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## Complex Abatement/Alteration Projects—DOB and DEP Filing Procedures

The Department of Environmental Protection (DEP) requires asbestos abatement activities to be completed at a job site before the Department of Buildings (DOB) can issue a permit for any related construction work. Specifically, applicants must submit the Asbestos Project Completion Form (ACP21) or an Asbestos Project Conditional Completion Form (ACP20) to DOB.

Because this requirement can pose undue hardship to a complex or multi-phased project, applicants may request a variance from DEP that would allow the issuance of a DOB permit before completion of abatement activities, thereby allowing flexibility in phasing of the project.

To request a variance, applicants must complete the Asbestos Variance Application (ACP9), explain why the abatement activities could not be completed in accordance with DEP rules and propose alternative procedures to ensure safety in the work area. Variances are also subject to general DEP variance requirements.

DEP's Asbestos Technical Review Unit (A-TRU), in consultation with FDNY, will determine whether to grant or deny the requested variance.

Applicants must follow the operational procedures below for variance requests, construction document approvals and permit issuances.

### 1. Submit PW1 Form to DOB for Approval

- Applicants must submit an application for construction document approval (PW1 Form) to DOB. On the PW1, applicants must check the first box of Section 22, indicating that the scope of work requires related asbestos abatement.
- Applicants must obtain DOB approval for the job.

### 2. Submit ACP7 and ACP9 Forms to DEP Asbestos Technical Review Unit (A-TRU)

Applicants must submit the ACP7 and ACP9 forms to A-TRU for review. Applicants must ensure that the ACP7, ACP9, all related construction documents and the Work Place Safety Plan (WPSP) include the following:

- related DOB approved job number;
- identification of each work area, each phase of work, and the total number of ACP21 and/or ACP20 to be submitted; and
- description of the multiple work areas and relation to the phasing of work, demonstrating that the asbestos abatement will be completed prior to start of any DOB permitted work in a given work area.

### 3. Obtain DOB Permit

- To obtain the DOB permit, applicants must submit the A-TRU variance to DOB to satisfy the required item: "Asbestos Project Completion or Conditional Completion form (ACP20/21)".
- DOB will add a required item prior to signoff: "A total of \_\_\_\_\_ Asbestos Project Conditional Completion forms (ACP20) and a total of \_\_\_\_\_ Asbestos Project Completion forms (ACP21)" (total number of ACP20 and ACP21

forms to be received will be indicated).

4. **Abatement and DOB-permitted Work Commences**

- a. Asbestos abatement and DOB permit work cannot occur simultaneously in the same work area and must conform to all conditions of the DEP variance.
- b. DOB permit work may commence only in work areas where asbestos abatement is complete or in areas where no asbestos abatement is required.
- c. All work must be done in a safe manner in compliance with all applicable laws.
- d. In work areas where abatement is complete, the ACP20 and/or ACP21 forms must be posted or kept in the field office on site until sign-off of the DOB permit. DEP and DOB inspectors will check for compliance with this requirement.

5. **DOB permit(s) Sign-Off**

The DOB permit cannot be signed-off until all ACP20 and ACP21 forms have been submitted to DOB.