

CORNELL UNIVERSITY
FACILITIES CONTRACTS
121 HUMPHREYS SERVICE BUILDING
ITHACA, NEW YORK 14853-3701

CORNELL UNIVERSITY
RECONSTRUCT ELEVATORS
HEDRICK HALL &
FOOD RESEARCH LAB

ADDENDUM NO. 1

April 29, 2022

This Addendum contains changes to the requirements of the Contract Documents and Specifications. Such changes are to be incorporated into the Construction Documents and shall apply to the work with the same meaning and force as if they had been included in the original document. Wherever this Addendum modifies a portion of a paragraph of the specifications or a portion of any Drawing, the remainder of the Paragraph or Drawing shall remain in force.

NOTE: Provisions of all Contract Documents apply.

Item 1. Section 028213 – Asbestos Abatement

ADD the following signed, hazardous materials Variance Petitions from the State of New York Department of Labor, attached, at the end of the specification section.

File No. 22-0311 SSV – Food Research Lab

File No. 22-0310 SSV - Hedrick-Hall

Attachments: 22-0310 SSV - Hedrick
22-0311 SSV - Food Research Lab

******END OF ADDENDUM******

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

Variance Petition

of

Sienna Environmental Technologies
Petitioner's Agent on Behalf of

Cornell University
Petitioner

in re

Premises: Food Research Laboratory
665 W North Street
Geneva, New York 14456

**Intact Elevator ACM
Removals**

File No. 22-0311

DECISION

Cases 1-22

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 22-0311 on March 23, 2022 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 March 23, 2022; 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:

Intact Removal: Brake Shoes

Case No. 1

Case No. 2

Case No. 3

ICR 56-4.9

ICR 56-6

ICR 56-7.8 (a)

Case No. 4	ICR 56-7.11(a, b, c, e)
Case No. 5	ICR 56-8.2 (b, c)
Case No. 6	ICR 56-9.1(f)
Case No. 7	ICR 56-9.2 (d)

Elevator and Fire Doors

Case No. 8	ICR 56-4.9
Case No. 9	ICR 56-6
Case No. 10	ICR 56-7.5 (c, d)
Case No. 11	ICR 56-7.8 (a)
Case No. 12	ICR 56-7.11(a, b, c, e)
Case No. 13	ICR 56-8.2 (b, c)
Case No. 14	ICR 56-9.1(f)
Case No. 15	ICR 56-9.2 (d)

Cementitious Panels/Arc Chute:

Case No. 16	ICR 56-4.9
Case No. 17	ICR 56-6
Case No. 18	ICR 56-7.8 (a)
Case No. 19	ICR 56-7.11(a, b, c, e)
Case No. 20	ICR 56-8.2 (b, c)
Case No. 21	ICR 56-9.1(f)
Case No. 22	ICR 56-9.2 (d)

VARIANCE GRANTED. The Petitioner's proposal for intact removal of ACM in quantities as listed by the petitioner, from the subject premises in accordance with the attached 9-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 shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.
2. The Project Monitor 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 and are in compliance with all asbestos laws and regulations;
 - c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor'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 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.
3. 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.
 4. 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 for the work performance and quality of the completed project is the responsibility of the contractor who performs the work.
 5. 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 April 30, 2023.

Date: April 18, 2022

By

ROBERTA REARDON
COMMISSIONER OF LABOR

Edward A Smith

Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)



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.

1 a. Is this petition related to a safety or health emergency? Yes No

b. If yes, explain: _____

2 a. Name of Petitioner (Property Owner): Cornell University

b. Street Address: 630 West W North St.

c. City: Geneva d. State: NY e. Zip: 14456 -

f. Telephone Number: (315) 787 - 2236 g. Fax Number: () -

h. Petitioner's Federal Employee Identification Number (FEIN) _____

3 a. Petitioner's Agent (Asbestos Contractor) Firm Name: Sienna Environmental Technologies

b. Street Address: 350 Elmwood Avenue

c. City: Buffalo d. State: NY e. Zip: 14222

f. Telephone Number: (716) 332 - 3134 g. Fax Number: () -

4 a. Asbestos Contractor License No. 29432 b. Name of Firm: Sienna Environmental Technologies LLC

5. Building Description:

a. Affecting premises known as: Food Research Laboratory

b. These premises are situated on the North, South, East, West side of Street, Ave, Road.

c. County of Ontario

d. Street Address: 665 W North St.

e. City: Geneva f. State: NY g. Zip: 14456

h. Is building occupied? Yes No

i. Current function of building: Laboratory research, classrooms, and offices

j. Approximate area (square feet) of building: ~28,000 gsf footpri . Number of stories or height in feet: 3 + pent + basem

l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: north - grass, sidewalk; east - grass, sidewalk; south - road; west - grass, parking, road

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: / /

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.)

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

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

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 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

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
- 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 (UI) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, UI returns, UI registration, new hires, and all records of UI 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): Eric Rayner b. E-mail: erayner@siennaet.com
 c. Project Design Asbestos Contractor firm name: Sienna Environmental Technologies, LLC
 d. Street: 350 Elmwood Ave.
 e. City: Buffalo f. State: NY g. Zip: 14222 h. Phone: (716) 332 - 3134
 i. Designer certificate number: 14-10449 j. Expiration Date: 12 / 31 / 2022
 k. Design Firm Asbestos Contractor License Number 29432 l. Expiration Date: 03 / 31 / 2023
 13 a. Project designer signature:  b. Date: 03 / 23 / 2022

March 23, 2022

Attn: Mr. Edward A. Smith, P.E.
State of New York Department of Labor
Division of Safety and Health
Engineering Services Unit
State Office Building Campus
Albany, NY 12240

**Re: Site Specific Variance Request
Cornell University
Food Research Laboratory
665 West W North St
Geneva, NY 14456**

Dear Mr. Smith:

A project has been planned to upgrade the University's elevators within the Food Research Laboratory. Relief is sought to allow safe removal of elevator brakes and fire-doors, in addition to intact component removal of cementitious electrical boards.

Sienna has been retained as the petitioner's agent in order to obtain a Site Specific Variance in response to slated renovation work. Please find the variance attachments including the Petition for Asbestos Variance form SH-752, for reference of the proposed methods in support of the variance application.

If you have any questions, please do not hesitate to contact us at (716) 332-3134. Thank you for your consideration in this matter.

Sincerely,



Eric Rayner
Sienna Environmental Technologies, LLC.
Asbestos Design Certificate: 14-10449

8. Work area description table

Work area designation	Exterior or interior	Work/room area dimensions	Type of asbestos containing material (ACM)	Quantity of ACM	Condition of ACM	Friability of ACM	Type of containment
Food Research Laboratory Basement	Interior	Varies. Elevators exit at corridors. Shaft is ~8.5'x11'	Elevator hoistway and cab doors	2 pairs of doors. 19 Sq. Ft. each pair	Intact	Friable	See Conditions Below
Food Research Laboratory Ground Floor			Elevator hoistway doors	19 Sq. Ft.	Intact	Friable	
Food Research Laboratory First Floor			Elevator hoistway doors	19 Sq. Ft.	Intact	Friable	
Food Research Laboratory Second Floor			Elevator hoistway doors	19 Sq. Ft.	Intact	Friable	
Food Research Laboratory Penthouse		~11'x11'	Elevator Brake Shoes	4 Sq. Ft.	Intact	Non-friable	

9. ICR 56 Relief Sought

The petitioner proposes that the work methods laid out in below be accepted and requests relief from the following provisions of ICR-56:

Intact Component Removal – Elevator Brake Shoes

- ICR 56-4.9
 - Alternate method of Phase IIC clearance air sampling is proposed.
- ICR 56-6 – Background Air Sampling
- ICR 56-7.8(a)
 - Exemption per 7.8(b) shall apply.
- ICR 56-7.11 (a)(b)(c)(e)
 - The Brake Pads will be removed as intact components over a drop-cloth.
 - The entire Machine Room will have access restricted and signage posted.
- ICR 56-8.2(b)(c)
 - Exemption per 8.2(c) shall apply.
- ICR 56-9.1(f)
 - As the components are being removed intact without a negative pressure enclosure, no waiting/settling times shall apply.

- ICR 56-9.2(d)
 - Utilize the results of “daily” 1 inside/1 outside Interior “Restricted Area” results, in lieu of clearance air sampling. Aggressive sampling techniques will not be utilized outside of a negative pressure enclosure. If the daily air samples are reported as greater than 0.01 f/cc, then the machine room work area shall be re-cleaned and final air sampling for the area shall be performed.

Intact Component Removal – Elevator Doors and Fire Door

- ICR 56-4.9
 - Alternate method of Phase IIC clearance air sampling is proposed.
- ICR 56-6
- ICR 56-7.5 (c)(d)
 - As the amount of ‘assumed’ asbestos material is 19 square feet per pair of doors, and the potential to impact or otherwise disturb the intact (No holes or punctures observed) metal encased door packing is minimal; we propose to utilize a remote “small project” decontamination enclosure system.
- ICR 56-7.8(a)
 - Exemption per 7.8(b) shall apply.
- ICR 56-7.11 (a)(b)(c)(e)
 - As the potential to impact or otherwise disturb the intact metal encased door packing material is minimal, we propose to perform the door removal and wrapping/ containerizing operations within an Interior “Restricted Area”.
- ICR 56-8.2(b)(c)
 - Exemption per 8.2(c) shall apply.
- ICR 56-9.1(f)
 - As the components are being removed intact without a negative pressure enclosure, no waiting/settling times shall apply.
- ICR 56-9.2(d)
 - Utilize the results of “daily” 1 inside/1 outside Interior “Restricted Area” results, in lieu of clearance air sampling. Aggressive sampling techniques will not be utilized outside of a negative pressure enclosure. If the daily air samples are reported as greater than 0.01 f/cc, then the interior restricted elevator lobby work area shall be re-cleaned and final air sampling for the area shall be performed.

Intact Component Removal – Cementitious Panel and Arc-Chutes

- ICR 56-4.9
 - Alternate method of Phase IIC clearance air sampling is proposed.
- ICR 56-6 – Background Air Sampling
- ICR 56-7.8(a)
 - Exemption per 7.8(b) shall apply.
- ICR 56-7.11 (a)(b)(c)(e)

- The cementitious panel with attached arc-chutes will be removed as intact component over a drop-cloth.
- The entire Machine Room will have access restricted and signage posted.
- ICR 56-8.2(b)(c)
 - Exemption per 8.2(c) shall apply.
- ICR 56-9.1(f)
 - As the components are being removed intact without a negative pressure enclosure, no waiting/settling times shall apply.
- ICR 56-9.2(d)
 - Utilize the results of “daily” 1 inside/1 outside Interior “Restricted Area” results, in lieu of clearance air sampling. Aggressive sampling techniques will not be utilized outside of a negative pressure enclosure. If the daily air samples are reported as greater than 0.01 f/cc, then the machine room work area shall be re-cleaned and final air sampling for the area shall be performed.

10. Hardship Description

The project goal is to upgrade and modernize the aging elevators that service multiple buildings on the campus. In order for the removals to minimally interfere with the daily scheduling of the building occupants, we are looking for some relief from NYS Code Rule 56 to complete the elevator modernization in a timely manner. We believe the methods proposed will sufficiently protect the abatement workers, facility employees/occupants and the general public.

11: Proposed Abatement Method:

Intact Component Removal – Elevator Brake Shoes

1. The Machine Room shall be cordoned off with barrier tape and signage posted in accordance with ICR 56-7.4(c)
2. A remote personal decontamination enclosure system that complies with 56-7.5(d) will be utilized.
3. Background air sampling as per 56-6 shall not be required for these intact types of removals.
4. A pre-abatement waiting period as per 56-8.2(c) is not necessary for these types of removals.
5. At a minimum, the Elevator Technician disengaging the brake pads must be Allied Trade certified in accordance with 56-3.2(d)(2). Removal of the brake pads shall be performed by certified handlers in accordance with 56-3.5(d)(1).
6. The Project Monitor shall be present during removals to verify that no ACM is disturbed. IF ACM is disturbed, work shall immediately be stopped. Abatement shall proceed in accordance with ICR 56 requirements.
7. Under areas where ACM elevator brake pads are removed without tents a dropcloth, made of six (6) mil fire retardant plastic sheeting, shall be placed on the ground below the work area to prevent spread of any ACM remnants.
8. All elevator brakes shall be HEPA vacuumed prior to removal. The pads shall be removed intact without any disturbance to the ACM matrix during removal operations.
9. Asbestos containing materials will not be allowed to accumulate on the drop cloth and shall be

immediately containerized.

10. Refer to 56-9.1(e) for cleaning requirements. No waiting period as per 56-9.1(f) is required.
11. Daily abatement air monitoring is required only on days when abatement or support activities such as work area preparation, brake pad removal, or cleaning activities are performed. One sample shall be collected within ten (10) feet of the barrier. The second sample shall be taken inside the regulated abatement work area. Both air samples shall be collected during all work area preparation, ACM removal, and cleanup phases of the intact removal project.
12. In lieu of post-abatement clearance air monitoring in compliance with 56-9.2(d), the most recent daily abatement air samples collected shall be used for comparison with 56-4.11 clearance criteria.
13. After removal and cleanings are complete, an authorized and certified Project Monitor, independent of the Abatement Contract, shall determine if the area is dry and free of visible asbestos debris per 56-9.1(d)(1). 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 work area may begin.

Intact Component Removal – Elevator Doors and Fire Door

1. Remote decontamination system enclosure shall be located as close to the abatement area as practicable. The remote decontamination system shall be removed only after satisfactory clearance air monitoring results have been achieved or the abatement project is complete. The walkway from the abatement work area to the decontamination system or next work area shall have a clear pathway. The walk way will be delineated and separated from non-certified personnel access.
2. If remote decontamination system enclosures are to be used, airlocks per 56-7.5(d)(3) shall be constructed at the entrance to each abatement work area, and shall be large enough to serve as a changing area. Within the airlock, workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote personal decontamination unit over a walkway per 56-7.5(d)(4)(5). The airlock/changing area shall not be used as a waste storage area.
3. The restricted area shall be considered to be the area/room/space from which the doors are being removed intact, and shall extend twenty-five (25) feet in all horizontal directions from the area of door removal. This restricted area shall remain vacated except for certified workers. This area will be posted with signs and barrier tape in accordance with NYCRR 56 and 29 CFR 1926.1101. Where 25' is not feasible due to building layout, emergency egress, etc. the barriers will be placed to the furthest extent possible.
4. Background air sampling as per 56-6 shall not be required for these intact types of removals.
5. A pre-abatement waiting period as per 56-8.2(c) is not necessary for these types of removals.
6. Under areas where ACM elevator cab, hoistway or fire- doors are removed without tents, a dropcloth, made of six (6) mil fire retardant polyethylene sheeting, shall be placed on the ground below the work area. The drop cloth shall extend 6' in all directions where feasible. The drop cloth will be disposed of as asbestos waste at the completion of removal and wrapping operations.
7. Prior to removing a door, a third-party Project Monitor shall inspect the door for damages or potential damage which may result in a disturbance. If damages are noted, work shall be stopped and temporary protection such as sealing the damaged area with duct tape will be done immediately. Localized negative air via HEPA vacuums will be utilized during door removal and penetration sealing.
8. All elevator doors with ACM shall be removed intact without any disturbance to the ACM matrix during removal operations. If power tools are utilized to aid in unfastening the doors, the power tools shall be manufacturer equipped with HEPA-exhaust attachment, and shall be utilized as per the manufacturer's instructions.
9. At a minimum, the Elevator Technician disengaging the doors must be Allied Trade certified in

accordance with 56-3.2(d)(2). Removal of the doors shall be performed by certified handlers in accordance with 56-3.5(d)(1).

10. Once wrapped, the panels shall be placed on a wheeled cart for transport to the waste trailer. This cart would be lined with two (2) layers of six (6) mil fire retardant polyethylene sheeting with enough overlap remaining to as to completely cover the wrapped door panels during transport.
11. The pathway used to transport the door panels from the regulated work area to the waste trailer shall be cordoned off and signage installed per 56-7.4(c), to delineate it from public areas while in use during transport operations.
12. Refer to 56-9.1(e) for cleaning requirements. No waiting period as per 56-9.1(f) is required.
13. Daily abatement air monitoring is required only on days when abatement or support activities such as work area preparation, door removal, or cleaning activities are performed. One (1) sample shall be collected within ten (10) feet of the work area barrier. One (1) sample shall be taken inside the work area within ten (10) feet of abatement or support activities. Both air samples shall be collected during all work area preparation, ACM removal, and cleanup phases of the intact removal project.
14. In lieu of post-abatement clearance air monitoring in compliance with 56-9.2(d), the most recent daily abatement air samples collected shall be used for comparison with 56-4.11 clearance criteria.
15. After removal and cleanings are completed, an authorized and certified Project Monitor, independent of the Abatement Contractor, shall determine if the area is dry and free of visible asbestos debris as per 56-9.1(d)(1). 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.
16. If air sample results indicated airborne fiber concentrations at or above 0.01 fibers per cubic centimeter, during door removal and wrapping operations, all surfaces present in the given lobby work area will be re-cleaned and clearance air sampling will be performed following a two-hour waiting period.

Intact Component Removal – Cementitious Panel and Arc-Chutes

1. The Machine Room shall be cordoned off with barrier tape and signage posted in accordance with ICR 56-7.4(c)
2. A remote personal decontamination enclosure system that complies with 56-7.5(d) will be utilized.
3. A pre-abatement waiting period as per 56-8.2(b) is not necessary for these intact types of removal.
4. The Project Monitor shall be present during removals to verify that no ACM is disturbed. IF ACM is disturbed, work shall immediately be stopped. Abatement shall proceed in accordance with ICR 56 requirements.
5. Under areas where ACM cementitious panel and the attached arc-chutes are removed without tents a dropcloth, made of six (6) mil fire retardant plastic sheeting, shall be placed on the ground below the work area to prevent spread of any ACM remnants.
6. All components shall be HEPA vacuumed prior to removal. The ACM shall be removed intact without any disturbance to the ACM matrix during removal operations.
7. Asbestos containing materials will not be allowed to accumulate on the drop cloth and shall be immediately containerized.
8. Refer to 56-9.1(e) for cleaning requirements. No waiting period as per 56-9.1(f) is required.
9. Daily abatement air monitoring is required only on days when abatement or support activities such as work area preparation, brake pad removal, or cleaning activities are performed. One sample shall be collected within ten (10) feet of the barrier. The second sample shall be taken inside the regulated abatement work area. Both air samples shall be collected during all work area preparation, ACM removal,

and cleanup phases of the intact removal project.

10. In lieu of post-abatement clearance air monitoring in compliance with 56-9.2(d), the most recent daily abatement air samples collected shall be used for comparison with 56-4.11 clearance criteria.
11. After removal and cleanings are complete, an authorized and certified Project Monitor, independent of the Abatement Contract, shall determine if the area is dry and free of visible asbestos debris per 56-9.1(d)(1). 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 work area may begin.

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

Variance Petition

of

Sienna Environmental Technologies
Petitioner's Agent on Behalf of

Cornell University
Petitioner

in re

Premises: Hedrick Hall
635 W North Street
Geneva, New York 14456

**Intact Elevator ACM
Removals**

File No. 22-0310

DECISION

Cases 1-22

ICR 56

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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:

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Cementitious Panels/Arc Chute:

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Case No. 21	ICR 56-9.1(f)
Case No. 22	ICR 56-9.2 (d)

VARIANCE GRANTED. The Petitioner's proposal for intact removal of ACM in quantities as listed by the petitioner, from the subject premises in accordance with the attached 9-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 shall be on site and responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 and variance conditions and to ensure that no visible emissions are generated. If visible emissions are observed, work practices shall be altered according to the project monitor's recommendations.
2. The Project Monitor 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 and are in compliance with all asbestos laws and regulations;
 - c. Inform the asbestos abatement contractor of work practices that, in the Project Monitor'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 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.
3. 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.
 4. 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 for the work performance and quality of the completed project is the responsibility of the contractor who performs the work.
 5. 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 April 30, 2023.

Date: April 18, 2022

By

ROBERTA REARDON
COMMISSIONER OF LABOR

Edward A Smith

Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

PREPARED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)

REVIEWED BY: Edward A. Smith, P.E.
Professional Engineer 2 (Industrial)



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.

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

2 a. Name of Petitioner (Property Owner): Cornell University
 b. Street Address: 630 West W North St.
 c. City: Geneva d. State: NY e. Zip: 14456 -
 f. Telephone Number: (315) 787 - 2236 g. Fax Number: () -
 h. Petitioner's Federal Employee Identification Number (FEIN) _____

3 a. Petitioner's Agent (Asbestos Contractor) Firm Name: Sienna Environmental Technologies
 b. Street Address: 350 Elmwood Avenue
 c. City: Buffalo d. State: NY e. Zip: 14222
 f. Telephone Number: (716) 332 - 3134 g. Fax Number: () -

4 a. Asbestos Contractor License No. 29432 b. Name of Firm: Sienna Environmental Technologies LLC

5. Building Description:
 a. Affecting premises known as: Hedrick Hall
 b. These premises are situated on the North, South, East, West side of Street, Ave, Road.
 c. County of Ontario
 d. Street Address: 635 W North St.
 e. City: Geneva f. State: NY g. Zip: 14456
 h. Is building occupied? Yes No
 i. Current function of building: Laboratory research and offices
 j. Approximate area (square feet) of building: ~11,000 gsf footpri . Number of stories or height in feet: 4+ attica + basem
 l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: north - grass, sidewalk; west - grass, sidewalk; south - road; east - grass, road

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: / /

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.)

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

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

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 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


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
 - 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 (UI) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, UI returns, UI registration, new hires, and all records of UI 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): Eric Rayner b. E-mail: erayner@siennaet.com
 c. Project Design Asbestos Contractor firm name: Sienna Environmental Technologies, LLC
 d. Street: 350 Elmwood Ave.
 e. City: Buffalo f. State: NY g. Zip: 14222 h. Phone: (716) 332 - 3134
 i. Designer certificate number: 14-10449 j. Expiration Date: 12 / 31 / 2022
 k. Design Firm Asbestos Contractor License Number 29432 l. Expiration Date: 03 / 31 / 2023
 13 a. Project designer signature:  b. Date: 3 / 23 / 2023

March 23, 2022

Attn: Mr. Edward A. Smith, P.E.
State of New York Department of Labor
Division of Safety and Health
Engineering Services Unit
State Office Building Campus
Albany, NY 12240

**Re: Site Specific Variance Request
Cornell University
Hedrick Hall
635 West W North St
Geneva, NY 14456**

Dear Mr. Smith:

A project has been planned to upgrade the University's elevators within Hedrick Hall. Relief is sought to allow safe removal of elevator brakes and fire-doors, in addition to intact component removal of cementitious electrical boards.

Sienna has been retained as the petitioner's agent in order to obtain a Site Specific Variance in response to slated renovation work. Please find the variance attachments including the Petition for Asbestos Variance form SH-752, for reference of the proposed methods in support of the variance application.

If you have any questions, please do not hesitate to contact us at (716) 332-3134. Thank you for your consideration in this matter.

Sincerely,



Eric Rayner
Sienna Environmental Technologies, LLC.
Asbestos Design Certificate: 14-10449

8. Work area description table

Work area designation	Exterior or interior	Work/room area dimensions	Type of asbestos containing material (ACM)	Quantity of ACM	Condition of ACM	Friability of ACM	Type of containment
Hedrick Hall Basement	Interior	~9'x9'	Elevator Brake Shoes	4 Sq. Ft.	Intact	Non-friable	See Conditions Below
			Cementitious panel with transite arches	25 Sq. Ft.	Intact	Non-friable	
Hedrick Hall Ground Floor		Varies. Elevators exit at corridors. Shaft is ~7'x7'	Elevator hoistway doors	19 Sq. Ft.	Intact	Friable	
Hedrick Hall First Floor			Elevator hoistway doors	19 Sq. Ft.	Intact	Friable	
Hedrick Hall Second Floor			Elevator hoistway doors	19 Sq. Ft.	Intact	Friable	
Hedrick Hall Third Floor			Elevator hoistway doors	19 Sq. Ft.	Intact	Friable	
Hedrick Hall Attic		~7'x7'	Fire-door	16 Sq. Ft.	Intact	Friable	

9. ICR 56 Relief Sought

The petitioner proposes that the work methods laid out in below be accepted and requests relief from the following provisions of ICR-56:

Intact Component Removal – Elevator Brake Shoes

- ICR 56-4.9
 - Alternate method of Phase IIC clearance air sampling is proposed.
- ICR 56-6 – Background Air Sampling
- ICR 56-7.8(a)
 - Exemption per 7.8(b) shall apply.
- ICR 56-7.11 (a)(b)(c)(e)
 - The Brake Pads will be removed as intact components over a drop-cloth.
 - The entire Machine Room will have access restricted and signage posted.
- ICR 56-8.2(b)(c)
 - Exemption per 8.2(c) shall apply.
- ICR 56-9.1(f)
 - As the components are being removed intact without a negative pressure enclosure, no waiting/settling times shall apply.

- ICR 56-9.2(d)
 - Utilize the results of “daily” 1 inside/1 outside Interior “Restricted Area” results, in lieu of clearance air sampling. Aggressive sampling techniques will not be utilized outside of a negative pressure enclosure. If the daily air samples are reported as greater than 0.01 f/cc, then the machine room work area shall be re-cleaned and final air sampling for the area shall be performed.

Intact Component Removal – Elevator Doors and Fire Door

- ICR 56-4.9
 - Alternate method of Phase IIC clearance air sampling is proposed.
- ICR 56-6
- ICR 56-7.5 (c)(d)
 - As the amount of ‘assumed’ asbestos material is 19 square feet per pair of doors, and the potential to impact or otherwise disturb the intact (No holes or punctures observed) metal encased door packing is minimal; we propose to utilize a remote “small project” decontamination enclosure system.
- ICR 56-7.8(a)
 - Exemption per 7.8(b) shall apply.
- ICR 56-7.11 (a)(b)(c)(e)
 - As the potential to impact or otherwise disturb the intact metal encased door packing material is minimal, we propose to perform the door removal and wrapping/ containerizing operations within an Interior “Restricted Area”.
- ICR 56-8.2(b)(c)
 - Exemption per 8.2(c) shall apply.
- ICR 56-9.1(f)
 - As the components are being removed intact without a negative pressure enclosure, no waiting/settling times shall apply.
- ICR 56-9.2(d)
 - Utilize the results of “daily” 1 inside/1 outside Interior “Restricted Area” results, in lieu of clearance air sampling. Aggressive sampling techniques will not be utilized outside of a negative pressure enclosure. If the daily air samples are reported as greater than 0.01 f/cc, then the interior restricted elevator lobby work area shall be re-cleaned and final air sampling for the area shall be performed.

Intact Component Removal – Cementitious Panel and Arc-Chutes

- ICR 56-4.9
 - Alternate method of Phase IIC clearance air sampling is proposed.
- ICR 56-6 – Background Air Sampling
- ICR 56-7.8(a)
 - Exemption per 7.8(b) shall apply.
- ICR 56-7.11 (a)(b)(c)(e)

- The cementitious panel with attached arc-chutes will be removed as intact component over a drop-cloth.
- The entire Machine Room will have access restricted and signage posted.
- ICR 56-8.2(b)(c)
 - Exemption per 8.2(c) shall apply.
- ICR 56-9.1(f)
 - As the components are being removed intact without a negative pressure enclosure, no waiting/settling times shall apply.
- ICR 56-9.2(d)
 - Utilize the results of “daily” 1 inside/1 outside Interior “Restricted Area” results, in lieu of clearance air sampling. Aggressive sampling techniques will not be utilized outside of a negative pressure enclosure. If the daily air samples are reported as greater than 0.01 f/cc, then the machine room work area shall be re-cleaned and final air sampling for the area shall be performed.

10. Hardship Description

The project goal is to upgrade and modernize the aging elevators that service multiple buildings on the campus. In order for the removals to minimally interfere with the daily scheduling of the building occupants, we are looking for some relief from NYS Code Rule 56 to complete the elevator modernization in a timely manner. We believe the methods proposed will sufficiently protect the abatement workers, facility employees/occupants and the general public.

11: Proposed Abatement Method:

Intact Component Removal – Elevator Brake Shoes

1. The Machine Room shall be cordoned off with barrier tape and signage posted in accordance with ICR 56-7.4(c)
2. A remote personal decontamination enclosure system that complies with 56-7.5(d) will be utilized.
3. Background air sampling as per 56-6 shall not be required for these intact types of removals.
4. A pre-abatement waiting period as per 56-8.2(c) is not necessary for these types of removals.
5. At a minimum, the Elevator Technician disengaging the brake pads must be Allied Trade certified in accordance with 56-3.2(d)(2). Removal of the brake pads shall be performed by certified handlers in accordance with 56-3.5(d)(1).
6. The Project Monitor shall be present during removals to verify that no ACM is disturbed. IF ACM is disturbed, work shall immediately be stopped. Abatement shall proceed in accordance with ICR 56 requirements.
7. Under areas where ACM elevator brake pads are removed without tents a dropcloth, made of six (6) mil fire retardant plastic sheeting, shall be placed on the ground below the work area to prevent spread of any ACM remnants.
8. All elevator brakes shall be HEPA vacuumed prior to removal. The pads shall be removed intact without any disturbance to the ACM matrix during removal operations.
9. Asbestos containing materials will not be allowed to accumulate on the drop cloth and shall be

immediately containerized.

10. Refer to 56-9.1(e) for cleaning requirements. No waiting period as per 56-9.1(f) is required.
11. Daily abatement air monitoring is required only on days when abatement or support activities such as work area preparation, brake pad removal, or cleaning activities are performed. One sample shall be collected within ten (10) feet of the barrier. The second sample shall be taken inside the regulated abatement work area. Both air samples shall be collected during all work area preparation, ACM removal, and cleanup phases of the intact removal project.
12. In lieu of post-abatement clearance air monitoring in compliance with 56-9.2(d), the most recent daily abatement air samples collected shall be used for comparison with 56-4.11 clearance criteria.
13. After removal and cleanings are complete, an authorized and certified Project Monitor, independent of the Abatement Contract, shall determine if the area is dry and free of visible asbestos debris per 56-9.1(d)(1). 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 work area may begin.

Intact Component Removal – Elevator Doors and Fire Door

1. Remote decontamination system enclosure shall be located as close to the abatement area as practicable. The remote decontamination system shall be removed only after satisfactory clearance air monitoring results have been achieved or the abatement project is complete. The walkway from the abatement work area to the decontamination system or next work area shall have a clear pathway. The walk way will be delineated and separated from non-certified personnel access.
2. If remote decontamination system enclosures are to be used, airlocks per 56-7.5(d)(3) shall be constructed at the entrance to each abatement work area, and shall be large enough to serve as a changing area. Within the airlock, workers shall remove their outer suit, wipe off their inner suit and don a clean outer suit prior to proceeding to another work area or to the remote personal decontamination unit over a walkway per 56-7.5(d)(4)(5). The airlock/changing area shall not be used as a waste storage area.
3. The restricted area shall be considered to be the area/room/space from which the doors are being removed intact, and shall extend twenty-five (25) feet in all horizontal directions from the area of door removal. This restricted area shall remain vacated except for certified workers. This area will be posted with signs and barrier tape in accordance with NYCRR 56 and 29 CFR 1926.1101. Where 25' is not feasible due to building layout, emergency egress, etc. the barriers will be placed to the furthest extent possible.
4. Background air sampling as per 56-6 shall not be required for these intact types of removals.
5. A pre-abatement waiting period as per 56-8.2(c) is not necessary for these types of removals.
6. Under areas where ACM elevator hoistway or fire- doors are removed without tents, a dropcloth, made of six (6) mil fire retardant polyethylene sheeting, shall be placed on the ground below the work area. The drop cloth shall extend 6' in all directions where feasible. The drop cloth will be disposed of as asbestos waste at the completion of removal and wrapping operations.
7. Prior to removing a door, a third-party Project Monitor shall inspect the door for damages or potential damage which may result in a disturbance. If damages are noted, work shall be stopped and temporary protection such as sealing the damaged area with duct tape will be done immediately. Localized negative air via HEPA vacuums will be utilized during door removal and penetration sealing.
8. All elevator doors with ACM shall be removed intact without any disturbance to the ACM matrix during removal operations. If power tools are utilized to aid in unfastening the doors, the power tools shall be manufacturer equipped with HEPA-exhaust attachment, and shall be utilized as per the manufacturer's instructions.
9. At a minimum, the Elevator Technician disengaging the doors must be Allied Trade certified in

accordance with 56-3.2(d)(2). Removal of the doors shall be performed by certified handlers in accordance with 56-3.5(d)(1).

10. Once wrapped, the panels shall be placed on a wheeled cart for transport to the waste trailer. This cart would be lined with two (2) layers of six (6) mil fire retardant polyethylene sheeting with enough overlap remaining to as to completely cover the wrapped door panels during transport.
11. The pathway used to transport the door panels from the regulated work area to the waste trailer shall be cordoned off and signage installed per 56-7.4(c), to delineate it from public areas while in use during transport operations.
12. Refer to 56-9.1(e) for cleaning requirements. No waiting period as per 56-9.1(f) is required.
13. Daily abatement air monitoring is required only on days when abatement or support activities such as work area preparation, door removal, or cleaning activities are performed. One (1) sample shall be collected within ten (10) feet of the work area barrier. One (1) sample shall be taken inside the work area within ten (10) feet of abatement or support activities. Both air samples shall be collected during all work area preparation, ACM removal, and cleanup phases of the intact removal project.
14. In lieu of post-abatement clearance air monitoring in compliance with 56-9.2(d), the most recent daily abatement air samples collected shall be used for comparison with 56-4.11 clearance criteria.
15. After removal and cleanings are completed, an authorized and certified Project Monitor, independent of the Abatement Contractor, shall determine if the area is dry and free of visible asbestos debris as per 56-9.1(d)(1). 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.
16. If air sample results indicated airborne fiber concentrations at or above 0.01 fibers per cubic centimeter, during door removal and wrapping operations, all surfaces present in the given lobby work area will be re-cleaned and clearance air sampling will be performed following a two-hour waiting period.

Intact Component Removal – Cementitious Panel and Arc-Chutes

1. The Machine Room shall be cordoned off with barrier tape and signage posted in accordance with ICR 56-7.4(c)
2. A remote personal decontamination enclosure system that complies with 56-7.5(d) will be utilized.
3. A pre-abatement waiting period as per 56-8.2(b) is not necessary for these intact types of removal.
4. The Project Monitor shall be present during removals to verify that no ACM is disturbed. IF ACM is disturbed, work shall immediately be stopped. Abatement shall proceed in accordance with ICR 56 requirements.
5. Under areas where ACM cementitious panel and the attached arc-chutes are removed without tents a dropcloth, made of six (6) mil fire retardant plastic sheeting, shall be placed on the ground below the work area to prevent spread of any ACM remnants.
6. All components shall be HEPA vacuumed prior to removal. The ACM shall be removed intact without any disturbance to the ACM matrix during removal operations.
7. Asbestos containing materials will not be allowed to accumulate on the drop cloth and shall be immediately containerized.
8. Refer to 56-9.1(e) for cleaning requirements. No waiting period as per 56-9.1(f) is required.
9. Daily abatement air monitoring is required only on days when abatement or support activities such as work area preparation, brake pad removal, or cleaning activities are performed. One sample shall be collected within ten (10) feet of the barrier. The second sample shall be taken inside the regulated abatement work area. Both air samples shall be collected during all work area preparation, ACM removal,

and cleanup phases of the intact removal project.

10. In lieu of post-abatement clearance air monitoring in compliance with 56-9.2(d), the most recent daily abatement air samples collected shall be used for comparison with 56-4.11 clearance criteria.
11. After removal and cleanings are complete, an authorized and certified Project Monitor, independent of the Abatement Contract, shall determine if the area is dry and free of visible asbestos debris per 56-9.1(d)(1). 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 work area may begin.