and fibers into the air.

Exposure to asbestos increases your risk of developing lung disease. That risk is made worse by smoking. In general, the greater the exposure to asbestos, the greater the chance of developing harmful health effects. Disease symptoms may take many years to develop following exposure. Asbestos-related conditions can be difficult to identify. Three of the major health effects associated with asbestos exposure are: lung cancer; mesothelioma, a rare form of cancer that is found in the thin lining of the lung, chest and the abdomen and heart; asbestosis, a serious progressive, long-term, non-cancer disease of the lungs.

## **2.0 PROJECT GOAL AND RE-USE PLAN**

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The reuse of the site is for redevelopment as a community gathering area in the short term (e.g., farmers market) followed by housing. The cleanup of the Site will revive the neighborhood, invigorate the local economy by providing housing for potential laborers, remove blight from the community, utilize sustainability in its cleanup and redevelopment, and remove human health and environmental impacts due to contamination of hazardous building materials at the Site.

### **3.0 APPLICABLE REGULATIONS AND CLEANUP STANDARDS**

The Village of Newport will be the grant recipient responsible for hiring contractors. The Village of Newport will use a qualified Environmental Professional to assist with contracting documents, cleanup contractor oversight and final documentation. The cleanup will be conducted by an asbestos abatement contractor licensed in the State of New York, a demolition permit will be obtained from the local agencies, and a Petition for a Site-Specific Variance obtained from the NYSDOL.

#### Clean up Standards

The asbestos NESHAP (40 CFR Part 61, Subpart M) regulates asbestos fiber emissions and asbestos waste disposal practices. It also requires the identification and classification of existing building materials prior to demolition or renovation activity. Under NESHAP, asbestos-containing building materials are classified as either friable, Category I non-friable, or Category II non-friable ACM. Friable materials are those that, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure. Category I non-friable ACM includes packing materials, gaskets, resilient floor coverings and asphalt roofing products containing more than 1 percent (%) asbestos. Category II nonfriable ACM are nonfriable materials other than Category I nonfriable materials that contain more than 1% asbestos.

Regulated ACM (RACM) must be removed before renovation or demolition activities that will disturb the materials. RACM includes:

- Friable ACM;
- Category I nonfriable ACM that has become friable or will be subjected to drilling, sanding, grinding, cutting, or abrading; and
- Category II nonfriable ACM that could be crumbled, pulverized, or reduced to powder during renovation or demolition activities.

The asbestos surveyed at the Site, in place, damaged and released, is categorized as RACM.

NYS further regulates asbestos. Asbestos abatement and worker protection activities are regulated by the NYDDOL under Industrial Code Rule 56, and asbestos waste transport and disposal under NYSDEC under Part 360. Abatement contractors, abatement methods, independent air monitors, project monitors, and project designers are regulated under DOL ICR 56. Project notification to building occupants and nearby businesses is required at least 10 working days prior to the start of any asbestos abatement activities.

Removal of RACM must be conducted by a NYSDOL-licensed asbestos abatement contractor in accordance with the approved Site- Specific Variance that details work practices that reflect Site conditions.

The asbestos standard for construction (29 CFR 1926.1101) established by the Occupational Safety and Health Administration (OSHA) requires that employee exposure to airborne asbestos fibers be maintained below the permissible exposure limits (PEL).



The occupational exposure limits are as follows:

- Asbestos Excursion Limit (excursion limit of 30 minutes): 1.0 f/cc fibers per cubic centimeter as detected using phase contrast microscopy)
- Asbestos PEL (8-hour time-weighted average permissible exposure level): 0.1 f/cc.

Transportation of asbestos waste is also regulated under U.S. Department of Transportation 49 CFR 171-180.

## **4.0 EVALUATION OF CLEANUP ALTERNATIVES**

### **Cleanup Oversight Responsibility**

The Village of Newport will undertake responsibility to remediate contaminated building materials prior to building renovation and/or demolition. NYS licensed/permitted personnel will conduct abatement and monitoring of hazardous building materials, as applicable based on the Alternative.

### **4.1 Cleanup Alternatives Considered**

EPA requires that ABCAs includes the evaluation of at least two cleanup alternatives in addition to a no action alternative. Due to the physical and chemical properties of asbestos, (i.e., not readily broken down or degraded) there are only two options available, management in place or removal and landfilling.

Alternatives were also evaluated with regards to the sustainability of the cleanup alternatives regarding current and future climate change concerns. Climate conditions are discussed below.

### **4.2 Forecasted Climate Conditions**

Newport is located approximately 70 miles southeast of Lake Ontario. The Site is located topographically higher than West Canada Creek (nearest surface water body to the Site), which is located 0.25 miles west of the site.

The northeastern United States, including Newport, includes warm and often humid summers and cold winters. Rainfall can be severe with summer thunderstorms common and severe weather resulting from regional nor'easter anticyclone storms. Winter conditions can also be severe with ice storms and heavy snow common. Snowfalls of 2-3 feet in one event are common. Portions of the Village of Newport are prone to flooding during storm surge events; however, due to its location and elevation, the Site is located outside of the Federal Emergency Management Agency (FEMA) identified regulatory floodways. In fact, 17 tornadoes affected the surrounding area of the project in June 2024 ([https://www.thedailynewsonline.com/news/deep-dive-upstate-ny-gets-slammed-by-17-tornadoes-in-just-seven-days/article\\_f5b1dd3e-4646-11ef-b4c8-f30e2fd67a29.html](https://www.thedailynewsonline.com/news/deep-dive-upstate-ny-gets-slammed-by-17-tornadoes-in-just-seven-days/article_f5b1dd3e-4646-11ef-b4c8-f30e2fd67a29.html)).

According to the US Global Change Research Program, because of climate change, the northeast region can expect increased temperatures and temperature variability and extreme precipitation events. The website states: "Heat waves, coastal flooding, and river flooding will pose a growing challenge to the region's environmental, social, and economic systems. This will increase the vulnerability of the region's residents, especially its most disadvantaged populations. Infrastructure will be increasingly compromised by climate-related hazards, including sea level rise, coastal flooding, and intense precipitation events." According to the National Oceanic and Atmospheric Administration (NOAA) State Climate Summaries New York State Climate Summary from 2022 (**Attachment A**), winter and spring precipitation is projected to increase in New York. In addition, the frequency and



intensity of extreme precipitation events are projected to increase, potentially increasing the frequency and intensity of floods.

According to FEMA Flood Insurance Rate Map # 3603150001C (**Attachment B**), the Site is not located in any flood hazard zones; therefore, currently the greatest threat to this Site is from localized stormwater impacts from extreme precipitation events. Other forecasted climate change factors such as sea level rise and storm surge effects have the potential to affect the Site in the future given its geographic location, which is currently situated less than .25 miles from the identified 100-year special flood hazard area near West Canada Creek. Earthquakes, hurricanes, tornados, and wildfires are also not anticipated to affect the Site.

#### **4.3 Clean Up Alternatives Considered**

To satisfy EPA requirements, the effectiveness, ability to be implemented, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative. The following alternatives were reviewed.

- Alternative #1: No Action
- Alternative #2: RACM Abatement Prior to Demolition
- Alternative #3: Demolition with RACM In-Place

#### **4.4 Alternative #1: No Action**

The “no action” scenario is required by the EPA ABCA process. This scenario assumes that exposure to asbestos is not occurring and will not worsen as the building continues to degrade.

##### Effectiveness

This alternative is deemed ineffective and unacceptable for continued Brownfield redevelopment for this Site because:

- It is likely to be considered unacceptable to the community because residents, visitors, nearby workers and construction workers could unknowingly be placed at risk in the future. No action provides neither remedy nor elimination of the exposure for protection of public health.
- This approach does not provide any mitigation of known human carcinogens to potential human receptors (adult and child). Additionally, asbestos exposure does not have an indicator of exposures like petroleum or solvents that have distinctive odors that can be perceived by human receptors alerting them of exposure so they can move away from the exposure.

- The continued presence of ACM in the building would continue to pose a long-term health risk to the public and to workers entering or working around the building.
- This alternative would not meet the project goal and re-use plan.

#### Implementability

The alternative is implementable as it requires no action. However, the ACM would still pose a hazard to those entering the building and asbestos fibers would continue to be released to ambient air and the Site structures would be expected to degrade further providing on going physical and chemical exposure concerns to nearby residents, workers, and visitors.

#### Cost

There is no direct cost for this alternative, however, it is likely that Site security will be needed to keep unauthorized personnel from accessing the Site and Site building. Additionally, it is possible storms due to climate change (tornados, see 4.1.1) could further degrade the buildings and increase the spread of asbestos contamination to nearby properties, reduce property values, increase cleanup costs and increase exposure of the public to asbestos and potential adverse health effects.

### **4.5 Alternative #2: RACM Abatement Prior to Demolition**

This alternative considers traditional removal/abatement of ACMs using standard industry practices. Asbestos abatement must be performed by a NYS-licensed abatement contractor with a written notification of planned removal activities at least 10 working days prior to the commencement of asbestos abatement activities.

Regulated areas would be established prior to the removal of asbestos-containing building materials (ACBMs), utilizing a variety of controls such as polyethylene sheeting to establish primary and secondary barriers, negative pressure systems/containments, and/or other applicable measures to prevent asbestos fiber migration beyond the regulated area(s). Abatement procedures require that ACBMs be adequately wetted to control potential spreading of damaged or friable asbestos and airborne particulates. The work would also require decontamination facilities for both abatement workers and for equipment/materials. To aid in the remedial efforts, debris, particulates, and other residual materials would be vacuumed with a high efficiency particulate air (HEPA) units.

Waste would be containerized in air and leak tight containers to contain ACM in manageable quantities and would be kept adequately wet until final disposal. Waste would be labeled with appropriate OSHA warning labels, Class 9 labels and generator information and disposed in a landfill permitted to accept RACM waste. Landfill disposal authorizations would be confirmed before starting the project.

Due to the existing damaged asbestos and asbestos debris at the Site, a site-specific variance would be developed and submitted to NYSDOL for review and approval. Any disturbance of asbestos would include air monitoring and project monitoring by a NYSDOL licensed air monitor to ensure appropriate work methods are being adhered to. Final clearance would be provided following a visual inspection of the work area followed by receipt of acceptable phase contrast microscopy (PCM) air sampling in accordance with National Institute for Occupational Safety and Health (NIOSH) 7400 methodology.

#### Effectiveness

The ACM is permanently removed. This approach is technically effective as a definitive and direct physical elimination of contaminants that provide a public risk. Follow-up inspections and maintenance will not be required. With removal and off-site disposal of contaminants, the approach requires no special post-remedy institutional or land use controls for the property. Removal of all ACM reduces the potential for environmental contamination due to climate change conditions (damaged from storms).

#### Implementability

This alternative is technically achievable in sound structures. However, the structures have been condemned by a local code official, in accordance with NYSDOL requirements, making removal not practical due to safety concerns.

Engineering controls (shoring, bracing, etc.) could be implemented to secure the building to make it safe for RACM removal. However, the design and engineering costs for a stabilization approach are typically more than \$1,000,000 for structures of similar size, plus abatement and disposal costs. All the engineering work to secure the work would be completed under asbestos project restrictions and create risk of worker and off-site exposure as well as risk of physical injury during the stabilization. If implemented, the intended use of the project to provide a community activity area and housing would not be met.

#### Cost

Due to the engineering costs, pre-demolition RACM removal is not a feasible alternative.

### **4.6 Alternative #3: Demolition with RACM in Place**

Alternative #3 contemplates the demolition of structures with RACM left in place. Structure debris would be disposed of in a regulated landfill like Alternative #2. In accordance with the asbestos NESHAP, demolition, handling, loading and transportation will require materials to be adequately wet and contained. For this alternative, all structure debris will be treated as RACM and must be handled and disposed of according to all federal, state, and local regulations.

This alternative assumes the structures unsafe to the extent that the abatement contractor could not safely implement Alternative #2. This approach requires special approval by the

governing regulatory agencies (NYSDOL) and local code officials. A condemnation letter for the site buildings is included as Attachment C. RACM demolition must be performed by a NYS licensed abatement contractor. This approach, if approved by the regulatory agencies, has the positive aspect of accelerating the period of abatement, demolition, and disposal.

This approach increases the volume of material that must be handled as ACM, thereby taking greater volume from existing capacity of regional landfills. This option also creates a waste generation stream and associated liabilities for the generator.

#### Effectiveness

The ACM is permanently removed. This approach is technically effective as a definitive and direct physical elimination of the contaminants available to public exposures. Follow-up inspections and maintenance will not be required.

The site-specific climate change conditions identified include increased weather activity which could affect building integrity (damage from storms) and result in the building collapse. Removal of all ACM reduces the potential for environmental contamination.

#### Implementability

This alternative is technically achievable although it does require a work practice variance from various regulatory agencies. The approach requires specialized equipment readily available in the local demolition and engineering markets. The approach is utilized readily by contractors and owners; the labor and equipment to institute controls, complete the demolition, package the waste and transport to a permitted landfill is available. As noted previously, a site-specific variance was developed and submitted to NYSDOL for review and approval to allow demolition of RACM in place, and permit segregation of recyclable materials including concrete, brick, steel, etc (Attachment C).

#### Cost

Based on demolition estimates from similar projects completed in the area within the last two years, current landfill costs and building size, the cost to complete Alternative #3 is:

- Professional Fees and Services           \$76,800
  - Permitting, notification, variance, document preparation, bidding, air monitoring, oversight, reporting.
- Demolition                                       \$402,500
  - Site Preparation, demolition, segregation, transport, waste disposal, site restoration

#### 4.7 Cost Comparison of Alternatives for RACM

The table below summarizes the costs for the alternatives considered in this ABCA.

<b>Alternative</b>	<b>Capital Cost</b>	<b>Annual Cost</b>
#1 No Action	\$0	Security, Delayed Cleanup Costs
#2 RACM Prior to Demolition	\$800,000-1,500,000	\$5,000
#3 Removal of RACM Prior to Demolition	\$479,300	\$

## **5.0 RECOMMENDED CLEANUP ALTERNATIVE**

Alternative #3 is recommended due to following considerations:

- It eliminates toxic exposure to workers, visitors, and residents
- Provides short term goal of a venue for community events
- Supports and is consistent with the project goals and reuse plans, and is supportive of State goals of creating 800,000 houses in a decade
- Eliminate long term obligations (inspection, repair, safety concerns, security)
- Promotes sustainability strategies
- Reduces blight

## **6.0 GREEN REMEDIATION TECHNIQUES**

The Village of Newport will implement green remediation strategies to complete this project in accordance with EPA's strategic plan for improving environmental performance of business sectors. Green remediation builds on environmentally conscious practices already used across business and public sectors, as fostered by the EPA's Sectors Program, and promotes incorporation of state-of-the-art methods. The following represent BMPs and how they will be applied for the project:

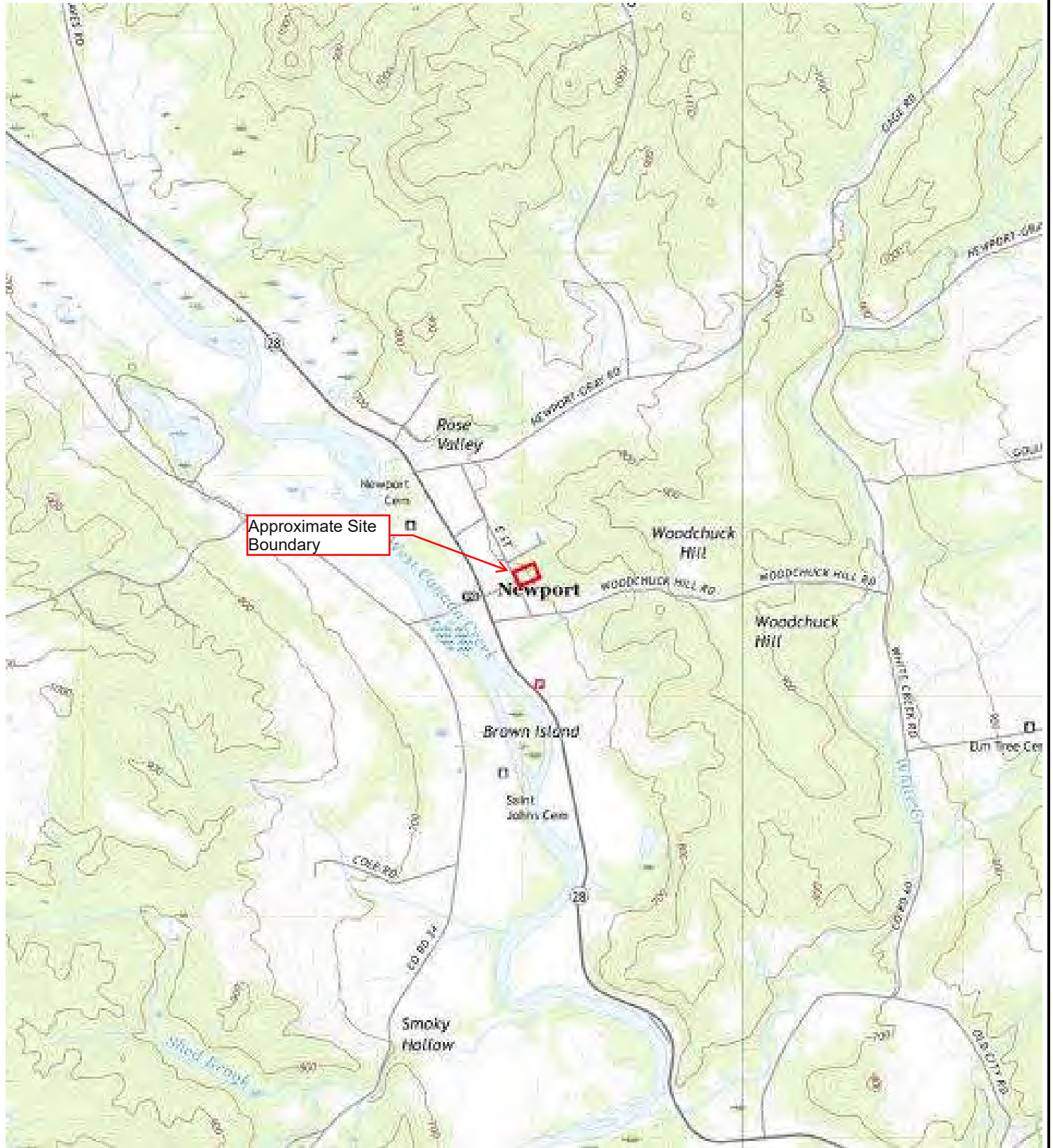
- Conserving water by applying minimal amounts of water, as practical, for dust/particulate control.
- Erosion control measures will be used to control sediment/pollutant runoff during remedial activities.
- Managing and minimizing toxics as presented in the ACM RACM Cleanup Plan.
- Managing and minimizing waste as presented in the ACM RACM Cleanup Plan.
- Reducing emission of criteria air pollutants and greenhouse gases (GHGs) (U.S. EPA National Center for Environmental Innovation, 2006) as presented in the ACM RACM Cleanup Plan.
- Reducing landfill waste by recycling brick, concrete and metal that can be salvaged, decontaminated and reused.

## **7.0 PUBLIC MEETING**

Public comments regarding this ABCA were obtained through the public comment period. A public meeting was advertised by MVEDD on behalf of the Village of Newport, and held on site on November 14, 2024. Details of the public meeting including public comments and responses, are included in Attachment D.



## FIGURES



**FIGURE  
NO.  
1**

**Site Location**  
Former School  
7456 East Street  
Newport, NY

Issue Date:  
10/10/2024

Project No:  
HER1512.P1

Sheet Size:  
8.5 X 11

Designed  
By: JKC

Drawn By:  
JKC

Reviewed:  
MRA

Revisions



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ATTACHMENT A  
NOAA State Climate Summaries – New  
York State Climate Summary (2022)

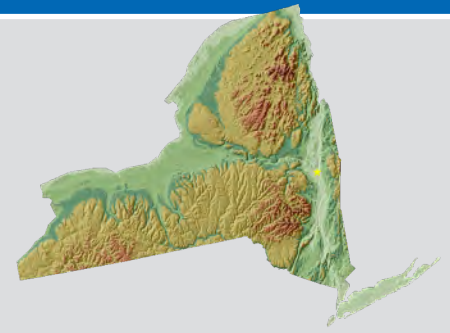
# NEW YORK

## Key Messages

Temperatures in New York have risen almost 2.5°F since the beginning of the 20th century. Under a higher emissions pathway, historically unprecedented warming is projected during this century. Extreme heat is a particular concern for densely populated urban areas such as New York City, where high temperatures and high humidity can cause dangerous conditions.

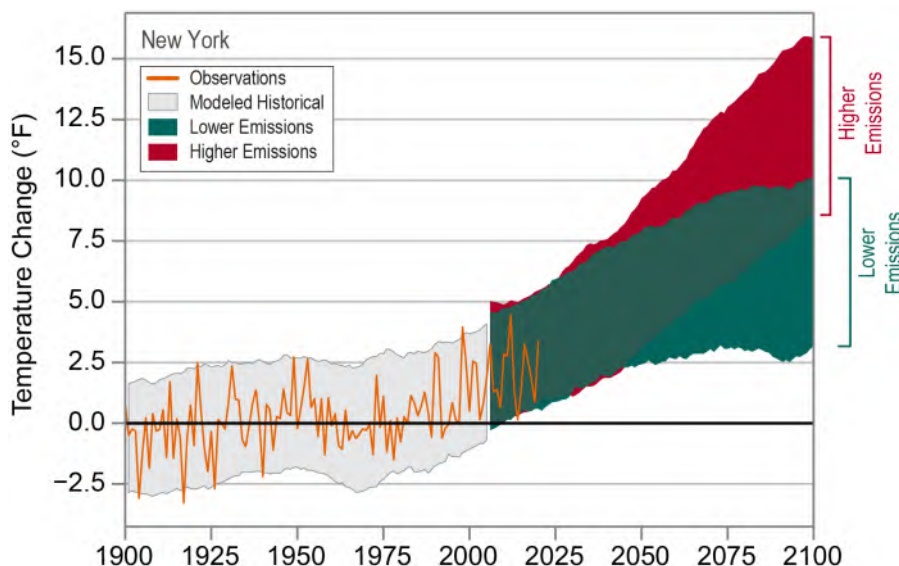
Since 1880, sea level has risen by about 13 inches along the coast of New York, more than the global average rise of 7–8 inches. Global average sea level is projected to rise another 1–4 feet by 2100, but levels along the coast of New York will likely be higher due to local and regional factors. Sea level rise will increase the frequency, extent, and severity of coastal flooding, which is a grave risk to dense, high-value development along New York's coastline.

New York has experienced a large increase in the frequency and intensity of extreme precipitation events, and further increases are projected. Increases in winter and spring precipitation are projected, raising the risk of springtime flooding, which could cause delayed planting and reduced yields.



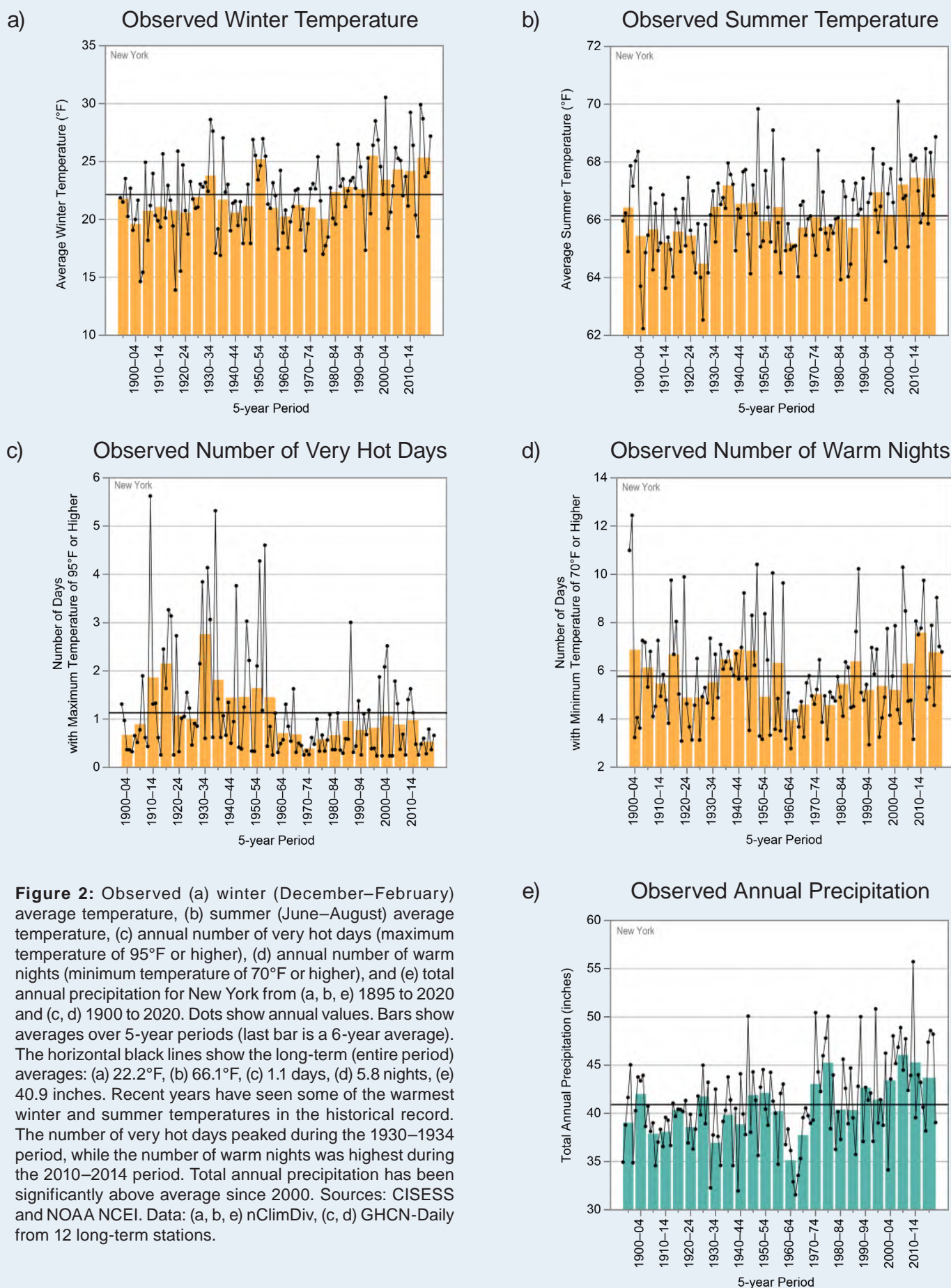
New York is regionally diverse, encompassing the Nation's most populous metropolitan area, as well as large expanses of sparsely populated but ecologically and agriculturally important areas. The state's climate is heavily influenced by several geographic features. The Atlantic Ocean has a moderating effect on coastal areas, while the Great Lakes and Lake Champlain moderate the northwestern and northeastern parts of the state, respectively. During much of the year, the prevailing westerly flow brings air masses from the North American interior across the entire region, with occasional episodes of bitter cold during winter. The jet stream, which is often located near or over the region during winter, brings frequent storm systems that cause cloudy skies, windy conditions, and precipitation. New York is often affected by extreme events, such as floods, droughts, heat waves, hurricanes, nor'easters, and snow and ice storms.

### Observed and Projected Temperature Change



**Figure 1:** Observed and projected changes (compared to the 1901–1960 average) in near-surface air temperature for New York. Observed data are for 1900–2020. Projected changes for 2006–2100 are from global climate models for two possible futures: one in which greenhouse gas emissions continue to increase (higher emissions) and another in which greenhouse gas emissions increase at a slower rate (lower emissions). Temperatures in New York (orange line) have risen almost 2.5°F since the beginning of the 20th century. Shading indicates the range of annual temperatures from the set of models. Observed temperatures are generally within the envelope of model simulations of the historical period (gray shading). Historically unprecedented warming is projected during this century. Less warming is expected under a lower emissions future (the coldest end-of-century projections being about 3°F warmer than the historical average; green shading) and more

warming under a higher emissions future (the hottest end-of-century projections being about 11°F warmer than the hottest year in the historical record; red shading). Sources: CISESS and NOAA NCEI.



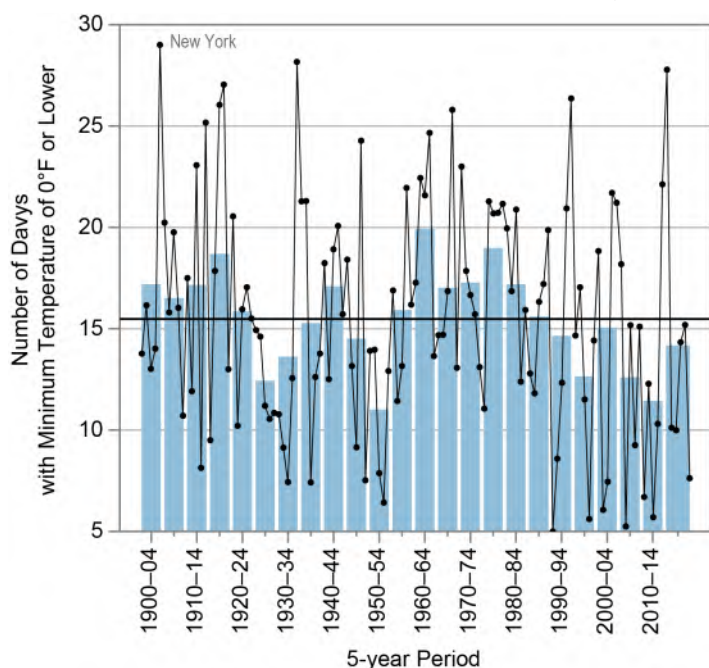


Since the beginning of the 20th century, temperatures in New York have risen almost 2.5°F, and temperatures in the 2000s have been higher than in any other historical period (Figure 1). As of 2020, the hottest year on record for New York was 2012, with a statewide average temperature of 48.8°F, more than 4°F above the long-term average (44.5°F). This warming has been concentrated in the winter and spring, while summers have not warmed as much (Figures 2a and 2b). Summer warming is more influenced by the number of warm nights than by the occurrence of very hot days (Figures 2c and 2d). The state has experienced an increase in the number of warm nights and a decrease in the number of very cold nights (Figure 3). The increase in winter temperatures has had an identifiable effect on Great Lakes ice cover. Since 1998, there have been several years when Lakes Erie and Ontario were mostly ice-free (Figure 4).

Annual average precipitation is slightly more than 40 inches statewide but varies regionally, with mountainous areas receiving near 50 inches per year. Statewide annual precipitation has ranged from a low of 31.6 inches in 1964 to a high of 55.7 inches in 2011. The driest multiyear periods were in the early 1930s and

early 1960s and the wettest in the late 1970s and since 2000 (Figure 2e). The driest consecutive 5-year interval was 1962–1966, with an annual average of 33.9 inches, and the wettest was 2007–2011, with an annual average of 46.8 inches. **New York has recently experienced a large increase in the number of 2-inch extreme precipitation events** (Figure 5), which peaked during the 2010–2014 period. The annual precipitation record, set in 2011, was partially due to extreme precipitation events caused by Hurricane Irene and Tropical Storm Lee in late August and early September, respectively. Many areas of eastern New York received more than 7 inches of rain from Hurricane Irene, with more than 18 inches in some locations in the Catskill Mountains. Less than two weeks later, Tropical Storm Lee brought additional heavy rainfall, with more than 12 inches falling in the Susquehanna River basin. The extreme rainfall from these two events caused devastating flooding and damage. Nontropical systems can also bring extreme rainfall, such as during August 12–13, 2014, when the state 24-hour precipitation record was broken (13.57 inches) at Islip. New York experienced extreme drought during 2016 and severe drought during 2020, which had major impacts on agriculture in some parts of the state.

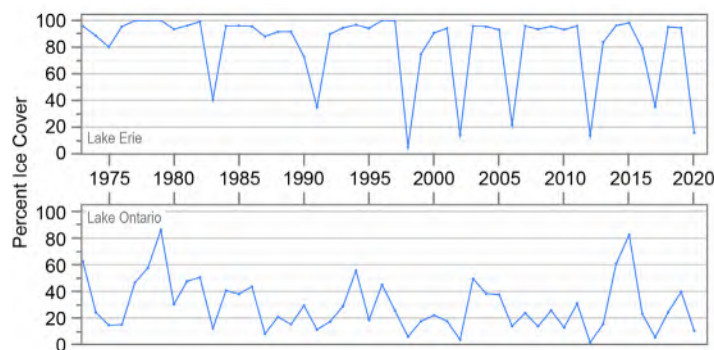
Observed Number of Very Cold Nights



**Figure 3:** Observed annual number of very cold nights (minimum temperature of 0°F or lower) for New York from 1900 to 2020. Dots show annual values. Bars show averages over 5-year periods (last bar is a 6-year average). The horizontal black line shows the long-term (entire period) average of 16 nights. The number of very cold nights has been below average since 1990, reflecting a long-term winter warming trend. Sources: CISESS and NOAA NCEI. Data: GHCN-Daily from 12 long-term stations.

**In addition to causing heavy flooding inland, hurricanes and tropical storms can cause coastal damage from storm surge and flooding.** In late October 2012, Superstorm Sandy (a post-tropical storm) caused massive storm surge in New York City. The extensive

Annual Maximum Ice Cover for Lake Erie and Lake Ontario



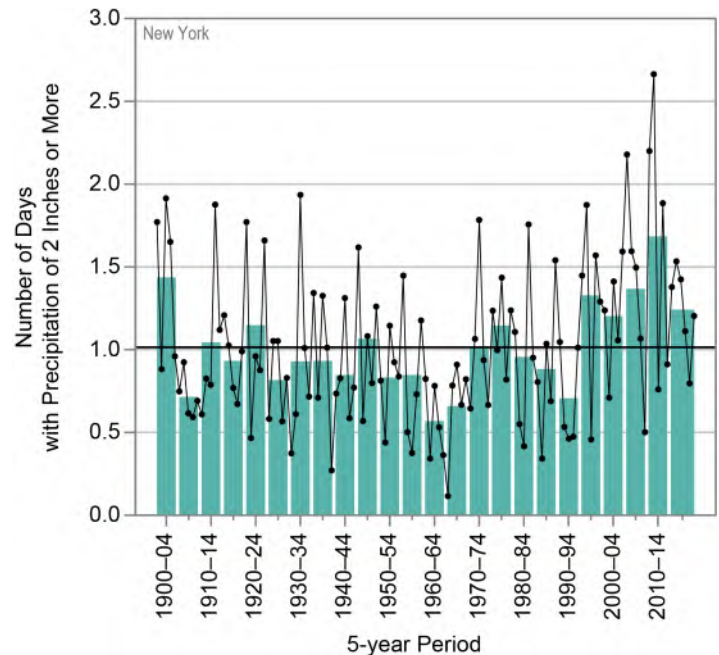
**Figure 4:** Annual maximum ice cover extent (%) for Lake Erie (top) and Lake Ontario (bottom) from 1973 to 2020. During most years, Lake Erie was nearly frozen over, while Lake Ontario was mostly ice-free. There were 6 years when Lake Erie was mostly ice-free, and all of those occurred since 1998. Since 2006, Lake Ontario's ice cover extent has remained below 40%, except for higher values during the cold 2013–14 and 2014–15 winters. Source: NOAA GLERL.

flooding from the storm surge inundated subway tunnels, damaged the electrical grid, overwhelmed sewage treatment plants, and destroyed thousands of homes. Superstorm Sandy caused tens of billions of dollars in damages in the state, with an estimated \$19 billion in damages to New York City.

Winter storms occur frequently across the state due to the large temperature contrast between the cold interior of the North American continent and the warm moist air of the western Atlantic. **These storms, popularly known as nor'easters, can produce crippling snowfall, flood-producing rainfall, hurricane-force winds, and dangerous cold.** The Blizzard of 1996, January 6–8, was a classic nor'easter, dropping more than 20 inches of snow in New York City and causing an estimated \$70 million in damages across the state. During the Blizzard of 2016, January 22–24, more than 30 inches of snow fell in some areas, such as Kennedy Airport, where near-blizzard conditions persisted for 9 hours; travel bans were also enacted in New York City. The northern part of the state frequently experiences heavy lake-effect snows due to the warming and moistening of arctic air masses as they pass over the Great Lakes. This results in intense bands of heavy snowfall over areas downwind of Lakes Ontario and Erie. During November 17–19, 2014, a lake-effect snowstorm delivered more than 5 feet of snow just east of Buffalo. A second lake-effect event immediately followed during November 19–20, dropping as much as an additional 4 feet of snow; snowfall rates as high as 6 inches per hour were reported, with some areas receiving more than 3 feet of snow in less than 12 hours. These two storms were considered unprecedented events but were characteristic of lake-effect snows that affect the state. The Great Lakes can also experience flooding and erosion due to high water levels. Wet spring conditions contributed to record-high water levels and flooding in 2017 and 2019. Cleanup costs, infrastructure damages, and agricultural losses were in the millions of dollars.

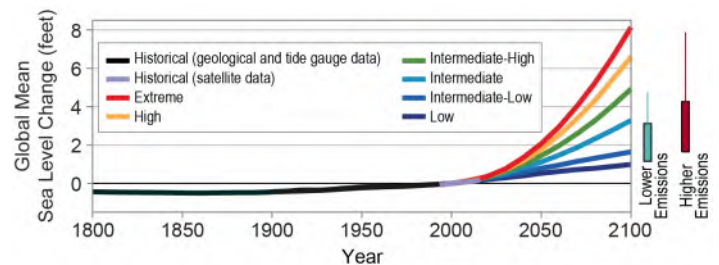
**Under a higher emissions pathway, historically unprecedented warming is projected during this century** (Figure 1). Even under a lower emissions pathway, annual average temperatures are projected to most likely exceed historical record levels by the middle of this century. However, a large range of temperature increases is projected under both pathways, and under the lower pathway, a few projections are only slightly warmer than

### Observed Number of 2-Inch Extreme Precipitation Events



**Figure 5:** Observed annual number of 2-inch extreme precipitation events (days with precipitation of 2 inches or more) for New York from 1900 to 2020. Dots show annual values. Bars show averages over 5-year periods (last bar is a 6-year average). The horizontal black line shows the long-term (entire period) average of 1.0 days. A typical station experiences 1 event each year. Since 1995, New York has experienced an above average number of 2-inch extreme precipitation events, with the highest frequency occurring during the 2010–2014 period. Sources: CISESS and NOAA NCEI. Data: GHCN-Daily from 16 long-term stations.

### Observed and Projected Change in Global Sea Level



**Figure 6:** Global mean sea level (GMSL) change from 1800 to 2100. Projections include the six U.S. Interagency Sea Level Rise Task Force GMSL scenarios (Low, navy blue; Intermediate-Low, royal blue; Intermediate, cyan; Intermediate-High, green; High, orange; and Extreme, red curves) relative to historical geological, tide gauge, and satellite altimeter GMSL reconstructions from 1800–2015 (black and magenta lines) and the very likely ranges in 2100 under both lower and higher emissions futures (teal and dark red boxes). Global sea level rise projections range from 1 to 8 feet by 2100, with a likely range of 1 to 4 feet. Source: adapted from Sweet et al. 2017.

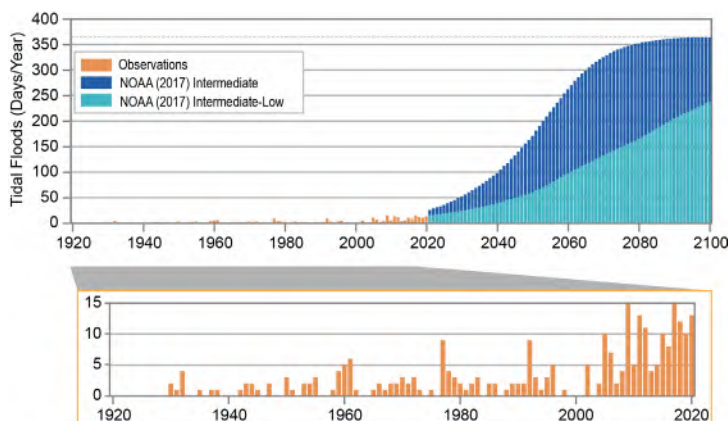
historical records. Heat waves are projected to be more intense. Extreme heat is a particular concern for New York City and other urban areas, where the urban heat island effect raises summer temperatures. High temperatures



combined with high humidity can create dangerous heat index values. By contrast, cold waves are projected to become less intense.

**Increasing temperatures raise concerns for sea level rise in coastal areas.** Since 1880, sea level has risen by about 13 inches along the coast of New York, more than the global average rise of about 7–8 inches since 1900. Global sea level is projected to rise another 1–4 feet by 2100 as a result of both past and future emissions from human activities (Figure 6), but local and regional factors are expected to cause New York’s sea level to rise more than the global projection. Even if storm patterns remain the same, sea level rise will increase the frequency, extent, and severity of coastal flooding. Sea level rise has caused an increase in tidal floods associated with nuisance-level impacts. Nuisance floods are events in which water levels exceed the local threshold (set by NOAA’s National Weather Service) for minor impacts.

Observed and Projected Annual Number of Tidal Floods for The Battery, NY

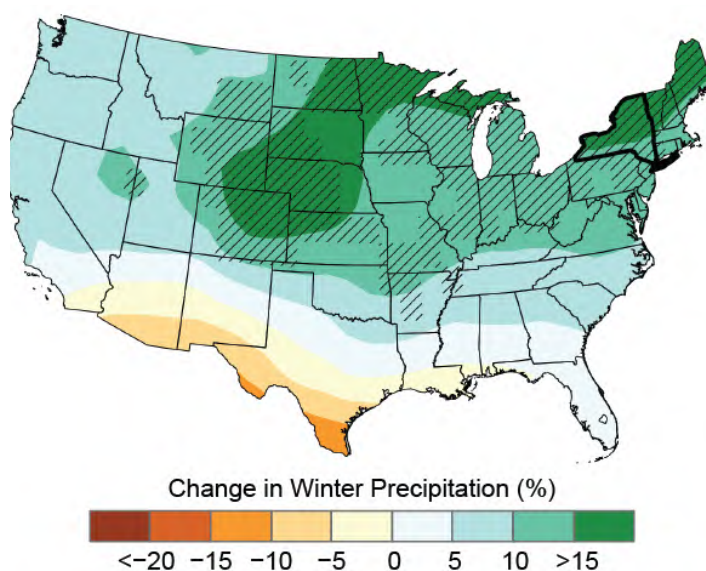


**Figure 7:** Number of tidal flood days per year at The Battery, NY, for the observed record (1920–2020; orange bars) and projections for two NOAA (2017) sea level rise scenarios (2021–2100): Intermediate (dark blue bars) and Intermediate-Low (light blue bars). The NOAA (2017) scenarios are based on local projections of the GMSL scenarios shown in Figure 6. Sea level rise has caused a gradual increase in tidal floods associated with nuisance-level impacts. The greatest number of tidal flood days (all days exceeding the nuisance-level threshold) occurred in 2009 and 2017 at The Battery. Projected increases are large even under the Intermediate-Low scenario. Under the Intermediate scenario, tidal flooding is projected to occur nearly every day of the year by the end of the century. Additional information on tidal flooding observations and scenarios is available at <https://statesummaries.ncics.org/technicaldetails>. Sources: CISESS and NOAA NOS.

These events can damage infrastructure, cause road closures, and overwhelm storm drains. As sea level has risen along the New York coastline, the number of tidal flood days (all days exceeding the nuisance-level threshold) has also increased, with the greatest number occurring in 2009 and 2017 (Figure 7). This is a particular concern for New York because of dense, high-value development along the coastline.

**Winter and spring precipitation is projected to increase in New York** (Figure 8). This could result in enhanced snowpack at higher elevations, but with warmer temperatures, more of the precipitation will fall as rain, particularly at lower elevations. In addition, the frequency and intensity of extreme precipitation events are projected to increase, potentially increasing the frequency and intensity of floods. Heavier precipitation increases the risk of springtime flooding, which could pose a particular threat to New York’s agricultural industry by delaying planting and resulting in yield losses.

Projected Change in Winter Precipitation

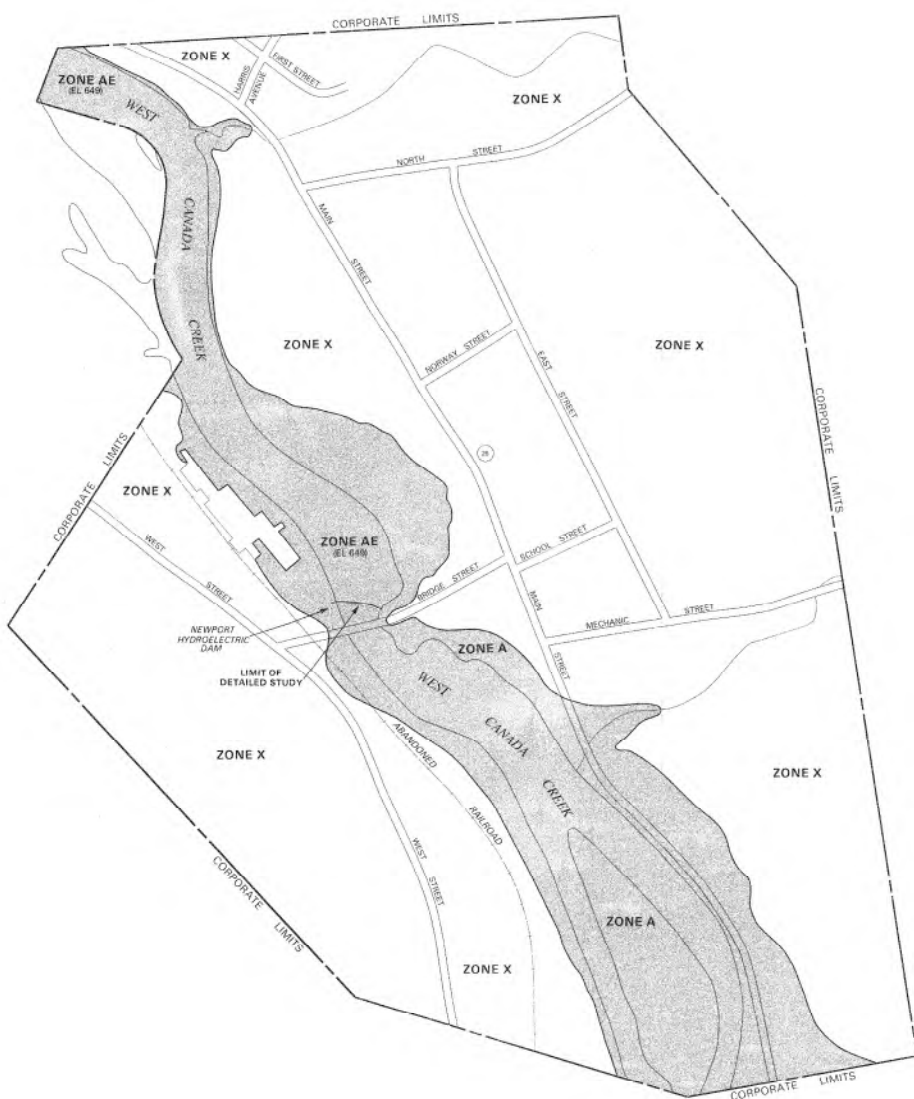


**Figure 8:** Projected change in winter (December–February) precipitation (%) for the middle of the 21st century compared to the late 20th century under a higher emissions pathway. Hatching represents areas where the majority of climate models indicate a statistically significant change. By the middle of this century, if greenhouse gas emissions continue to rise rapidly, winter precipitation is projected to increase by 10%–15% in southern New York and 15%–20% in northern New York. Sources: CISESS and NEMAC. Data: CMIP5.

Technical details on observations and projections are available online at <https://statesummaries.ncics.org/technicaldetails>.

# ATTACHMENT B

## FEMA Flood Zone Map



### LEGEND

**SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD**

- ZONE A** No base flood elevations determined.
- ZONE AE** Base flood elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponds); base flood elevations determined.
- ZONE AO** Flood depths of 3 to 3 feet (usually sheet flow on sloping terrain); average depths determined; for areas of shallow fan flooding; velocities also determined.
- ZONE A99** To be protected from 100-year flood by Federal flood protection system under construction; no base flood elevations determined.
- ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.

**FLOODWAY AREAS IN ZONE AE**

**OTHER FLOOD AREAS**

- ZONE X** Areas of 500-year flood; areas of 100-year flood with average depth of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

**OTHER AREAS**

- ZONE X** Areas determined to be outside 500-year floodplain.
- ZONE D** Areas in which flood hazards are undetermined.

**UNDEVELOPED COASTAL BARRIERS**

Floodplain Boundary  
 Floodway Boundary  
 Zone D Boundary  
 Boundary Dividing Special Flood Hazard Zones and Boundary Dividing Areas of Different Flood Protection System Within Special Flood Hazard Zones  
 Base Flood Elevation Line (Elevation in feet)  
 Cross Section Line  
 Base Flood Elevation in Feet Where Uniform Within Zone  
 Elevation Reference Mark  
 River Mile

513  
 (D) (D)  
 REL. 1987  
 RM 7.5  
 M1.5

\*Referenced to the National Geodetic Vertical Datum of 1929

### NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify areas subject to flooding, particularly from local drainage sources of small size, or all planning features outside Special Flood Hazard Areas. The community map repository should be consulted for possible updated flood hazard information prior to use of this map for property purchase or construction purposes.

Coastal base flood elevations apply only to landward of 0.9 NAD 83, and include the effects of wave action; these elevations may differ significantly from those developed by the National Weather Service for hurricane evacuation planning.

Areas of special flood hazard (100-year flood) include Zones A, AE, AH, AO, A99, V, and VE.

Certain areas near in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydrologic considerations with regard to requirements of the Federal Emergency Management Agency.

Floodway widths in some areas may be too narrow to show to scale. Floodway widths are provided in the Flood Insurance Study Report.

**MAP REPOSITORY**  
 Village Library, Route 28, South Main Street, Newport, New York 12416  
 (Maps available for reference only, not for distribution)

**INITIAL IDENTIFICATION:**  
 MARCH 28, 1974

**FLOOD HAZARD BOUNDARY MAP REVISIONS:**  
 APRIL 16, 1976

**FLOOD INSURANCE RATE MAP EFFECTIVE:**  
 JULY 2, 1985

**FLOOD INSURANCE RATE MAP REVISIONS:**  
 April 2, 1991 - to add base flood elevations, to change special flood hazard areas, to change zone designations, to update map format and to reflect updated topographic information.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at (800) 638-6030.

APPROXIMATE SCALE  
 0 400 800 FEET

### FLOOD PRONE STREET INDEX

#### NOTE TO USER

This index provides a list of all streets shown on the Flood Insurance Rate Map (FIRM) that are partially or totally within Special Flood Hazard Areas (SFHAs). This index should not be used as an authoritative source for determining whether specific streets, properties, or buildings are within an SFHA. The appropriate FIRM panel must be consulted for these purposes. This index is intended to be used only as a guide for determining which FIRM panel displays the street in question and the relative location of the street on the FIRM panel.

**KEY**

BAKER STREET ..... (A2)  
 street name ..... grid location

**NAMED STREETS**

STATE ROUTE 28 ..... (C3)  
 BRIDGE STREET ..... (C3)

**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
**FLOOD INSURANCE RATE MAP**  
**and**  
**STREET INDEX**  
**VILLAGE OF**  
**NEWPORT, NEW YORK**  
**HERKIMER COUNTY**

ONLY PANEL PRINTED

**COMMUNITY-PANEL NUMBER**  
 360315 0001 C  
 MAP REVISED:  
 APRIL 2, 1991

Federal Emergency Management Agency

**ATTACHMENT C**  
**Petition for Variance, Asbestos Survey,  
Condemnation Letter**

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) <b>Limited.</b>
Case No. 4	ICR 56-11.5(c)(9) <b>Denied.</b>
Case No. 5	ICR 56-11.5(c)(11) <b>See modification.</b>

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 responsibility 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 ICR 56-11.5(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

By

ROBERTA READON  
COMMISSIONER OF LABOR



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)





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

24-0263

## 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 ☒ 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: ( )

Rome Environmental Solutions &

4a. Asbestos Contractor License No. 137256

b. Name of Firm: Testing, LLC

### 5. Building Description:

a. Affecting premises known as: Former Newport School

b. These premises are situated on the ☐ North, ☐ South, ☒ East, ☐ West side of ☒ 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 ☒ 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 146

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 Dousham

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. Dousham* b. Date: 02 / 28 / 2024

ATTACHMENT #1  
(Page 1/1)

**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 were 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<sup>2</sup>. 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 relief* *A limited to materials that can be decontaminated*
4. ICR 56-11.5(c)(9) – Wetted Piles of Waste – Relief from covering piles of waste is being requested. *Denied* 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*

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.

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

24-0263

Attachement #3

Page 1/1

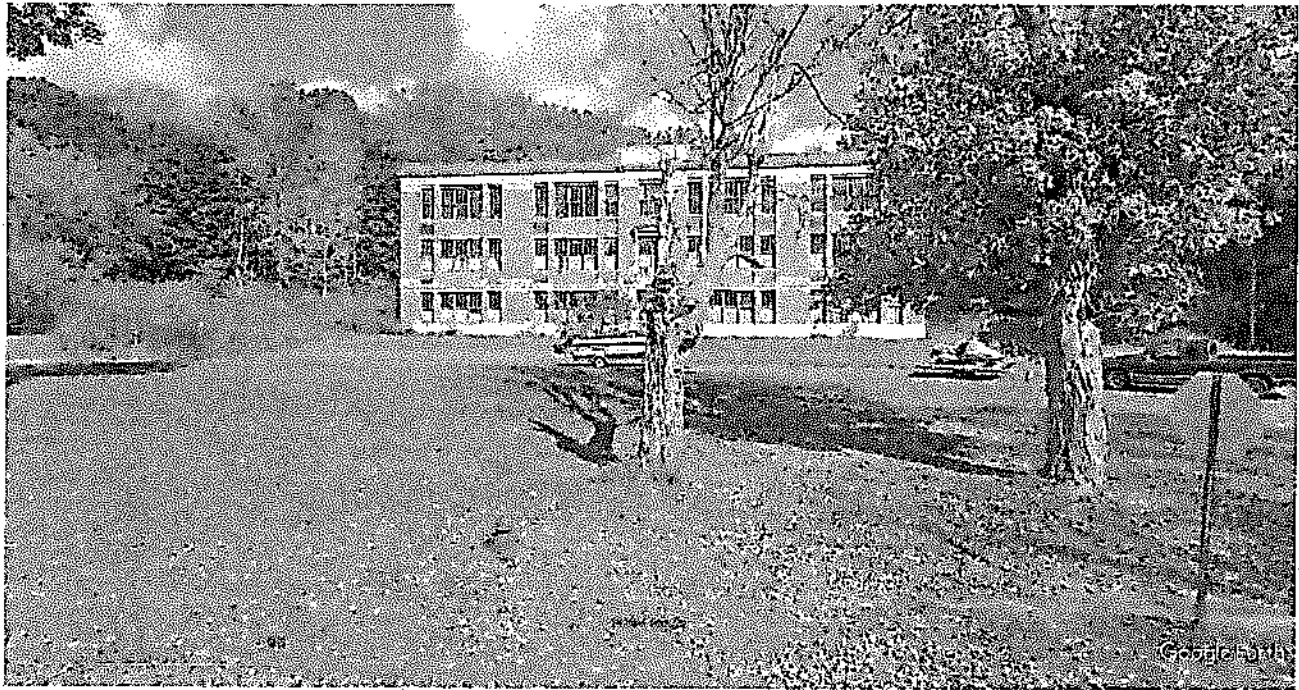


Image of School From East Street

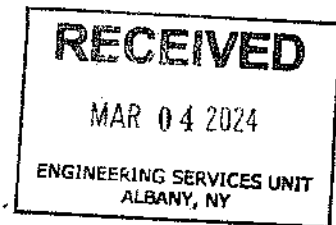


Historic 1853 Stone Arch Bridge

## Village of Newport

P.O. Box 534  
Newport, NY 13416

Mayor Marc Butler  
Trustee Steven Woods  
Trustee Thomas Roberts



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



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.

Pre-Demolition Asbestos Survey  
Former Newport School  
7456 East Street Newport, NY  
Mr. John Piseck  
Page 3

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

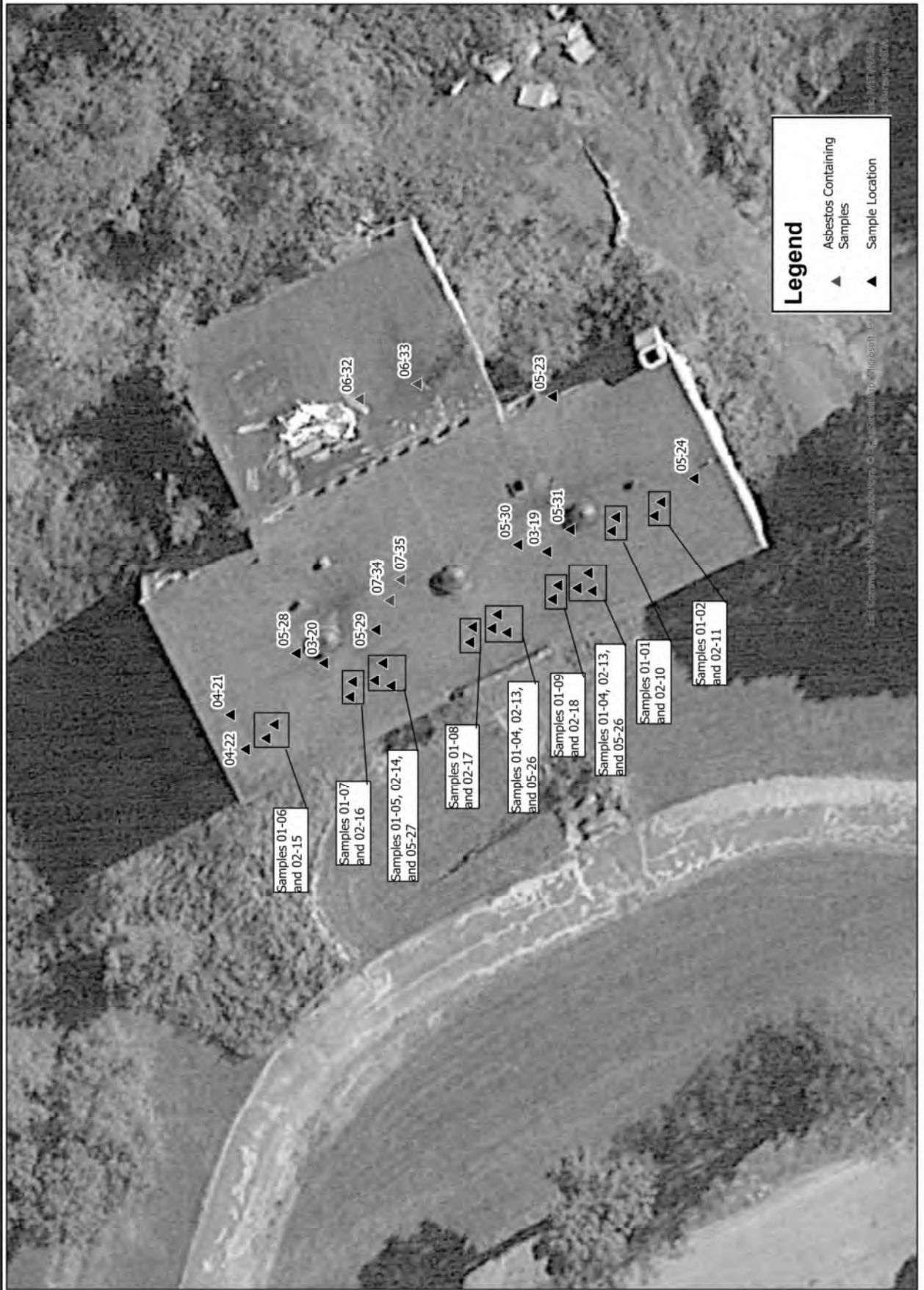
Sincerely,  
HRP Associates, Inc.

A handwritten signature in black ink, appearing to read "Mark Wright", with a stylized flourish extending from the end.

Mark Wright, CSP, PG  
Senior Project Manager

Attachments

# SAMPLE LOCATION



**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		
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
03-20			Gray Esbary concrete block	NAD	NA		
04-21	Third floor	4	Gray Pyrobar concrete block	NAD	NA	Friable, SD	Portion of 3 <sup>rd</sup> 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 **AmeriSci Job #** 222083360  
**Date Examined** 08/29/22 **P.O. #** S-NY-02306  
**ELAP #** 11480 **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 <b>Location:</b> Second Floor - Gray Plaster	<b>No</b>	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
<b>Analyst Description:</b> Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b> Non-fibrous 100%			
01-02 01	222083360-02 <b>Location:</b> Second Floor - Gray Plaster	<b>No</b>	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
<b>Analyst Description:</b> Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b> Non-fibrous 100%			
01-03 01	222083360-03 <b>Location:</b> Second Floor - Gray Plaster	<b>No</b>	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
<b>Analyst Description:</b> Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b> Non-fibrous 100%			
01-04 01	222083360-04 <b>Location:</b> Second Floor - Gray Plaster	<b>No</b>	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
<b>Analyst Description:</b> Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b> Non-fibrous 100%			
01-05 01	222083360-05 <b>Location:</b> Second Floor - Gray Plaster	<b>No</b>	NAD (by NYS ELAP 198.1) by Kensen Caro on 08/29/22
<b>Analyst Description:</b> Gray, Homogeneous, Non-Fibrous, Cementitious, Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b> Non-fibrous 100%			

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

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

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

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



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

**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 <b>Location:</b> Second Floor - White Pipe Insulation		NA/PS
<b>Analyst Description:</b> Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b>			
08-37 08	222083360-37 <b>Location:</b> 1st Floor - White Window Glazing	<b>No</b>	NAD (by NYS ELAP 198.6) by Kensen Caro on 08/29/22
<b>Analyst Description:</b> White, Homogeneous, Non-Fibrous, Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b> Non-fibrous 18.5%			
08-38 08	222083360-38 <b>Location:</b> 1st Floor - White Window Glazing	<b>No</b>	NAD (by NYS ELAP 198.6) by Kensen Caro on 08/29/22
<b>Analyst Description:</b> White, Homogeneous, Non-Fibrous, Bulk Material <b>Asbestos Types:</b> <b>Other Material:</b> 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							

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
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							

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
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:

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 Manager: Jesse Zahn		
Phone: 518-877-7101 Fax: 518-877-8561		Analysis: <input type="checkbox"/> PLM Only <input checked="" type="checkbox"/> TEM Only <input checked="" type="checkbox"/> NY ELAP PLM/TEM <input type="checkbox"/> ASTM Dust (microvac) <input type="checkbox"/> ASTM Dust (Wipe) ) <input type="checkbox"/> Other (describe in Comments)		
Site/Secondary Fax #:		Material Type: <input checked="" type="checkbox"/> Bulk <input type="checkbox"/> Dust <input type="checkbox"/> Water		
Results to: james.charter@hrpassociates.com		Turnaround Time: 5-day 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: 8/23/27 12:00
Received By:	Date/Time:
Relinquished By:	Date/Time:
Received By:	Date/Time:

Company: HRP Associates, Inc.		HRP Project No: <b>HER1506.BA</b> <b>Task 2</b>		AMERISCI #:	
Street Address: One Fairchild Square, Suite 110		Project Address: <b>745C East Street, Newport, NY</b>			
City: Clifton Park	State: NY	Zip: 12065	Project Manager: <b>Jesse Zahn</b>		
Phone: <b>518-877-7101</b>	Fax: <b>518-877-8561</b>	Analysis: <input type="checkbox"/> PLM Only <input type="checkbox"/> TEM Only <input checked="" type="checkbox"/> NY ELAP PLM/TEM <input type="checkbox"/> ASTM Dust (microvac) <input type="checkbox"/> ASTM Dust (Wipe) <input type="checkbox"/> Other (describe in Comments)			
Site/Secondary Fax #:		Turnaround Time: <b>5-day</b>		Material Type: <input checked="" type="checkbox"/> Bulk <input type="checkbox"/> Dust <input type="checkbox"/> Water	
Results to: <b>james.charter@hrpassociates.com</b>		Sampled By: <b>James Charter</b>		Date Sampled: <b>8/22/22</b>	
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		
03-14	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 Masonry Tiles	05		
05-24					
05-25					
05-26					
05-27	Second Floor				
05-28	Third Floor				
05-29					
05-30					
05-31	Third Floor				
06-32	Root Above Auditorium	Gray Mortar for Brick Masonry Tiles Black Built UP Roof	05 06		

#222083360



**BULK SAMPLE SHEET**  
117 EAST 30<sup>TH</sup> STREET  
NEW YORK, NY 10016  
TOLL FREE (800) 705-5227  
Fax (212) 679-3114

**BULK SAMPLE SHEET**  
117 EAST 30<sup>TH</sup> STREET  
NEW YORK, NY 10016  
TOLL FREE (800) 705-5227  
Fax (212) 679-3114

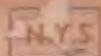
Relinquished By: James Charter	Date/Time: 8/23/22 12:00
Received By:	Date/Time:
Relinquished By:	Date/Time:
Received By:	Date/Time:

[illegible]



# CERTIFICATIONS

STATE OF NEW YORK - DEPARTMENT OF LABOR  
ASBESTOS CERTIFICATE



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

CERT# 14-06730  
DMV# 770-447817

**MUST BE CARRIED ON ASBESTOS PROJECTS**



# Village of Newport



## PUBLIC MEETING

### TOPIC OF DISCUSSION

*Status of the demolition and clean up plans for the old Newport School and potential future uses for the site.*

**Thursday November 14, 2024**

**6:00 PM**

**Kuyahoora Community Hall  
7408 Main St. Newport, NY  
(former Masonic Lodge)**



**MVEDDD**  
Mohawk Valley Economic Development District, Inc.

**next**

**MOHAWK VALLEY  
EDGE**

# ACRONYMS

<b>BCP</b>	Brownfield Cleanup Program
<b>BOA</b>	Brownfield Opportunity Area
<b>EPA</b>	United States Environmental Protection Agency
<b>MVEDGE</b>	Mohawk Valley Economic Development Growth Enterprises Corp
<b>MVEDD</b>	Mohawk Valley Economic Development District, Inc.
<b>PE</b>	Professional Engineer
<b>RLF</b>	Revolving Loan Fund
<b>PG</b>	Professional Geologist
<b>Phase I (ESA)</b>	Phase I Environmental Assessment
<b>Phase II (ESA)</b>	Phase II Environmental Assessment
<b>RLF</b>	Revolving Loan Fund
<b>CRP</b>	Community Relations Plan
<b>NYSERDA</b>	New York State Energy Research and Development Authority
<b>QEP</b>	Qualified Environmental Professional
<b>ABCA</b>	Analysis of Brownfields Cleanup Alternatives
<b>QAPP</b>	Quality Assurance Protection Plan



# ***THE PROJECT PARTNERS***

*The Newport School Brownfield Demolition project requires a collaborative effort involving multiple regional and national organizations.*

## **Herkimer Next Inc. (Next)**

A private non-profit organization dedicated to strengthening Herkimer County by fostering relationships, leveraging local assets, and connecting nonprofits and municipalities with funding and expertise. Next reduces the administrative burden on municipalities by coordinating and managing timelines and documentation for their projects.

[HerkimerCountyNext.org](https://HerkimerCountyNext.org)

Project Lead: Michele Hummel

## **MVEDD**

A regional agency dedicated to supporting economic growth. MVEDD offers financing options for small businesses, assists contractors in becoming NYSERDA certified, and helps municipalities access clean energy grants and opportunities.

[MVEDD.org](https://MVEDD.org)

Project Lead: Heather Devitt

## **MV EDGE**

A private non-profit regional organization focused on strengthening existing businesses, attracting new industries, and fostering a vibrant environment for companies and their employees.

[MVEDGE.org](https://MVEDGE.org)

## **US Environmental Protection Agency (US EPA)**

An independent agency of the United States government that works to protect public health and the environment by addressing significant health risks, conducting research, and developing and enforcing environmental regulations. Its efforts aim to ensure a safer and healthier environment for all. The EPA is the funding source for this project.

[EPA.gov](https://EPA.gov)

# ***PARTNERS CONT.***

## **HRP Associates**

A multidisciplinary environmental and engineering consulting firm that has been minimizing environmental risks and helping clients achieve their business goals for more than 40 years. With offices across the U.S. and global consulting services in over 20 countries, HRP is a QEP organization that understands brownfield sites, as well as EPA and DEC Brownfield regulations.

[\*\*HRPAssociates.com\*\*](http://HRPAssociates.com)

## **Westin & Sampson**

A trusted provider of interdisciplinary design, engineering, and environmental services, dedicated to improving communities for over 100 years. Through innovation and reliability, they work to create better, more sustainable environments where people live, work, and play. Westin & Sampson is a QEP (Qualified Environmental Professional) organization that understands brownfield regulations and is contracted by MVEDD.

[\*\*WestonandSampson.com\*\*](http://WestonandSampson.com)

## **BRS Inc.**

A consulting firm focused on helping public and quasi-public sector entities revitalize communities through sustainable redevelopment and resiliency planning. Since 2003, BRS has provided expertise in brownfields, funding, planning, and project management to bring projects from concept to completion across the U.S. and its territories. BRS is a QEP that understands brownfield regulations and is contracted by MVEDGE.

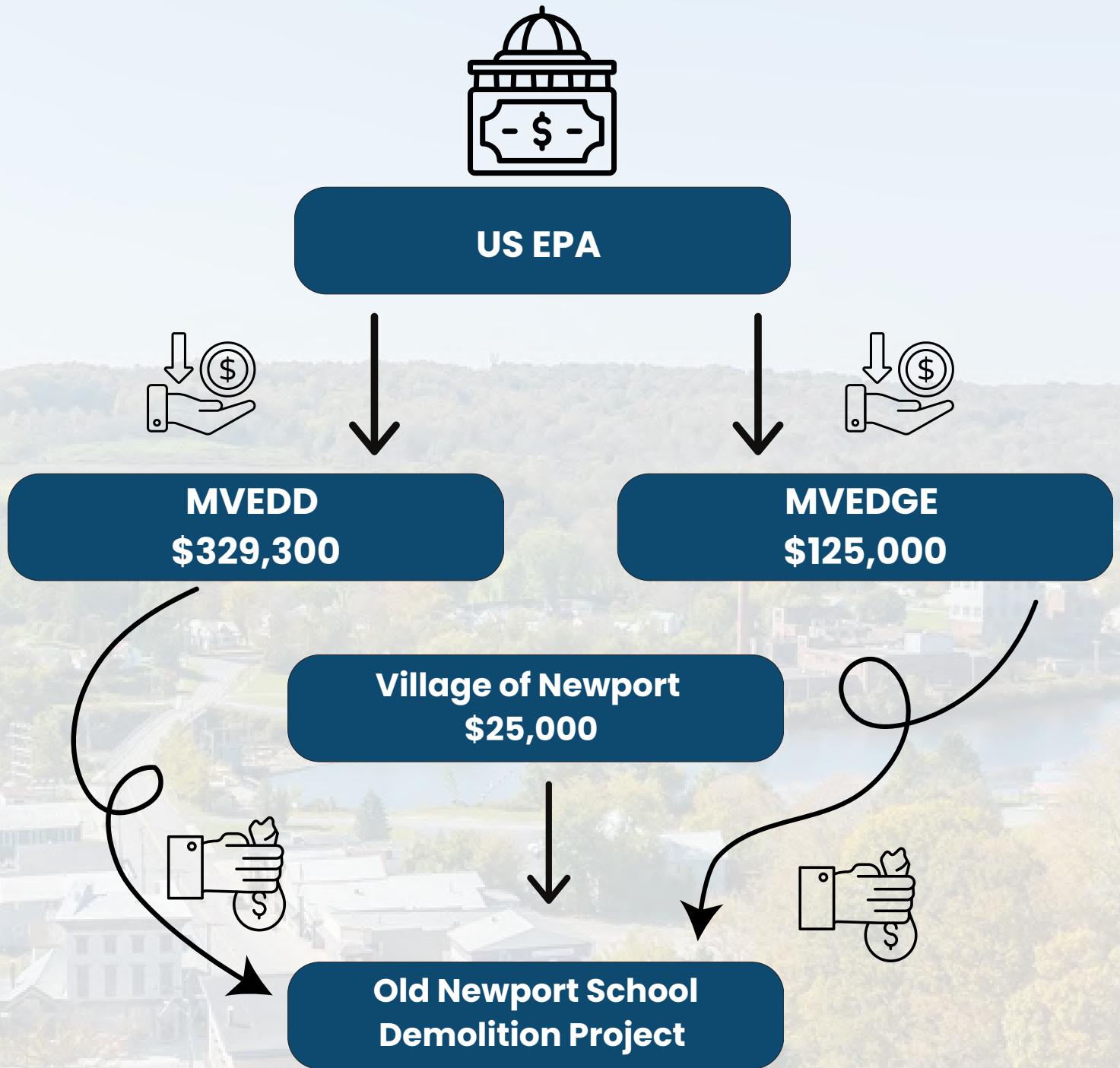
[\*\*BRSInc.com\*\*](http://BRSInc.com)

## **Project Documentation Repositories**

[\*\*mvedd.org/brownfield-cleanups\*\*](http://mvedd.org/brownfield-cleanups)

[\*\*mvedge.org/former-newport-school\*\*](http://mvedge.org/former-newport-school)

# FUNDING SOURCES



**Note:** The Herkimer County IDA provided funding for the Phase I Environmental Assessment in 2022





# ***PART ONE EPA RLF FLOW CHART***

Submit  
Preliminary Information

Screening of Site  
for Eligibility

Submit Complete Application Package  
Project Overview  
Cleanup Evaluation & Cost Estimates  
Financial Statements & Projection  
Credit Report

Review of Complete Package

Terms and Conditions of Loan or  
Subgrant Agreement Executed





# ***PART TWO MVEDD / MVEDD RLF FLOW CHART***

Execute Terms & Conditions  
of Loan/Subgrant

Site must be enrolled in appropriate state response program

Section 106 Review

Submit Draft Community  
Relations Plan to EPA for review

Submit Draft Analysis of Brownfields Cleanup Alternatives (ABCA) for review

ABCA may be incorporated into the remedial design documents required for state

Provides public notice of availability of draft ABCA, etc. and conduct a  
30-day public comment period including a Public Meeting

Finalize CRP & ABCA at completion of Public Comment period



Submit Quality Assurance Protection Plan (QAPP)  
to EPA for review and approval for any sampling that  
is to be conducted as part of cleanup  
30 days minimum

Finalize Budget and Work Plans Ensure compliance with BABA  
Conduct Cleanup Activities  
Ensure Compliance with Davis - Bacon Act  
Cleanup Closeout Documents

next



MAYOR MARC BUTLER



**Village of Newport**  
**Community Feedback Report**  
**Former Newport School Site**  
**Public Comment Period:**  
**November 14, 2024 – December 14, 2024**

## **Introduction**

The Village of Newport is undertaking a significant project to address the longstanding challenges associated with the former Newport School, located at 7456 East Street. This initiative involves the demolition of the vacant and structurally compromised school building, which contains asbestos-containing materials (ACM) and residual petroleum contamination. The project aims to eliminate environmental hazards, revitalize the site, and prepare it for future redevelopment that aligns with the community's needs and priorities.

As part of this effort, the Village conducted a 30-day public comment period following an initial community meeting held on November 14, 2024. This comment period was designed to gather input from residents regarding potential future uses of the site after the building's removal and to address questions or concerns about the project. This report summarizes the feedback received during the meeting and throughout the comment period, ensuring that community voices are considered in the planning process.

## **Public Participation Results**

No formal comments were received via email, phone, mail, or other methods during the 30-day public comment period. All feedback summarized above was collected during the November 14, 2024, community meeting.

## **Concerns**

### **1. Bat Nuisance**

Residents have expressed concerns that the demolition could potentially cause bats currently residing in the structure to migrate into neighboring homes, posing a potential nuisance and health risk. However, since bats naturally relocate during the winter months, completing the demolition prior to April will prevent this issue. If the project extends into warmer months, a licensed wildlife control specialist will be engaged to manage and mitigate the risk of bat migration effectively.

### **2. Funding**

Attendees expressed satisfaction with the announcement of the successful funding for the project, which will enable the safe removal of the building and preparation for future site development.

This report will be shared with stakeholders and made available to the public as part of the ongoing commitment to transparency and community engagement.

# ATTACHMENT D

## ABCA Public Meeting Details and Comments





# WELCOME

PLEASE SIGN IN BELOW

DATE: 11.14.2024

## VILLAGE OF NEWPORT

NAME	EMAIL	PHONE
Judy Simowette	Judith51952@gmail.com	315-717-7321
Britney Herringshaw	Britney@herkinemnext.org	315-867-9422
John Victor	JrVictor70@yahoo.com	315-725-2999
Ralph Bannemann	ralphb9684@frontiernet.net	315-269-7873
DANSEL HECTUS	HECTUSDANDEL@yahoo.com	315-717-7965
Rose Relyea (Andy)	rosereleya@yahoo.com	(315) 404-5212
Gwendolyn Mucica	Gmucica@twcny.rr.com	315 867 3224
Elise Cuda	cuda@ntcnet.com	315 794 4131
Erin Roberts	eroberts@ntcnet.com	
Tom Roberts	tr Roberts@ntcnet.com	315-868-4108
Brittany Coleman		
Traus Coleman	Stict - superintendent@villageofnewportny.com	315-717-5309
Sue fellows	337 Newport Gray Rd Newport	315 404-7513
Alesha Tyson	alesha614@icloud.com	315-366-3076
John Asaro	134 Harris Ave Newport	315 794 7561
Mercedes Wenzel	mmwoody98@gmail.com	(315) 941-8488



# WELCOME

PLEASE SIGN IN BELOW

DATE: 11.14.2024

## VILLAGE OF NEWPORT

NAME	EMAIL	PHONE
Shirley Lewis	EASTL6727@gmail.com	315-292-2420
Tom Lewis	tomjimlewis@gmail.com	315-749-6026
Chris Lynch		(315) 868-8725
Richard Foster		
Joe Fioreo		315-845-8254
Emily Tyson	Emilytyson@aol.com	315-269-4113
Jill Fuller	SFuller58@gmail.com	315-717-7365
Bruce Moody	mPolaris@nycnet.com	315-845-8664
Chris Fitzsimons	newporttownhall@gmail.com	619-379-8898
Bruce Krupp	New York N.Y.	315-845-8175
CHRISTIAN MARINO	sweeney@nycnet.com	315 794 1939
Marc Barrio	cmesorio@nycnet.org	315 338 0393
	mbarrio@nycnet.org	315 338-0393





PLEASE SIGN IN BELOW

DATE: 11.14.2024

## VILLAGE OF NEWPORT

[illegible]