

NEW JERSEY
SUPERSTORM
SANDY
DEMOLITION
GUIDANCE
DOCUMENT

For Local Government Assuming Demolition of Private Residences

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NEW JERSEY SUPERSTORM SANDY DEMOLITION GUIDE FOR LOCAL GOVERNMENT ASSUMING DEMOLITION OF PRIVATE RESIDENCES

INTRODUCTION AND PURPOSE

On October 29, 2012, Superstorm Sandy devastated many New Jersey communities, particularly those near the coast and in low-lying areas. On October 27, 2012, Governor Christie signed Executive Order 104 (EO 104) declaring a State of Emergency in New Jersey, and President Obama declared the entire State of New Jersey a “major disaster area” on October 30, 2012.

To assist communities in the recovery from the storm, the State of New Jersey has developed this Guide to help local governmental bodies address statutory and regulatory requirements pertaining to the demolition of private residential structures. This Guide includes a summary of statutory and regulatory requirements, as well as requirements put in place under the authority of Executive Order 104.

This Guide shall not be construed to supersede any regulations or requirements by the State of New Jersey unless specified in this document. **Note: nothing in this Guide shall supersede Occupational Safety and Health Administration (OSHA) requirements and employers’ responsibilities to comply with all OSHA requirements.**

Please be aware, this Guide applies only to the demolition under local government contract of multiple private residences damaged by Superstorm Sandy and does not apply to the demolition of governmental or public buildings, commercial structures or residential demolition by individual homeowners.

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I. RESPONSIBILITIES OF NEW JERSEY STATE AGENCIES AND APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS

Several New Jersey state agencies, as well as the United States Environmental Protection Agency (USEPA) have regulations applicable to the demolition and disposal of private residences. The specific regulatory requirements of each agency are excerpted in Appendix 3 and a link to the complete regulation, when available, has also been provided. Following is a summary of the responsibilities of each state agency as applicable to demolition.

Department of Environmental Protection

The Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) authorizes the New Jersey Department of Environmental Protection (DEP) to ensure that all solid waste is collected, transported and disposed of in an environmentally acceptable manner and protective of public health. Responsibilities include the recycling program, approval of waste flow control, and Household Hazardous Waste (HHW). Under the authority of EO 104, additional safe guards have been required. (See Appendix 3.2)

Department of Community Affairs

The State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) authorizes the New Jersey Department of Community Affairs (DCA) to adopt rules related to the construction, alteration, renovation, rehabilitation, maintenance, occupancy, and use of buildings or structures, to provide for the administration and enforcement of the Act, and to establish remedies and to fix penalties for violation of the Act.

Department of Labor & Workforce Development

The Department of Labor and Workforce Development (LWD) administers the New Jersey Asbestos Control and Licensing Act (N.J.S.A. 34:5A-32 et seq.), which requires the licensing of asbestos abatement companies and performance identification permits for individuals performing asbestos work. In addition, the New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.), requires the payment of Prevailing Wage for “public work” contracts, the definition of which includes demolition. Contractors performing “public work” must register with the LWD in accordance with N.J.A.C. 12:62-2.1.

Department of Health

The New Jersey Department of Health (DOH) provides comprehensive general information for asbestos detection, removal, management and disposal activities. The DOH is the lead agency for the asbestos and environmental health information in New Jersey and has received partial

authorization from the USEPA to administer a state program for asbestos workers and supervisors. Under N.J.A.C. 8:60, the DOH administers the asbestos training and certification activities.

The DOH receives asbestos abatement notifications and conducts unannounced inspections at abatement worksites.

Under N.J.A.C. 8:60, the DOH may exempt from the licensing and permitting requirements certain activities involving non-friable asbestos containing materials.

The DOH performs inspections on behalf of USEPA to monitor compliance with the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) regulation under the Clean Air Act (CAA), Section 105 grant.

Department of Agriculture, Soil Conservation Program

The Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.) requires land disturbances which meet the definition of a “project” to secure soil erosion and sediment control (SESC) plan certification prior to the initiation of the land disturbance. The definition of “project” means any disturbance of more than 5,000 square feet of the surface area of land for the demolition of one or more structures, among others.

II. USEPA RESPONSIBILITIES AND APPLICABLE REGULATORY REQUIREMENTS

Asbestos National Emission Standards for Hazardous Air Pollutants – 40 C.F.R. Part 61, Subpart M

Regulatory Program

The Asbestos NESHAP regulation establishes a national work practice standard that is designed to limit emissions of asbestos from a variety of activities, including demolition and renovation operations. It describes the actions that must be taken during demolition activities when asbestos may be present and identifies actions that are prohibited. It also establishes some training and health and safety requirements for persons working on and in the vicinity of demolition sites.

This Guide applies only to the demolition of multiple private residences damaged by Superstorm Sandy under local government contracts.

Here are some of the key provisions of the Asbestos NESHAP regulation.

- The building or structure must be a facility. This is usually a commercial, institutional, industrial, public or residential structure, installation or building. In general, single family residences are not subject. However, when a residence is part of a larger project with other residences or regulated structures, all of the affected residences can be subject to the Asbestos NESHAP regulation. The definition of facility and installation are found at 40 C.F.R. 61.141.
- The Asbestos NESHAP applies to both the owner and operator of the demolition or renovation operation. The owner/operator definition is found at 40 C.F.R. 61.141.
- The facility must be thoroughly inspected. Before any renovation or demolition work is conducted in the facility, it must be inspected by a USEPA or State accredited Asbestos Building Inspector. The inspection helps determine if asbestos is located in the building, how much asbestos is present, and which material is friable or non-friable.
- Do the homes have asbestos-containing materials? Are they currently friable or will they become friable during the demolition of the residence? If yes, these materials must be removed prior to the demolition. For more information, see the definitions of the following terms under 40 C.F.R. 61.141: Category I non-friable asbestos, Category II non-friable asbestos, friable asbestos, asbestos-containing material (ACM) regulated asbestos-containing material (RACM), and asbestos-containing waste material (ACWM).
- To be subject to the full Asbestos NESHAP regulation, the demolition operation must meet a regulatory threshold. If the installation has a combined amount of RACM totaling:

- 260 linear feet (on pipe), or
- 160 square feet (on facility components), or
- 35 cubic feet from facility components where the length or area could not be measured previously,

then the overall operation is subject to the Notification (40 C.F.R. 61.145(b), asbestos emissions controls (40 C.F.R. 61.145(c), and the waste management and transportation requirements (40 C.F.R. 61.150). The asbestos-containing waste material from a regulated demolition must be disposed of in an asbestos compliant landfill following the requirements of 40 C.F.R. 61.154.

When this involves the demolition of multiple residences, as a public project, the cumulative amounts of RACM, from each residence, counts towards the 260lf/160sf threshold.

- All demolition operations (even if the threshold amounts are not exceeded) are subject to the Asbestos NESHAP regulation. Accordingly, the owner and/or operator must file a Notification form with EPA Region 2. The Notification requirements are found at 40 C.F.R. 61.145(b).
- The demolition operation is subject to the asbestos emission controls. These are known as the work practice standards. By following these work practice standards, the release of asbestos fibers should be minimized to the surrounding environment. For more information on which work practices are acceptable, please review 40 C.F.R. 61.145(c).
- Once the RACM is removed from the facility under 40 C.F.R. 61.145(c), the RACM must be managed appropriately on-site, in transit to the waste disposal site and at the waste disposal site. 40 C.F.R. 61.150 identifies the various methods of managing, packaging and transporting the ACWM.
- There may be instances where the facility being considered for demolition is determined by order of the State or local government to be structurally unsound and in danger of imminent collapse. If the appropriate local or state official makes such a finding, certain requirements of the Asbestos NESHAP do not apply. For more information about the structurally unsound and in danger of imminent collapse regulation, please see 40 C.F.R. 61.145(a)(3).

Protection of Stratospheric Ozone – Recycling and Emissions Reduction

40 CFR 82 Subpart F contains regulations designed to protect the ozone layer by reducing the emissions of refrigerants by maximizing the recapture and recycling of refrigerants during the service, maintenance, repair, and disposal of appliances. The regulations require using approved refrigerant recovery equipment. For refrigeration and air-conditioning equipment other than small appliances, refrigerant must be removed and handled by certified technicians. For small appliance, a non-certified technician can remove and recover the refrigerant. In addition, the regulations prohibit knowing releases of both ozone-depleting refrigerants and their substitutes during service, maintenance, repair and disposal of appliances.

Air Monitoring

It is important to monitor demolitions and debris removal for potential asbestos releases that might affect demolition workers and nearby residences and businesses. Should deleterious asbestos concentrations be detected, the demolition processes will be modified to assure that future undesirable situations do not recur. The USEPA air monitoring protocol will be used to evaluate the effectiveness of the demolition practices. Air samples will be collected and analyzed for asbestos to evaluate the exposure to workers and the general public from the fugitive release of asbestos as part of these demolitions. (See Assessing Asbestos Emissions and Dust at Demolition Sites in Sandy Response Quality Assurance Project Plan for additional information.)

Total Dust Monitoring

In addition to the asbestos air fiber monitoring, dust monitors must be installed around the demolition work area to measure total particulate. The number of total dust monitoring locations must be sufficient to monitor the entire area where demolition and debris removal work is taking place. The aerosol dust monitor(s) utilized shall be alarmed and capable of data logging. An action level for perimeter dust monitoring has been established including corrective measures if this level is exceeded. (See Assessing Asbestos Emissions and Dust at Demolition Sites in Sandy Response Quality Assurance Project Plan for additional information)

Community Notification

It is important for people who could be potentially impacted by demolition activities to be informed beforehand so that they have a full understanding of what is happening in their community and what steps are being taken to protect them.

Municipalities shall develop and implement a plan to notify residents and businesses that are located within the local community. This broad general community notification will describe that demolition activities will be taking place in specific parts of the community, providing as much advanced notice as possible.

III. APPLICABLE REQUIREMENTS

The applicable requirements of the above listed agencies are dependent upon the condition of the houses (facility) intended for demolition. It is anticipated that local government applying for reimbursement from FEMA will have houses in more than one category. Compliance is required with each applicable category. These categories are:

House Down by Storm
House Unsafe to Enter
House Safe to Enter

A. House Down By Storm – not subject to Asbestos NESHAP requirements

The removal of a house that was brought down by Superstorm Sandy must be conducted in accordance with the following:

A house is considered down when the local construction official determines that no structure remains to be demolished and no demolition permit is required.

An application must be filed with the local Soil Conservation District should there be an associated soil disturbance of 5,000 square feet or greater. (See Appendix 4.6 and 6)

Where the work being performed is “public work,” the contractor doing the work must pay the prevailing wage rate, in accordance with N.J.S.A. 34:11-56.25 et seq. and N.J.A.C. 12:60, and must be registered with LWD as a public works contractor, in accordance with N.J.S.A. 34:11-56.48 et seq., and N.J.A.C. 12:62 (See appendices 3.4 and 4.4)

An unsafe structure finding is not required to be issued by the local code official (N.J.A.C. 5:23-2.32(a) and (b)). (See Appendix 3.3)

An asbestos compliance assertion is not required to be submitted by either the homeowner or the registered contractor in accordance with DCA regulations N.J.A.C. 5:23-2.17(e). (See Appendix 3.3)

A demolition permit is not required to be issued by the local code official. (N.J.A.C. 5:23-2.17)

Removal activities shall include wetting to ensure no visible emissions as a measure to protect the community. (Appendix 3.2)

Appliances containing refrigerant must be segregated and decontaminated, and managed as per 40 C.F.R. 82.156 and procedures provided within. (See Appendix 3.1, 4.1 and 4.2)

The downed house and its contents are classified as ID 13C for disposal except for decontaminated appliances containing refrigerant. (See Appendix 3.1, 4.1 and 4.2)

Asbestos handling/packaging/and transportation requirements for RACM at N.J.A.C. 7:26-2.12(a) and 3.5(d)1, 3, and 5 shall apply to all debris (except decontaminated appliances containing refrigerant) generated from removal of down houses. (See Appendix 3.2 and 4.2)

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

Solid waste shipping documents must comply with DEP regulations found at N.J.A.C. 7:26-3.5(h). (See Appendix 3.2)

Recycling, with the exception of decontaminated appliances containing refrigerant is not permitted. (See Appendix 3.2 and 4.2)

All debris (except decontaminated appliances containing refrigerant) must be transported directly to a landfill permitted to accept ID 13C waste. The debris shall not be shipped to a transfer station, incinerator, materials recovery facility or be processed in any way after leaving the site. (See Appendix 3.2 and 4.2)

Waste flow control applies as required by the applicable district solid waste management plan. (See Appendix 4.2)

Final site conditions must meet requirements of certified soil erosion and sediment control plan and Standards for Soil Erosion and Sediment Control, when required at N.J.A.C. 2:90-1.3. A Report of Compliance shall be issued by the local soil conservation district pursuant to N.J.A.C. 2:90-1.14. (See Appendix 3.6)

B. House Determined Unsafe to Enter - Determined by county or municipal code inspector (Asbestos NESHAP regulation applies)

Demolition of a house that was not brought down by Superstorm Sandy but is deemed unsafe to enter to remove asbestos-containing materials prior to demolition will have multiple possible options/scenarios that may need to be followed, depending on the presence of asbestos, and decisions on segregation of asbestos from regulated asbestos. An option/scenario must be selected. The following requirements apply to all options/scenarios:

Where the work being performed is “public work,” the contractor doing the work must pay the prevailing wage rate, in accordance with N.J.S.A. 34:11-56.25 et seq. and N.J.A.C. 12:60, and must be registered with LWD as a public works contractor, in accordance with N.J.S.A. 34:11-56.48 et seq., and N.J.A.C. 12:62 (See appendices 3.4 and 4.4)

A notice of unsafe structure is issued by the local construction official as per N.J.A.C. 5:23-2.32(a). Follow 40 C.F.R. 61.145(a)(3) for buildings structurally unsound and in danger of imminent collapse. (See Appendices 3.1 and 3.3)

The municipality must provide notification to nearby residences and businesses in accordance with USEPA requirements. (See Appendix 4.1)

A notice of imminent hazard is issued by the local construction official as per N.J.A.C. 5:23-2.32(b). Follow 40 C.F.R. 61.145(a)(3) for buildings structurally unsound and in danger of imminent collapse. (See Appendices 3.1 and 3.3)

An application must be filed with the local Soil Conservation District should there be an associated soil disturbance of 5,000 square feet or greater. (See Appendix 4.6 and 6)

A demolition permit is issued by the local construction official (N.J.A.C. 5:23-2.17) as well as a soil erosion and sediment control plan certification through the local soil conservation district should there be an associated land disturbance 5,000 square feet or greater. (See Appendix 3.3 and 3.6)

Refrigerant should be removed from any split system condensing units (where the unit is outdoors) before demolition in accordance with 40 CFR 82.156. (See Appendix 3.1, 4.1 and 4.2)

A notification of demolition is required to be submitted to USEPA prior to the demolition or no later than the following working day after the demolition in accordance with 40 C.F.R. 61.145(a)(3). This notification is required even if no asbestos is found. (See Appendix 3.1 and 6.1)

An asbestos notification must be provided to LWD and DOH in accordance with LWD/DOH regulations at N.J.A.C. 12:120-7.2 and N.J.A.C. 8:60 (See Appendix 3.4, 3.5 and 4.4).

A licensed asbestos contractor must be hired to participate in the demolition in accordance with LWD regulations at N.J.A.C. 12:120-1.4(a) and 3.2(a). (See Appendices 3.4 and 4.4)

Comply with USEPA air monitoring protocols. (See Assessing Asbestos Emissions and Dust at Demolition Sites in Sandy Response Quality Assurance Project Plan for additional information in Appendix 4.1)

All ACM (such as transite siding, asbestos-containing roofing materials, etc.) located on the exterior of the structure must be removed prior to demolition if it can be safely performed. Steps should be taken to minimize generation of friable emissions during the removal process. This material, if not extensively damaged during the removal, may be sent to an ID 13C landfill.

Asbestos and dust emission controls (work practice standards) including adequately wetting the asbestos-containing materials and dust to ensure no visible emissions, must be performed during demolitions. All demolitions involving asbestos must be performed in accordance with USEPA NESHAP regulations at 40 C.F.R. 61.145(c)(4) through (c)(9). (See Appendix 3.1 and 4.1)

After demolition, appliances containing refrigerant must be segregated and decontaminated, and managed as per 40 C.F.R. 82.156. (See Appendix 3.1, 4.1 and 4.2)

B. House Determined Unsafe to Enter - Determined by county or municipal code inspector (asbestos NESHAP regulation applies)

Option 1: House Determined Unsafe to Enter - manage all waste as RACM

The entire structure (facility) and contents (with the exception of appliances containing refrigerant) are classified as RACM (ID 27A) in accordance with USEPA NESHAP regulations at 40 C.F.R. 61.145(a)(3) and disposed of as ACWM in accordance with 40 C.F.R. 61.150. 40 C.F.R. 61.150 includes emissions controls, packaging, vehicle markings, and manifest and recordkeeping requirements. (See Appendix 3.1 and 4.1)

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

No recycling activity (with the exception of appliances containing refrigerant) is permitted due to the waste classification. (See Appendix 3.2 and 4.2)

Disposal must occur at a landfill authorized to accept ACWM (ID 27A) waste in accordance with regulations at 40 C.F.R. 61.150(b) and 61.154. (See Appendix 3.1 and 4.2)

Waste flow control applies as required by the applicable district solid waste management plan. (See Appendix 4.2)

Final site conditions must meet requirements of certified soil erosion and sediment control plan and Standards for Soil Erosion and Sediment Control, when required at N.J.A.C. 2:90-1.3. A Report of Compliance shall be issued by the local soil conservation district pursuant to N.J.A.C. 2:90-1.14. (See Appendix 3.6)

B. House Determined Unsafe to Enter - Determined by county or municipal code inspector (asbestos NESHAP regulation applies)

Option 2: House Determined Unsafe to Enter - After demolition allows isolation of RACM and potential RACM from the rest of the debris, where possible (segregation may be possible under a controlled demolition operation)

A thorough inspection must be performed in accordance with Asbestos NESHAP regulations at 40 C.F.R. 61.145(a) by a certified asbestos inspector. Included within this provision is the determination by the inspector regarding sampling requirements. (See Appendix 3.1)

Engineering controls to ensure no visible emissions, must be performed during debris handling and removal in accordance with USEPA NESHAP regulations at 40 C.F.R. 61.145(c). (See Appendix 3.1)

After demolition, at a minimum, three representative samples must be taken from the building debris that contain plaster, drywall board, popcorn ceilings and other easily made friable ACM. If the bulk sampling test results return asbestos content in this debris, even less than one percent, then the debris from the entire structure must be disposed in an ID 27A landfill. If the test results return “non-detect” from these samples using Polarized Light Microscopy (PLM) isolation of RACM is possible.

Option 2: Scenario One –No Asbestos is found after demolition

The demolition waste is classified as ID 13C.

Recycling is permitted in accordance with the applicable district solid waste management plan (N.J.A.C. 7:26A-10.1). (See Appendix 3.2 and 4.2)

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

Solid waste shipping documents must comply with DEP regulations at N.J.A.C. 7:26-3.5(h). (See Appendix 3.2)

Disposal must occur at a facility authorized to accept ID 13C. (See Appendix 3.2)

Waste flow control applies as required by the applicable district solid waste management plan. (See Appendix 4.2)

Final site conditions must meet requirements of certified soil erosion and sediment control plan and Standards for Soil Erosion and Sediment Control, when required at N.J.A.C. 2:90-1.3. A Report of Compliance shall be issued by the local soil conservation district pursuant to N.J.A.C. 2:90-1.14. (See Appendix 3.6)

B. House Determined Unsafe to Enter - Determined by county or municipal code inspector (asbestos NESHAP regulation applies)

Option 2: House Determined Unsafe to Enter - After demolition allows isolation of RACM and potential RACM from the rest of debris, where possible

Option 2: Scenario Two – Asbestos is found after demolition

A licensed abatement contractor shall isolate all known RACM and potential RACM. Isolated RACM must be disposed of in an ID 27A landfill in accordance with USEPA NESHAP regulations at 40 CFR 61.150. Isolated Potential RACM may be disposed of in an ID 27A landfill or kept isolated for further testing. If the bulk sampling test results of potential RACM return “non-detect”, then this debris can be disposed of in an ID 13C landfill. If the test results return asbestos content, even less than one percent, then this debris must be disposed in an ID 27A landfill.

All remaining debris must be visually inspected during the containerization process. If any additional known RACM or potential RACM is identified, this debris and surrounding debris (i.e., in the container) must be disposed of in an ID 27A landfill in accordance with USEPA NESHAP regulations at 40 CFR 61.150. As an alternative, the potential RACM can be kept isolated while waiting further confirmatory testing of representative bulk samples. If the test results of potential RACM return “non-detect”, then this debris can be disposed of in an ID 13C landfill. If the test results return asbestos content, even less than one percent, then this debris and surrounding debris (i.e., in the container) must be disposed of in an ID 27A landfill. (See Appendix 3.1)

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

Handling and Disposal of RACM

Disposal of all RACM must occur at a landfill authorized to accept ID 27A waste in accordance with regulations at 40 C.F.R. 61.154. (See Appendix 3.1)

Management of RACM must follow the emission controls, package, label, manifest, recordkeeping, and vehicle markings requirements of the USEPA NESHAP regulation at 40 C.F.R. 61.150. (See Appendix 3.1)

Handling and Disposal of Non-RACM

Debris from a demolition that contains no RACM is classified as ID 13C waste for disposal. (See Appendix 3.1)

Recycling, with the exception of decontaminated appliances containing refrigerant, is not permitted. (See Appendix 3.2 and 4.2)

Asbestos handling/packaging/and transportation requirements for RACM at N.J.A.C. 7:26-2.12(a) and 3.5(d)1, 3, and 5 shall apply to all debris (except decontaminated appliances containing refrigerants) generated from removal of down houses. (See Appendix 3.2)

Solid waste shipping documents must comply with DEP regulations at N.J.A.C. 7:26-3.5(h). (See Appendix 3.2 and 6)

All demolition debris not classified as ID 27A (as stated above), and with the exception of decontaminated appliances containing refrigerant, must be transported directly to a landfill permitted to accept ID 13C waste. The debris shall not be shipped to a transfer station, incinerator, materials recovery facility or be processed in any way after leaving the site. (See Appendix 3.2)

Waste flow control applies as required by the applicable district solid waste management plan. (See Appendix 4.2)

Final site conditions must meet requirements of certified soil erosion and sediment control plan and Standards for Soil Erosion and Sediment Control, when required at N.J.A.C. 2:90-1.3. A Report of Compliance shall be issued by the local soil conservation district pursuant to N.J.A.C. 2:90-1.14. (See Appendix 3.6)

C. House Determined Safe to Enter – Determined by county or municipal code inspector (asbestos NESHAP regulation applies)

Houses that are deemed safe to enter but still need to be demolished have two possible scenarios that may need to be followed depending on the presence of asbestos and exemptions that may be granted by the Department of Health. A scenario must be selected. The following requirements apply to all scenarios:

Where the work being performed is “public work,” the contractor doing the work must pay the prevailing wage rate, in accordance with N.J.S.A. 34:11-56.25 et seq. and N.J.A.C. 12:60, and must be registered with LWD as a public works contractor, in accordance with N.J.S.A. 34:11-56.48 et seq., and N.J.A.C. 12:62 (See appendices 3.4 and 4.4)

A notice of unsafe structure is issued by the local construction official (N.J.A.C. 5:23-2.32(a)). (See Appendix 3.3)

The municipality must provide notification to nearby residences and businesses in accordance with USEPA requirements. (See Appendix 4.1)

Soil erosion and sediment control plan certification through the local soil conservation district is required should there be an associated land disturbance of 5,000 square feet or greater. (N.J.A.C. 2:90-1.4). (See Appendix 4.6 and 6)

An asbestos compliance assertion is required to be submitted by either the homeowner or the registered contractor in accordance with DCA regulations N.J.A.C. 5:23-2.17(e). (See Appendix 3.3)

A demolition permit is issued by the local construction official (N.J.A.C. 5:23-2.17). (See Appendix 3.3)

The municipality will comply with USEPA’s air monitoring protocols. Perimeter air monitoring is not required at sites where inspections conducted in accordance with the Asbestos NESHAP did not identify any asbestos. (See Assessing Asbestos Emissions and Dust at Demolition Sites in Sandy Response Quality Assurance Project Plan for additional information) (See Appendix 4.1)

Recycling is permitted in accordance with the applicable district solid waste management plan (N.J.A.C. 7:26A-10.1). (See Appendix 3.2 and 4.2)

Appliances containing refrigerant must be segregated and decontaminated, and managed as per 40 C.F.R. 82.156. (See Appendix 3.1, 4.1 and 4.2)

E-waste must be removed and recycled properly. (See Appendix 4.2)

A thorough inspection must be performed in accordance with Asbestos NESHAP regulations at 40 C.F.R. 61.145(a) by a certified asbestos inspector. Included within this provision is the determination by the inspector regarding sampling requirements. (See Appendix 3.1)

An asbestos notification must be made to USEPA Region 2, in accordance with the NESHAP regulation at 40 C.F.R. 61.145(b). This notification is required even if no asbestos is found. (See Appendix 3.1 and 6.1)

An asbestos notification must be provided to LWD and DOH in accordance with LWD/DOH Regulations at N.J.A.C. 12:120-7.2 and N.J.A.C. 8:60 (See Appendix 3.4 and 4.4).

Exemptions to the asbestos licensing and permitting requirements for certain non-friable asbestos containing materials are allowed upon approval by the DOH in accordance with N.J.A.C. 8:60-4.2. (See Appendix 3.5 and 4.5)

If the inspection did not identify any asbestos containing materials refer to Scenario 1 below. If asbestos was identified, refer to Scenario 2 below.

C. House Determined Safe to Enter – Determined by county or municipal code inspector (asbestos NESHAP regulation applies)

Scenario One – House Determined Safe to Enter by county or municipal code inspector - No Asbestos is found

After a thorough inspection is completed in accordance with USEPA Asbestos NESHAP regulation at 40 C.F.R. 61.145(a), submit a Notification form to USEPA, Region 2 according to 40 C.F.R. 61.145(a)(2) that no asbestos is found. (See Appendix 3.1 and 6.1)

The demolition waste is classified as ID 13C.

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

Solid waste shipping documents must comply with DEP regulations at N.J.A.C. 7:26-3.5(h). (See Appendix 3.2)

Disposal must occur at a facility authorized to accept ID 13C. (See Appendix 3.2)

Waste flow control applies as required by the applicable district solid waste management plan. (See Appendix 4.2)

Final site conditions must meet requirements of certified soil erosion and sediment control plan and Standards for Soil Erosion and Sediment Control, when required at N.J.A.C. 2:90-1.3. A Report of Compliance shall be issued by the local soil conservation district pursuant to N.J.A.C. 2:90-1.14. (See Appendix 3.6)

C. House Determined Safe to Enter – Determined by county or municipal code inspector (asbestos NESHAP regulation applies)

Scenario Two – House Determined Safe to Enter by county or municipal code inspector – Asbestos is found

All asbestos containing materials must be removed (abated) from the structure by a licensed asbestos abatement contractor in accordance with N.J.A.C. 12:120. (See Appendix 4.4)

Asbestos and dust emission controls (work practice standards) including adequately wetting the asbestos-containing materials and dust to ensure no visible emissions, must be performed during demolitions. All demolitions involving asbestos must be performed in accordance with USEPA NESHAP regulations at 40 C.F.R. 61.145(c)(4) through (c)(9). (See Appendix 3.1 and 4.1)

Handling and Disposal of RACM from Abatement

All RACM is removed from the structure in accordance with USEPA NESHAP regulations at 40 C.F.R. 61.145(c).

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

Management of the RACM must follow the emission controls, package, label, manifest, recordkeeping, and vehicle markings requirements of USEPA NESHAP regulation at 40 C.F.R. 61.150. (See Appendix 3.1)

Disposal of all RACM **must** occur at a landfill authorized to accept ID 27A waste in accordance with regulations at 40 C.F.R. 61.154. (See Appendix 3.1)

Handling and Disposal of Non-RACM Asbestos from Abatement

Non-RACM asbestos is classified as ID 13C for disposal. (See Appendix 3.1)

Asbestos handling/packaging/and transportation requirements for RACM at N.J.A.C. 7:26-2.12(a) and 3.5(d)1, 3, and 5 shall apply to all debris (except decontaminated appliances containing refrigerant) generated from removal of down houses. (See Appendix 3.2 and 4.2)

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

Solid waste shipping documents must comply with DEP regulations at N.J.A.C. 7:26-3.5(h). (See Appendix 3.2 and 6)

All demolition debris not classified as ID 27A (as stated above), and with the exception of decontaminated appliances containing refrigerant, must be transported directly to a landfill permitted to accept ID 13C waste. The debris shall not be shipped to a transfer station, incinerator, materials recovery facility or be processed in any way after leaving the site. (See Appendix 3.2 and 4.2)

Waste flow control applies as required by the applicable district solid waste management plan. (See Appendix 4.2)

Final site conditions must meet requirements of certified soil erosion and sediment control plan and Standards for Soil Erosion and Sediment Control, when required at N.J.A.C. 2:90-1.3. A Report of Compliance shall be issued by the local soil conservation district pursuant to N.J.A.C. 2:90-1.14. (See Appendix 3.6)

Handling and Disposal of Non-Asbestos Demolition Debris

The demolition waste is classified as ID 13C.

A New Jersey licensed and registered solid waste transporter must be utilized in accordance with DEP regulations found at N.J.A.C. 7:26-3.2(a). (See Appendix 3.2)

Solid waste shipping documents must comply with DEP regulations at N.J.A.C. 7:26-3.5(h). (See Appendix 3.2)

Disposal must occur at a facility authorized to accept ID 13C. (See Appendix 3.2)

Waste flow control applies as required by the applicable district solid waste management plan. (See Appendix 4.2)

Final site conditions must meet requirements of certified soil erosion and sediment control plan and Standards for Soil Erosion and Sediment Control, when required at N.J.A.C. 2:90-1.3. A Report of Compliance shall be issued by the local soil conservation district pursuant to N.J.A.C. 2:90-1.14. (See Appendix 3.6)

APPENDICES

Appendix 1: Definitions/Acronyms

Appendix 2: Flow Charts

Appendix 3: Regulatory Requirements

- 3.1 USEPA
NESHAP, Air Monitoring, Community Notification,
Appliances Containing Refrigerant Handling and Decontamination
- 3.2 New Jersey Department of Environmental Protection
Solid & Hazardous Waste
Executive Order 104
- 3.3 New Jersey Department of Community Affairs
- 3.4 New Jersey Department of Labor & Workforce Development
- 3.5 New Jersey Department of Health
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Appendix 4: Guidance

- 4.1 USEPA
NESHAP, Air Monitoring, Community Notification,
Appliances Containing Refrigerant Handling and Decontamination
Quality Assurance Project Plan
- 4.2 New Jersey Department of Environmental Protection
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- 4.3 New Jersey Department of Community Affairs
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Appendix 5: Contact Information

Appendix 6: Forms

- USEPA NESHAP notification form
- NJDEP O & D form
- NJDOH Exemption Notification Form
- Soil Conservation Program (2 forms)

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APPENDIX 1: DEFINITIONS/ACRONYMS

NOTE: Any definitions in *italics* followed by (*EPA*) denote that it is a federal definition.

“*Appliance*” (*EPA*) means any device which contains and uses a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.

“Asbestos Containing Material” or “ACM” means any material containing greater than one percent (1%) of asbestos.

“*Asbestos-containing waste materials*” (*EPA*) means mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provisions of this Subpart M. This term includes filters from control devices, friable asbestos waste material, and bags or other similar packaging contaminated with commercial asbestos. As applied to demolition and renovation operations, this term also includes regulated asbestos-containing material waste and materials contaminated with asbestos including disposable equipment and clothing.

“*Category I nonfriable asbestos-containing material ACM*” (*EPA*) means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 C.F.R. part 763, section 1, Polarized Light Microscopy.

“*Category II nonfriable ACM*” (*EPA*) means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 C.F.R. part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

“Construction and Demolition” or “C&D” means debris consists of debris resulting from structural damage to buildings as well as buildings demolished, and includes items such as aggregate (asphalt, brick, concrete), wood (both clean and treated), roofing and siding materials, wallboard, metals, carpeting and flooring, insulation, glass, tile, window coverings, plastic pipe, heating and ventilating, and air conditioning systems and their components, light fixtures, furnishings and fixtures.

“*Demolition*” (*EPA*) means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.

“*Disposal of appliances*” (*EPA*) means the process leading to and including:

- (1) The discharge, deposit, dumping or placing of any discarded appliance into or on any land or water;

- (2) The disassembly of any appliance for discharge, deposit, dumping or placing of its discarded component parts into or on any land or water; or
- (3) The disassembly of any appliance for reuse of its component parts.

“District Solid Waste Management Plan” means the Solid waste management plan developed by one of the State’s 22 Solid Waste Management Districts (the 21 counties plus the New Jersey Meadowlands Commission) pursuant to the New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.)

“*Facility*” (EPA) means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

“Federal Emergency Management Agency” or “FEMA” means the agency which administers Public Assistance grant funding for eligible expenditures pursuant to 41 USC §5121, et seq., 44 C.F.R., Parts 13 and 206 and other published guidance.

“Friable” means any material that when dry, can be crumbled, pulverized, or reduced to powder by hand pressure, or is capable of being released into the air by hand pressure. Material containing more than one percent asbestos as determined using the method specified in appendix A, subpart F, 40 C.F.R. part 763 section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

“*Friable asbestos material*” (EPA) means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 C.F.R. part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.

“House Down” means a house is considered down by Superstorm Sandy when, in the opinion of the local construction official, no structure remains to be demolished and no demolition permit is required.

“Household Hazardous Waste” or “HHW” means waste that includes, but is not be limited to, items such as automobile fluids (used waste oil, antifreeze), batteries, oil-based paints and stains, cleansers, photo chemicals, lawn-care chemicals, unidentified

liquids, household cleaners, and pesticides. Latex paint is not household hazardous waste, but is solid waste that shall be disposed as solid waste.

“In poor condition” (EPA) means the binding of the material is losing its integrity as indicated by peeling, cracking, or crumbling of the material.

“Installation” (EPA) means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

“Leak-tight” (EPA) means that solids or liquids cannot escape or spill out. It also means dust-tight.

“National Emission Standards for Hazardous Air Pollutants” or “NESHAP” are federal standards for hazardous air pollutants, including asbestos (see 40 C.F.R. Part 61 Part M), that are known or suspected to cause cancer or other serious health effects and/or adverse environmental impacts.

“Nonfriable asbestos-containing material” (EPA) means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 C.F.R. part 763, section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

“Occupational Safety and Health Administration” or “OSHA” is a federal agency responsible for worker protection and safety issues.

“Owner or operator of a demolition or renovation activity” (EPA) means any person who owns, leases, operates, controls, or supervises the facility being demolished or renovated or any person who owns, leases, operates, controls, or supervises the demolition or renovation operation, or both.

"Public work" means construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program. "Public work" shall also mean construction, reconstruction, demolition, alteration, custom fabrication, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract the property or premises is owned by the public body or:

(a) Not less than 55% of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; and

(b) The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.

“Private Property Debris Removal” or “PPDR” means removal which is being handled by governmental agencies in New Jersey.

“*Recover*” (EPA) refrigerant means to remove refrigerant in any condition from an appliance and to store it in an external container without necessarily testing or processing it in any way.

“*Refrigerant*” (EPA) means, for purposes of this subpart, any substance consisting, in part or whole, of a class I or class II ozone-depleting substance, that is used for heat transfer purposes and provides a cooling effect.

“Regulated asbestos-containing material” or “RACM” means friable asbestos material or non-friable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading or has crumbled, or been pulverized or reduced to powder in the course of demolition or renovation operations.

“*Regulated asbestos-containing material (RACM)*” (EPA) means (a) Friable asbestos material, (b) Category I nonfriable ACM that has become friable, (c) Category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) Category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by this subpart.

“*Small appliance*” (EPA) means any appliance that is fully manufactured, charged, and hermetically sealed in a factory with five (5) pounds or less of a class I or class II substance used as a refrigerant, including, but not limited to, refrigerators and freezers (designed for home, commercial, or consumer use), medical or industrial research refrigeration equipment, room air conditioners (including window air conditioners and packaged terminal air heat pumps), dehumidifiers, under-the-counter ice makers, vending machines, and drinking water coolers.

“Soil Conservation District” or “District” means a governmental subdivision of this state organized pursuant to Chapter 24 of Title 4 of the Revised Statutes (§4:24-39 et seq.).

“Temporary Debris Management Area” or “TDMA” means the area approved by the New Jersey Department of Environmental Protection (NJDEP) for local governing bodies and contractors to temporarily store and segregate storm debris. More information may be found on the NJDEP website: <http://www.nj.gov/dep/special/hurricane-sandy/docs/emergency-debris--planning-fact-sheet.pdf>

“Uniform Construction Code” or “UCC” is enforced by State-licensed, municipally employed code enforcement officials. A list of municipal code enforcement officials may be found at: http://www.nj.gov/dca/divisions/codes/publications/pdf_ora/muniroster.pdf

“United States Environmental Protection Agency” or “USEPA” is the federal agency responsible for overseeing environmental protection issues, and those environmental programs delegated to the State of New Jersey to administer.

“*Visible emissions*” (*EPA*) means any emissions, which are visually detectable without the aid of instruments, coming from RACM or asbestos-containing waste material, or from any asbestos milling, manufacturing, or fabricating operation. This does not include condensed, uncombined water vapor.

“*Waste generator*” (*EPA*) means any owner or operator of a source covered by this subpart whose act or process produces asbestos-containing waste material.

“*Waste shipment record*” (*EPA*) means the shipping document, required to be originated and signed by the waste generator, used to track and substantiate the disposition of asbestos-containing waste material.

“*Working day*” (*EPA*) means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

ACRONYMS USED THROUGHOUT THIS GUIDANCE

ACM – Asbestos Containing Materials

C&D – Construction and Demolition

DCA - Department of Community Affairs

DEP –Department of Environmental Protection

DOH - Department of Health

EO 104 - Executive Order 104

EPA – Environmental Protection Agency

FEMA – Federal Emergency Management Agency

HHW – Hazardous Household Waste

LWD - Labor and Workforce Development

MSW - Municipal solid waste

NESHAP - National Emission Standards for Hazardous Air Pollutants

OSHA – Occupational Safety and Health Administration

PPDR – Private Property Debris Removal

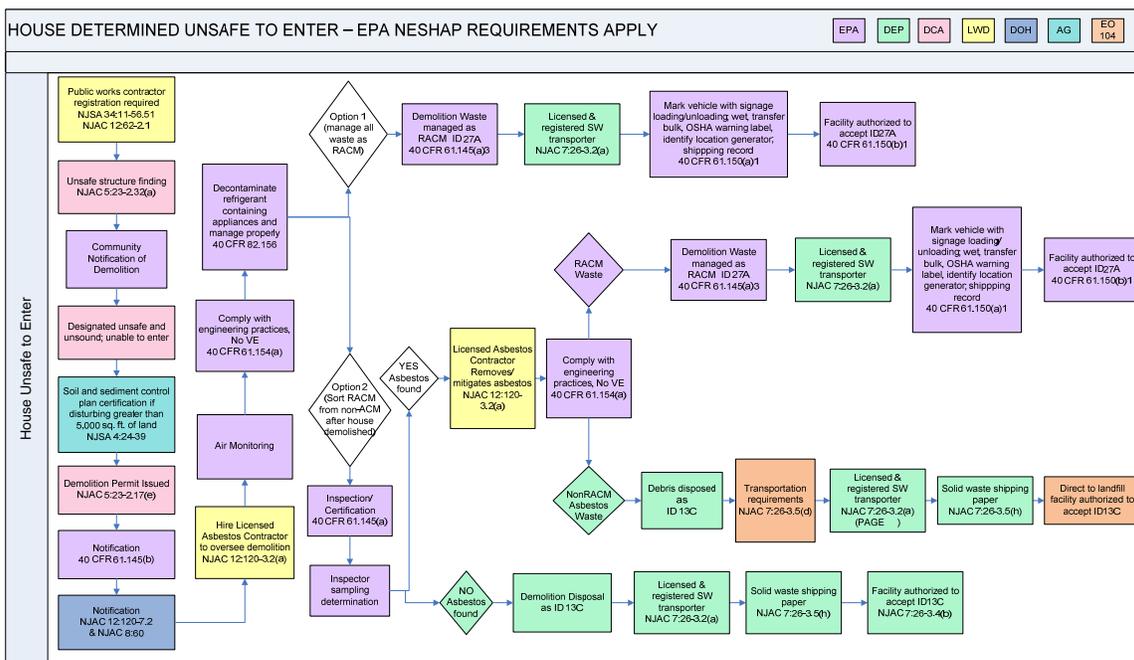
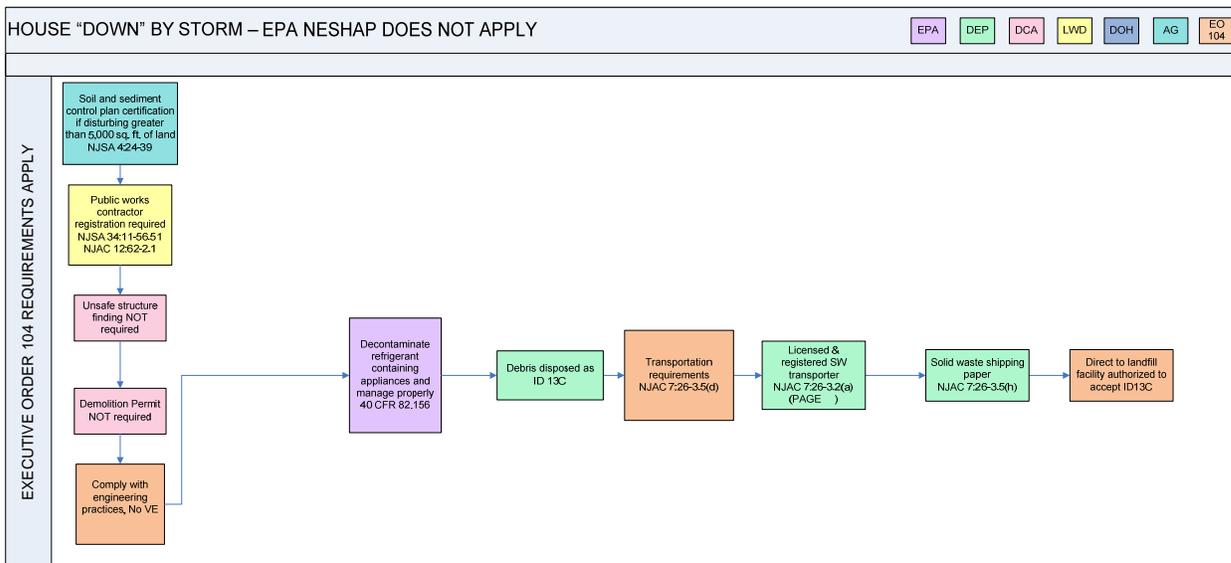
RACM - Regulated asbestos containing material

TDMA – Temporary Debris Management Area

TSCA – Toxic Substance Control Act

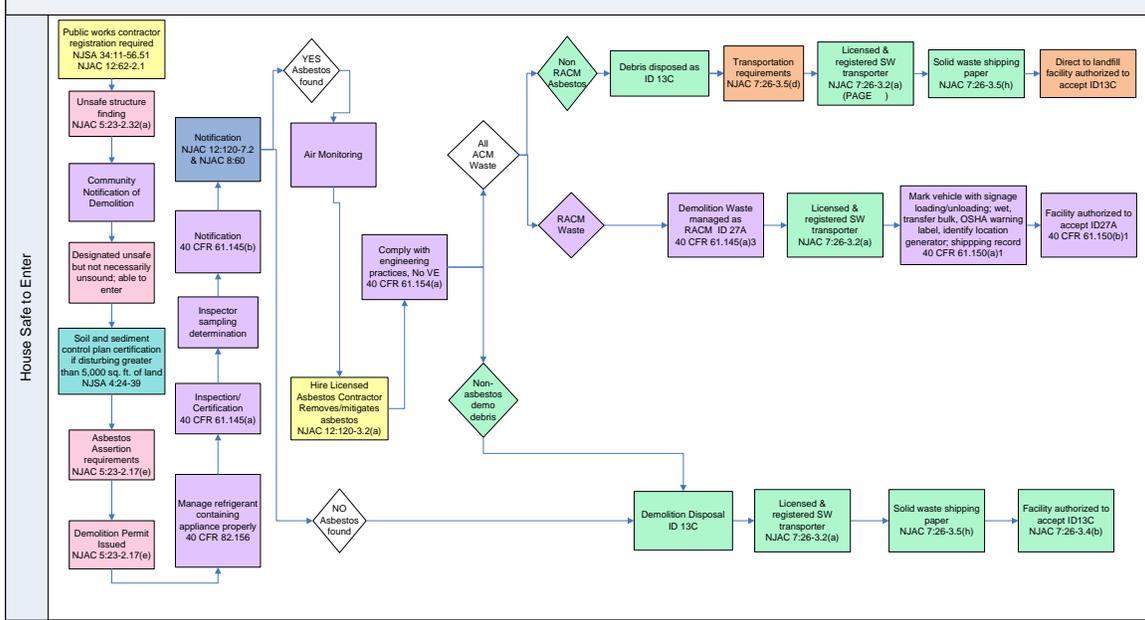
UCC – Uniform Construction Code

APPENDIX 2: FLOW CHARTS



HOUSE DETERMINED SAFE TO ENTER – EPA NESHAP REQUIREMENTS APPLY

EPA DEP DCA LWD DOR AG EO 104



APPENDIX 3:
REGULATORY REQUIREMENTS

- 3.1 USEPA
Appliances Containing Refrigerant Handling and Decontamination
NESHAP, Air Monitoring, Community Notification,
- 3.2 New Jersey Department of Environmental Protection
Solid & Hazardous Waste Management (Regulations)
Executive Order 104
- 3.3 New Jersey Department of Community Affairs
- 3.4 New Jersey Department of Labor & Workforce Development
- 3.5 New Jersey Department of Health
- 3.6 New Jersey Department of Agriculture, Soil Conservation Program

APPENDIX 3.1:
USEPA

Refrigerant Removal From Appliances Information

<http://www.epa.gov/ozone/title6/608/index.html>

40 CFR § 82.154 Prohibitions

(a)(1) Effective June 13, 2005, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any refrigerant or substitute from such appliances, with the exception of the following substitutes in the following end-uses:

- (i) Ammonia in commercial or industrial process refrigeration or in absorption units;
- (ii) Hydrocarbons in industrial process refrigeration (processing of hydrocarbons);
- (iii) Chlorine in industrial process refrigeration (processing of chlorine and chlorine compounds);
- (iv) Carbon dioxide in any application;
- (v) Nitrogen in any application; or
- (vi) Water in any application.

(2) The knowing release of a refrigerant or non-exempt substitute subsequent to its recovery from an appliance shall be considered a violation of this prohibition. De minimis releases associated with good faith attempts to recycle or recover refrigerants or non-exempt substitutes are not subject to this prohibition. Refrigerant releases shall be considered de minimis only if they occur when:

(i) The required practices set forth in § 82.156 are observed, recovery or recycling machines that meet the requirements set forth in § 82.158 are used, and the technician certification provisions set forth in § 82.161 are observed; or

(ii) The requirements set forth in subpart B of this part are observed.

(b) No person may open appliances except MVACs and MVAC-like appliances for maintenance, service, or repair, and no person may dispose of appliances except for small appliances, MVACs, and MVAC-like appliances:

(1) Without observing the required practices set forth in § 82.156; and

(2) Without using equipment that is certified for that type of appliance pursuant to § 82.158.

40 CFR § 82.156 Required practices.

(f) Effective July 13, 1993, persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning, MVACs, or MVAC-like appliances must either:

(1) Recover any remaining refrigerant from the appliance in accordance with paragraph (g) or (h) of this section, as applicable; or

(2) Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verification must include a signed statement from the person from whom the appliance or shipment of appliances is obtained that all refrigerant that had not leaked previously has been recovered from the appliance or shipment of appliances in accordance with paragraph (g) or (h) of this section, as applicable. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery.

(3) Persons complying with paragraph (f)(2) of this section must notify suppliers of appliances that refrigerant must be properly removed before delivery of the items to the facility. The form of this notification may be warning signs, letters to suppliers, or other equivalent means.

(h) All persons recovering the refrigerant from small appliances for purposes of disposal of these appliances must either:

(1) Recover 90% of the refrigerant in the appliance when the compressor in the appliance is operating, or 80% of the refrigerant in the appliance when the compressor in the appliance is not operating; or

(2) Evacuate the small appliance to four inches of mercury vacuum.

NESHAP Information

<http://www.epa.gov/asbestos/lawsregs.html>

40 C.F.R. 61.145 Standard for demolition and renovation

(a) Applicability. To determine which requirements of paragraphs (a), (b), and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable ACM. The requirements of paragraphs (b) and (c) of this section apply to each owner or operator of a demolition or renovation activity, including the removal of RACM as follows:

(1) In a facility being demolished, all the requirements of paragraphs (b) and (c) of this section apply, except as provided in paragraph (a)(3) of this section, if the combined amount of RACM is

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or

(ii) At least 1 cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously.

(2) In a facility being demolished, only the notification requirements of paragraphs (b)(1), (2), (3)(i) and (iv), and (4)(i) through (vii) and (4)(ix) and (xvi) of this section apply, if the combined amount of RACM is

(i) Less than 80 linear meters (260 linear feet) on pipes and less than 15 square meters (160 square feet) on other facility components, and

(ii) Less than one cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously or there is no asbestos.

(3) If the facility is being demolished under an order of a State or local government agency, issued because the facility is structurally unsound and in danger of imminent collapse, only the requirements of paragraphs (b)(1), (b)(2), (b)(3)(iii), (b)(4) (except (b)(4)(viii)), (b)(5), and (c)(4) through (c)(9) of this section apply.

(4) In a facility being renovated, including any individual nonscheduled renovation operation, all the requirements of paragraphs (b) and (c) of this section apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is

(i) At least 80 linear meters (260 linear feet) on pipes or at least 15 square meters (160 square feet) on other facility components, or

(ii) At least 1 cubic meter (35 cubic feet) of facility components where the length or area could not be measured previously.

(iii) To determine whether paragraph (a)(4) of this section applies to planned renovation operations involving individual nonscheduled operations, predict the combined additive amount of RACM to be removed or stripped during a calendar year of January 1 through December 31.

(iv) To determine whether paragraph (a)(4) of this section applies to emergency renovation operations, estimate the combined amount of RACM to be removed or stripped as a result of the sudden, unexpected event that necessitated the renovation.

(5) Owners or operators of demolition and renovation operations are exempt from the requirements of §§ 61.05(a), 61.07, and 61.09.

(b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(1) Provide the Administrator with written notice of intention to demolish or renovate. Delivery of the notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(2) Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent.

(3) Postmark or deliver the notice as follows:

(i) At least 10 working days before asbestos stripping or removal work or any other activity begins (such as site preparation that would break up, dislodge or similarly disturb asbestos material), if the operation is described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section. If the operation is as described in paragraph (a)(2) of this section, notification is required 10 working days before demolition begins.

(ii) At least 10 working days before the end of the calendar year preceding the year for which notice is being given for renovations described in paragraph (a)(4)(iii) of this section.

(iii) As early as possible before, but not later than, the following working day if the operation is a demolition ordered according to paragraph (a)(3) of this section or, if the operation is a renovation described in paragraph (a)(4)(iv) of this section.

(iv) For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section, and for a demolition described in paragraph (a)(2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator as follows:

(A) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin after the date contained in the notice,

(1) Notify the Administrator of the new start date by telephone as soon as possible before the original start date, and

(2) Provide the Administrator with a written notice of the new start date as soon as possible before, and no later than, the original start date. Delivery of the updated notice by the U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(B) When the asbestos stripping or removal operation or demolition operation covered by this paragraph will begin on a date earlier than the original start date,

(1) Provide the Administrator with a written notice of the new start date at least 10 working days before asbestos stripping or removal work begins.

(2) For demolitions covered by paragraph (a)(2) of this section, provide the Administrator written notice of a new start date at least 10 working days before commencement of demolition. Delivery of updated notice by U.S. Postal Service, commercial delivery service, or hand delivery is acceptable.

(C) In no event shall an operation covered by this paragraph begin on a date other than the date contained in the written notice of the new start date.

(4) Include the following in the notice:

(i) An indication of whether the notice is the original or a revised notification.

(ii) Name, address, and telephone number of both the facility owner and operator and the asbestos removal contractor owner or operator.

(iii) Type of operation: demolition or renovation.

(iv) Description of the facility or affected part of the facility including the size (square meters [square feet] and number of floors), age, and present and prior use of the facility.

(v) Procedure, including analytical methods, employed to detect the presence of RACM and Category I and Category II nonfriable ACM.

(vi) Estimate of the approximate amount of RACM to be removed from the facility in terms of length of pipe in linear meters (linear feet), surface area in square meters (square feet) on other facility components, or volume in cubic meters (cubic feet) if off the facility components. Also, estimate the approximate amount of Category I and Category II nonfriable ACM in the affected part of the facility that will not be removed before demolition.

(vii) Location and street address (including building number or name and floor or room number, if appropriate), city, county, and state, of the facility being demolished or renovated.

(viii) Scheduled starting and completion dates of asbestos removal work (or any other activity, such as site preparation that would break up, dislodge, or similarly disturb asbestos material) in a demolition or renovation; planned renovation operations involving individual nonscheduled operations shall only include the beginning and ending dates of the report period as described in paragraph (a)(4)(iii) of this section.

(ix) Scheduled starting and completion dates of demolition or renovation.

(x) Description of planned demolition or renovation work to be performed and method(s) to be employed, including demolition or renovation techniques to be used and description of affected facility components.

(xi) Description of work practices and engineering controls to be used to comply with the requirements of this subpart, including asbestos removal and waste-handling emission control procedures.

(xii) Name and location of the waste disposal site where the asbestos-containing waste material will be deposited.

(xiii) A certification that at least one person trained as required by paragraph (c)(8) of this section will supervise the stripping and removal described by this notification. This requirement shall become effective 1 year after promulgation of this regulation.

(xiv) For facilities described in paragraph (a)(3) of this section, the name, title, and authority of the State or local government representative who has ordered the demolition, the date that the order was issued, and the date on which the demolition was ordered to begin. A copy of the order shall be attached to the notification.

(xv) For emergency renovations described in paragraph (a)(4)(iv) of this section, the date and hour that the emergency occurred, a description of the sudden, unexpected event, and an explanation of how the event caused an unsafe condition, or would cause equipment damage or an unreasonable financial burden.

(xvi) Description of procedures to be followed in the event that unexpected RACM is found or Category II nonfriable ACM becomes crumbled, pulverized, or reduced to powder.

(xvii) Name, address, and telephone number of the waste transporter.

(5) The information required in paragraph (b)(4) of this section must be reported using a form similar to that shown in Figure 3.

(c) Procedures for asbestos emission control. Each owner or operator of a demolition or renovation activity to whom this paragraph applies, according to paragraph (a) of this section, shall comply with the following procedures:

(1) Remove all RACM from a facility being demolished or renovated before any activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal. RACM need not be removed before demolition if:

(i) It is Category I nonfriable ACM that is not in poor condition and is not friable.

(ii) It is on a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition; or

(iii) It was not accessible for testing and was, therefore, not discovered until after demolition began and, as a result of the demolition, the material cannot be safely removed. If not removed for safety reasons, the exposed RACM and any asbestos-contaminated debris must be treated as asbestos-containing waste material and adequately wet at all times until disposed of.

(iv) They are Category II nonfriable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.

(2) When a facility component that contains, is covered with, or is coated with RACM is being taken out of the facility as a unit or in sections:

(i) Adequately wet all RACM exposed during cutting or disjoining operations; and

(ii) Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.

(3) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation.

(i) In renovation operations, wetting is not required if:

(A) The owner or operator has obtained prior written approval from the Administrator based on a written application that wetting to comply with this paragraph would unavoidably damage equipment or present a safety hazard; and

(B) The owner or operator uses one of the following emission control methods:

(1) A local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping and removal of the asbestos materials. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in § 61.152.

(2) A glove-bag system designed and operated to contain the particulate asbestos material produced by the stripping of the asbestos materials.

(3) Leak-tight wrapping to contain all RACM prior to dismantlement.

(ii) In renovation operations where wetting would result in equipment damage or a safety hazard, and the methods allowed in paragraph (c)(3)(i) of this section cannot be used, another method may be used after obtaining written approval from the Administrator based upon a determination that it is equivalent to wetting in controlling emissions or to the methods allowed in paragraph (c)(3)(i) of this section.

(iii) A copy of the Administrator's written approval shall be kept at the worksite and made available for inspection.

(4) After a facility component covered with, coated with, or containing RACM has been taken out of the facility as a unit or in sections pursuant to paragraph (c)(2) of this section, it shall be stripped or contained in leak-tight wrapping, except as described in paragraph (c)(5) of this section. If stripped, either:

(i) Adequately wet the RACM during stripping; or

(ii) Use a local exhaust ventilation and collection system designed and operated to capture the particulate asbestos material produced by the stripping. The system must exhibit no visible emissions to the outside air or be designed and operated in accordance with the requirements in § 61.152.

(5) For large facility components such as reactor vessels, large tanks, and steam generators, but not beams (which must be handled in accordance with paragraphs (c)(2), (3), and (4) of this section), the RACM is not required to be stripped if the following requirements are met:

(i) The component is removed, transported, stored, disposed of, or reused without disturbing or damaging the RACM.

(ii) The component is encased in a leak-tight wrapping.

(iii) The leak-tight wrapping is labeled according to § 61.149(d)(1)(i), (ii), and (iii) during all loading and unloading operations and during storage.

(6) For all RACM, including material that has been removed or stripped:

(i) Adequately wet the material and ensure that it remains wet until collected and contained or treated in preparation for disposal in accordance with § 61.150; and

(ii) Carefully lower the material to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material.

(iii) Transport the material to the ground via leak-tight chutes or containers if it has been removed or stripped more than 50 feet above ground level and was not removed as units or in sections.

(iv) RACM contained in leak-tight wrapping that has been removed in accordance with paragraphs (c)(4) and (c)(3)(i)(B)(3) of this section need not be wetted.

(7) When the temperature at the point of wetting is below 0 °C (32 °F):

(i) The owner or operator need not comply with paragraph (c)(2)(i) and the wetting provisions of paragraph (c)(3) of this section.

(ii) The owner or operator shall remove facility components containing, coated with, or covered with RACM as units or in sections to the maximum extent possible.

(iii) During periods when wetting operations are suspended due to freezing temperatures, the owner or operator must record the temperature in the area containing the facility components at the beginning, middle, and end of each workday and keep daily temperature records available for inspection by the Administrator during normal business hours at the demolition or renovation site. The owner or operator shall retain the temperature records for at least 2 years.

(8) Effective 1 year after promulgation of this regulation, no RACM shall be stripped, removed, or otherwise handled or disturbed at a facility regulated by this section unless at least one on-site representative, such as a foreman or management-level person or other authorized representative, trained in the provisions of this regulation and the means of complying with them, is present. Every 2 years, the trained on-site individual shall receive refresher training in the provisions of this regulation. The required training shall include as a minimum: applicability; notifications; material identification; control procedures for removals including, at least, wetting, local exhaust ventilation, negative pressure enclosures, glove-bag procedures, and High Efficiency Particulate Air (HEPA) filters; waste disposal work practices; reporting and recordkeeping; and asbestos hazards and worker protection. Evidence that the required training has been completed shall be posted and made available for inspection by the Administrator at the demolition or renovation site.

(9) For facilities described in paragraph (a)(3) of this section, adequately wet the portion of the facility that contains RACM during the wrecking operation.

(10) If a facility is demolished by intentional burning, all RACM including Category I and Category II nonfriable ACM must be removed in accordance with the NESHAP before burning.

40 C.F.R. 61.149 (c)2 Use an alternative emission control and waste treatment method that has received prior written approval by the Administrator. To obtain approval for an alternative method, a written application must be submitted to the Administrator demonstrating that the following criteria are met:

(i) The alternative method will control asbestos emissions equivalent to currently required methods.

(ii) The suitability of the alternative method for the intended application.

(iii) The alternative method will not violate other regulations.

(iv) The alternative method will not result in increased water pollution, land pollution, or occupational hazards.

40 C.F.R. 61.149 (d) When waste is transported by vehicle to a disposal site:

(1) Mark vehicles used to transport asbestos-containing waste material during the loading and unloading of the waste so that the signs are visible. The markings must:

(i) Be displayed in such a manner and location that a person can easily read the legend.

(ii) Conform to the requirements for 51 cm × 36 cm (20 in × 14 in) upright format signs specified in 29 C.F.R. 1910.145(d)(4) and this paragraph; and

(iii) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

Legend
DANGER
ASBESTOS DUST HAZARD
CANCER AND LUNG DISEASE HAZARD
Authorized Personnel Only
Notation
2.5 cm (1 inch) Sans Serif, Gothic or Block
2.5 cm (1 inch) Sans Serif, Gothic or Block
1.9 cm (3/4 inch) Sans Serif, Gothic or Block
14 Point Gothic

Spacing between any two lines must be a least equal to the height of the upper of the two lines.

40 C.F.R. 61.150 Standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations

Each owner or operator of any source covered under the provisions of §§ 61.144, 61.145, 61.146, and 61.147 shall comply with the following provisions:

(a) Discharge no visible emissions to the outside air during the collection, processing (including incineration), packaging, or transporting of any asbestos-containing waste material generated by the source, or use one of the emission control and waste treatment methods specified in paragraphs (a) (1) through (4) of this section.

(1) Adequately wet asbestos-containing waste material as follows:

(i) Mix control device asbestos waste to form a slurry; adequately wet other asbestos-containing waste material; and

(ii) Discharge no visible emissions to the outside air from collection, mixing, wetting, and handling operations, or use the methods specified by § 61.152 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air; and

(iii) After wetting, seal all asbestos-containing waste material in leak-tight containers while wet; or, for materials that will not fit into containers without additional breaking, put materials into leak-tight wrapping; and

(iv) Label the containers or wrapped materials specified in paragraph (a)(1)(iii) of this section using warning labels specified by Occupational Safety and Health Standards of the Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 C.F.R. 1910.1001(j)(4) or 1926.1101(k)(8). The labels shall be printed in letters of sufficient size and contrast so as to be readily visible and legible.

(v) For asbestos-containing waste material to be transported off the facility site, label containers or wrapped materials with the name of the waste generator and the location at which the waste was generated.

(2) Process asbestos-containing waste material into nonfriable forms as follows:

(i) Form all asbestos-containing waste material into nonfriable pellets or other shapes;

(ii) Discharge no visible emissions to the outside air from collection and processing operations, including incineration, or use the method specified by § 61.152 to clean emissions containing particulate asbestos material before they escape to, or are vented to, the outside air.

(3) For facilities demolished where the RACM is not removed prior to demolition according to §§ 61.145(c)(1) (i), (ii), (iii), and (iv) or for facilities demolished according to § 61.145(c)(9), adequately wet asbestos-containing waste material at all times after demolition and keep wet during handling and loading for transport to a disposal site. Asbestos-containing waste materials covered by this paragraph do not have to be sealed in leak-tight containers or wrapping but may be transported and disposed of in bulk.

(4) Use an alternative emission control and waste treatment method that has received prior approval by the Administrator according to the procedure described in § 61.149(c)(2).

(5) As applied to demolition and renovation, the requirements of paragraph (a) of this section do not apply to Category I nonfriable ACM waste and

Category II nonfriable ACM waste that did not become crumbled, pulverized, or reduced to powder.

(b) All asbestos-containing waste material shall be deposited as soon as is practical by the waste generator at:

(1) A waste disposal site operated in accordance with the provisions of § 61.154, or

(2) An EPA-approved site that converts RACM and asbestos-containing waste material into nonasbestos (asbestos-free) material according to the provisions of § 61.155.

(3) The requirements of paragraph (b) of this section do not apply to Category I nonfriable ACM that is not RACM.

(c) Mark vehicles used to transport asbestos-containing waste material during the loading and unloading of waste so that the signs are visible. The markings must conform to the requirements of §§ 61.149(d)(1) (i), (ii), and (iii).

(d) For all asbestos-containing waste material transported off the facility site:

(1) Maintain waste shipment records, using a form similar to that shown in [Figure 4] (Appendix 6 of this New Jersey Demolition Guidance Document), and include the following information:

(i) The name, address, and telephone number of the waste generator.

(ii) The name and address of the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program.

(iii) The approximate quantity in cubic meters (cubic yards).

(iv) The name and telephone number of the disposal site operator.

(v) The name and physical site location of the disposal site.

(vi) The date transported.

(vii) The name, address, and telephone number of the transporter(s).

(viii) A certification that the contents of this consignment are fully and accurately described by proper shipping name and are classified, packed, marked,

and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations.

(2) Provide a copy of the waste shipment record, described in paragraph (d)(1) of this section, to the disposal site owners or operators at the same time as the asbestos-containing waste material is delivered to the disposal site.

(3) For waste shipments where a copy of the waste shipment record, signed by the owner or operator of the designated disposal site, is not received by the waste generator within 35 days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the designated disposal site to determine the status of the waste shipment.

(4) Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator if a copy of the waste shipment record, signed by the owner or operator of the designated waste disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter. Include in the report the following information:

(i) A copy of the waste shipment record for which a confirmation of delivery was not received, and

(ii) A cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

(5) Retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, for at least 2 years.

(e) Furnish upon request, and make available for inspection by the Administrator, all records required under this section.

40 C.F.R. 61.154 Standard for active waste disposal sites

Each owner or operator of an active waste disposal site that receives asbestos-containing waste material from a source covered under § 61.149, 61.150, or 61.155 shall meet the requirements of this section:

(a) Either there must be no visible emissions to the outside air from any active waste disposal site where asbestos-containing waste material has been deposited, or the requirements of paragraph (c) or (d) of this section must be met.

(b) Unless a natural barrier adequately deters access by the general public, either warning signs and fencing must be installed and maintained as follows, or the requirements of paragraph (c)(1) of this section must be met.

(1) Warning signs must be displayed at all entrances and at intervals of 100 m (330 ft) or less along the property line of the site or along the perimeter of the sections of the site where asbestos-containing waste material is deposited. The warning signs must:

(i) Be posted in such a manner and location that a person can easily read the legend; and

(ii) Conform to the requirements of 51 cm × 36 cm (20"×14") upright format signs specified in 29 C.F.R. 1910.145(d)(4) and this paragraph; and

(iii) Display the following legend in the lower panel with letter sizes and styles of a visibility at least equal to those specified in this paragraph.

| Legend | Notation |
|--|---|
| Asbestos Waste Disposal Site | 2.5 cm (1 inch) Sans Serif, Gothic or Block. |
| Do Not Create Dust | 1.9 cm (3/4 inch) Sans Serif, Gothic or Block. |
| Breathing Asbestos is Hazardous to Your Health | 14 Point Gothic. |

Spacing between any two lines must be at least equal to the height of the upper of the two lines.

(2) The perimeter of the disposal site must be fenced in a manner adequate to deter access by the general public.

(3) Upon request and supply of appropriate information, the Administrator will determine whether a fence or a natural barrier adequately deters access by the general public.

(c) Rather than meet the no visible emission requirement of paragraph (a) of this section, at the end of each operating day, or at least once every 24-hour period while the site is in continuous operation, the asbestos-containing waste material that has been deposited at the site during the operating day or previous 24-hour period shall:

(1) Be covered with at least 15 centimeters (6 inches) of compacted nonasbestos-containing material, or

(2) Be covered with a resinous or petroleum-based dust suppression agent that effectively binds dust and controls wind erosion. Such an agent shall be used in the manner and frequency recommended for the particular dust by the dust suppression agent manufacturer to achieve and maintain dust control. Other equally effective dust suppression agents may be used upon prior approval by the Administrator. For purposes of this paragraph, any used, spent, or other waste oil is not considered a dust suppression agent.

(d) Rather than meet the no visible emission requirement of paragraph (a) of this section, use an alternative emissions control method that has received prior written approval by the Administrator according to the procedures described in § 61.149(c)(2).

(e) For all asbestos-containing waste material received, the owner or operator of the active waste disposal site shall:

(1) Maintain waste shipment records, using a form similar to that shown in Figure 4, and include the following information:

(i) The name, address, and telephone number of the waste generator.

(ii) The name, address, and telephone number of the transporter(s).

(iii) The quantity of the asbestos-containing waste material in cubic meters (cubic yards).

(iv) The presence of improperly enclosed or uncovered waste, or any asbestos-containing waste material not sealed in leak-tight containers. Report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site, by the following working day, the presence of a significant amount of improperly enclosed or uncovered waste. Submit a copy of the waste shipment record along with the report.

(v) The date of the receipt.

(2) As soon as possible and no longer than 30 days after receipt of the waste, send a copy of the signed waste shipment record to the waste generator.

(3) Upon discovering a discrepancy between the quantity of waste designated on the waste shipment records and the quantity actually received, attempt to reconcile the discrepancy with the waste generator. If the discrepancy is not resolved within 15 days after receiving the waste, immediately report in writing to the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program for the waste generator (identified in the waste shipment record), and, if different, the local,

State, or EPA Regional office responsible for administering the asbestos NESHAP program for the disposal site. Describe the discrepancy and attempts to reconcile it, and submit a copy of the waste shipment record along with the report.

(4) Retain a copy of all records and reports required by this paragraph for at least 2 years.

(f) Maintain, until closure, records of the location, depth and area, and quantity in cubic meters (cubic yards) of asbestos-containing waste material within the disposal site on a map or diagram of the disposal area.

(g) Upon closure, comply with all the provisions of § 61.151.

(h) Submit to the Administrator, upon closure of the facility, a copy of records of asbestos waste disposal locations and quantities.

(i) Furnish upon request, and make available during normal business hours for inspection by the Administrator, all records required under this section.

(j) Notify the Administrator in writing at least 45 days prior to excavating or otherwise disturbing any asbestos-containing waste material that has been deposited at a waste disposal site and is covered. If the excavation will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator at least 10 working days before excavation begins and in no event shall excavation begin earlier than the date specified in the original notification. Include the following information in the notice:

(1) Scheduled starting and completion dates.

(2) Reason for disturbing the waste.

(3) Procedures to be used to control emissions during the excavation, storage, transport, and ultimate disposal of the excavated asbestos-containing waste material. If deemed necessary, the Administrator may require changes in the emission control procedures to be used.

(4) Location of any temporary storage site and the final disposal site.

APPENDIX 3.2:
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
SOLID & HAZARDOUS WASTE MANAGEMENT

The following Solid and Hazardous Waste Management regulation excerpts are applicable. A link has been provided to the full regulation. "Recycling and Waste Management Requirements" pursuant to Executive Order 104 is included at the end of Appendix 3.2.

[Link to Solid & Hazardous Waste Management Regulations](#)

N.J.A.C. 7:26-2.12 Generator requirements for disposal of asbestos containing waste materials

(a) Generators of asbestos-containing waste materials, including sources subject to 40 C.F.R. 61.142, 61.144, 61.145, 61.146, and 147, shall comply with the standards for waste disposal at 40 C.F.R. 61.149 and 40 C.F.R. 61.150.

N.J.A.C. 7:26-3.2(a)

(a) No person shall engage or continue to engage in the transportation of solid waste in this State without first obtaining an approved registration statement from the Department. The registration period shall be biennial, unless otherwise established by the Department, and shall run from July 1 through June 30 of each odd numbered year. Annual registration shall continue through the registration period of calendar year 2002. Therefore, in accordance with this subsection, the odd numbered year for biennial registration shall begin the year 2003. For solid waste collection and disposal vehicles operated by a public entity, the registration period shall be five years commencing July 1, 2001. An approved registration statement shall expire at the end of the registration period unless renewed pursuant to (d) below.

1. No person shall act as a prime contractor or subcontractor for the transportation of solid waste in this State without first obtaining an approved registration statement from the Department.

i. For the purposes of this subchapter, a "prime contractor" means any person who enters into an oral or written agreement with a generator to store, collect, process, transfer, treat, or dispose of solid waste in this State through the use, control or possession of any solid waste transport unit.

ii. For the purposes of this subchapter, a "subcontractor" means any person who engages in the storage, collection, processing, transfer, treatment, or disposal of solid waste in this State through the use, control or possession of any solid waste vehicle,

pursuant to an oral or written agreement entered into with a prime contractor for the performance of all or part of the prime contract. A lease, pursuant to this subchapter, of solid waste vehicle operators and/or equipment to a permittee, licensee, or exempt transporter, shall not, for purposes of this subchapter, be considered a subcontract.

2. Any device used for transportation of solid waste shall be registered with the Department as either a solid waste cab, trailer, container, or single-unit vehicle.

3. The registration statement shall be signed by the person engaged in or desiring to engage in the transportation of solid waste, shall be executed on forms prescribed by and furnished by the Department and shall state such information necessary and proper to the enforcement of this subchapter, as the Department may require.

4. A registrant shall not allow, through a subcontract or any other means, any such registered equipment to be used by another person, unless such person is an employee of the applicant or registrant, or unless such use is in accordance with a lease of vehicle operators pursuant to this subchapter.

5. A person who has not obtained an approved registration statement shall not, through a subcontract or any other means, engage or contract to engage in the transportation, storage, collection, processing, transfer, treatment, or disposal of solid waste in this State through the use, control or possession of any solid waste vehicle, registered to any other person, or through any other means. The leasing of solid waste vehicle operators and/or equipment to a permittee, licensee, or exempt transporter, pursuant to this subchapter, shall not be deemed engaging or contracting to engage in said solid waste activities.

6. In addition to obtaining an approved registration statement from the Department, the person engaged in or desiring to engage in the transportation of solid waste shall comply with all of the rules and regulations of the New Jersey Division of Motor Vehicles. No person shall engage or continue to engage in the transportation of solid waste in this State without first obtaining an approved registration statement from the Department. The leasing of solid waste vehicle operators and/or equipment to a permittee, licensee, or exempt transporter, pursuant to this subchapter, shall not be deemed engaging or contracting to engage in said solid waste activities.

N.J.A.C. 7:26-3.4(b)

(b) All collected solid waste shall be properly deposited at an approved facility in accordance with N.J.A.C.7:26-1 and 2. Solid waste or recyclable materials shall be deposited at a solid waste or recycling facility only to the extent the materials contained in an individual load are waste types and recyclable materials permitted for acceptance at that facility and commingled only to the extent permitted in the operating approvals for that facility.

N.J.A.C. 7:26-3.4(c)

(c) Unless an emergency, such as inclement weather, equipment breakdown or accident warrants, no solid waste shall be allowed to remain or be stored in any solid waste transport units in excess of 24 hours.

N.J.A.C. 7:26-3.4(h)

(h) Each registered solid waste vehicle, except those exempted from fee payment under *N.J.A.C. 7:26-3.3*, and those meeting the requirements at *N.J.A.C. 7:26-3.5(f)* used in the collection or transportation of solid waste shall properly, permanently, and conspicuously display a current State of New Jersey solid waste decal and the New Jersey Department of Environmental Protection (N.J.D.E.P.) registration number and the name of the registered company in letters and numbers at least three inches in height, and, except for solid waste containers, shall carry the current N.J.D.E.P. registration certificate in the solid waste cab. Current solid waste decals must be permanently affixed to the driver's side of each solid waste vehicle, prior to transport of solid waste to, from or within New Jersey or prior to the unit being placed into service or before receiving waste.

1. A copy of any lease filed in connection with the solid waste registration of a solid waste vehicle shall be carried in the solid waste cab and made available to Department representatives upon inspection or request.

2. Only current period decals shall be displayed. Expired decals must be removed from the solid waste vehicle prior to affixing current registration period decals. The registrant of solid waste vehicles which are owned by the registrant shall, upon the interruption or termination of the exclusive use, possession or control of any such equipment by the registrant, notify the Department, return the N.J.D.E.P. registration certificate to the Department, and remove and destroy the N.J.D.E.P. registration number and decal on such solid waste vehicles. A registrant of solid waste vehicles, which are leased shall, upon the expiration of the lease, or upon the interruption or termination of the exclusive use, possession or control of any such equipment by the registrant, notify the Department, return the N.J.D.E.P. registration certificate to the Department, and remove and destroy the N.J.D.E.P. registration number and decal on such solid waste vehicles.

3. In addition, there shall be affixed to the driver's side of each registered solid waste vehicle, in letters and numbers at least three inches in height, the capacity of the solid waste transport unit in cubic yards, in tons or in gallons, so as to be visible to the operator of the solid waste facility.

N.J.A.C. 7:26-3.4(m)

(m) All solid waste transporters shall haul solid waste in accordance with the Solid Waste Management Plan developed by the county or district of waste origin pursuant to *N.J.A.C. 7:26-6*. In a district which has designated in its District Solid Waste Management Plan a weighing facility or facilities for waste leaving the district, transporters shall deliver solid waste to a designated in-district weighing facility before the solid waste is removed from the district for out-of-district transfer, materials recovery, or disposal.

N.J.A.C. 7:26-3.5 (d)

(d) Rules concerning transportation of asbestos and asbestos-containing waste materials follow:

1. All solid waste vehicles used for the transportation of asbestos and asbestos-containing waste materials shall be of such a design so as to prevent any spillage or leakage or emissions therefrom.

2. No transporter shall transport asbestos and/or asbestos-containing waste materials unless such waste is properly packaged in accordance with 40 C.F.R. 61.150 and *N.J.A.C. 7:26-2.12*.

3. The asbestos or asbestos-containing waste materials shall be transported in a manner that prevents the rupture of the asbestos containers in loading, transport, and unloading operations.

4. Once collected, asbestos and/or asbestos containing waste materials shall be transported directly from the point of generation to the solid waste landfill or transfer station permitted to receive such wastes.

5. There shall be no visible air emissions during loading, transporting, or unloading operations.

N.J.A.C. 7:26-3.5(h)

(h) O and D form requirements for transporters hauling solid waste to in-State solid waste facilities are as follows:

1. The Department shall provide the registered transporter with an approved O and D form. The transporter shall thereafter duplicate the form for use with each load of solid waste destined for an in-State solid waste facility.

2. Prior to transport of the solid waste to the disposal site, the transporter shall complete the O and D form and sign it, thereby certifying the accuracy of the information provided.

3. The completed and signed O and D form shall be given to the facility operator in accordance with N.J.A.C. 7:26-2.13(c).

N.J.A.C. 7:26A-10.1 Scope

(a) This subchapter applies to generators of materials designated for source separation and recycling in the applicable county recycling plan or municipal source separation ordinance. Generators include all persons occupying residential, commercial, or institutional premises.

(b) Generators of designated recyclable materials, who also generate used oil or universal waste are also subject to the rules at N.J.A.C. 7:26A-6 and 7.



State of New Jersey

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CHRIS CHRISTIE
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BOB MARTIN
Commissioner

Recycling and Waste Management Requirements for Residential Demolition as a Result of Super Storm Sandy Performed Under Local Government Contract

The unprecedented damage caused by Super Storm Sandy along the New Jersey coastline resulted in the destruction of many houses and rendered many others structurally unsound, resulting in the need for demolition. These structurally unsound houses present a hazard to public safety and the removal of such structures is necessary to avoid continuing hazards and to allow rebuilding to proceed.

Under normal circumstances disposal of demolition waste from houses is regulated in New Jersey by the Solid Waste Management Act and its implementing regulations. Electronic waste (e-waste) is prohibited from disposal at solid waste facilities by the Electronics Waste Management Act, N.J.S.A. 13:1E-99.95 et. seq. White goods (i.e., refrigerators, washers, dryers, etc.) are designated as mandatory recyclables in certain county solid waste management plans and in addition, the removal of refrigerants from refrigerators and air conditioners prior to disposal or recycling is mandated by federal requirements. While recycling of other types of demolition debris, such as concrete, asphalt shingles, and wood waste, is not mandatory, the New Jersey Department of Environmental Protection has encouraged recycling whenever feasible.

However, the devastation left behind by Super Storm Sandy has created challenges that are not present under normal circumstances. Therefore, in an effort to expedite the demolition and removal of the many homes that have been rendered uninhabitable or structurally unsound, I, Commissioner Martin, pursuant to Executive Order #104 dated October 27, 2012, allowing agency heads to suspend or modify regulations hereby direct that household demolition waste be managed as follows:

Waste Management for Houses Damaged by Super Storm Sandy

Houses Damaged by Super Storm Sandy fall into one of the following 3 categories:

- I. Houses Safe to Enter
- II. Houses Unsafe to Enter

III. Houses Down by Storm

There are certain general requirements that pertain to all of the categories including removal of refrigerants, solid waste transportation and waste flow provisions as discussed below. Specific requirements and options for each category follow the general requirements.

General Requirements

Refrigerant Removal from Appliances

EPA regulations at 40 CFR 82.156 require that appliances containing refrigerants must have the refrigerant removed prior to disposal or recycling. Management and decontamination of refrigerant containing appliances (RCA) shall conform to EPA Guidance. For houses that are safe to enter, removal of refrigerant from the appliances should be conducted as usual. However, due to asbestos contamination concerns, appliances must be decontaminated at the site prior to refrigerant removal for houses down by the storm or following demolition of houses that were unsafe to enter.

Solid Waste Transportation and Waste Flow

Each truck and container (roll off containers, dumpsters) utilized to collect or transport solid waste must have a valid solid waste transportation decal pursuant to N.J.A.C. 7:26-3.4(h) or other evidence of temporary authorization from the Department. Truck loading shall comply with New Jersey Department of Transportation rules and regulations including weight limitations and the covering of truckloads.

Tarpaulins or covers shall be provided and used on containers while transporting solid waste in accordance with N.J.A.C. 7:26-3.4(i). In addition, for regulated asbestos containing material ("RACM"), transporters must follow specific requirements for asbestos found at N.J.A.C. 7:26-3.5(d). Each shipment must be accompanied by proper shipping papers (Origin and Destination form) (see N.J.A.C. 7:26-3.5(h)) Solid waste must be transported to disposal facilities in accordance with applicable waste flow requirements per the Solid Waste Management Plan for the county of waste origin per N.J.A.C. 7:26-3.4(m). Summaries of District Solid Waste Plans are set forth at the Department website: www.nj.gov/dep/dshw/recycling/03cplsum.htm. RACM waste is classified as waste type ID 27A and must be sent directly to a landfill authorized to accept RACM/ID 27A. Other waste from demolition is classified as construction and demolition waste, type ID 13C. Where loads of ID 13C may be shipped depends on the category of house from which the waste was generated.

Source separated recyclable materials (only allowed for houses that are safe to enter where asbestos contamination is not a concern) may be transported to facilities authorized to accept the specific types of recyclables collected. No special transporter licenses or county waste flow provisions apply to source separated recyclable materials being shipped to a recycling facility.

Specific Requirements by Category

I. House Safe to Enter

The waste management options differ as described below depending whether any asbestos containing material (ACM) is present in the house.

i. No Asbestos Found in House Prior to Demolition

After a house that is safe to enter has been inspected for ACM and no ACM is found, the Department is recommending the segregation of household hazardous wastes, and source separation of recyclable materials if feasible.

Reasonable effort should be made to separate HHW to the extent possible and transport HHW loads to an approved hazardous waste disposal facility.

Certain types of e-waste are prohibited from disposal. These include televisions, personal computers, laptops, notebooks and monitors. E-waste should be segregated and transported to an approved Class D recycling center or universal waste handler.

Reasonable efforts should be made to separate, collect and transport broken brick, block, concrete, and asphalt to a Department approved Class B recycling facility, or if outside of New Jersey, to a facility authorized by the jurisdiction. Concrete or other aggregate that has been visibly contaminated by an oil or chemical spill as a result of the disaster event should not be recycled and shall be managed as construction and demolition waste (ID 13C).

Following demolition the demolition waste is classified as construction and demolition waste, type ID 13C. ID 13C waste from houses that were safe to enter and did not contain asbestos may be shipped to any solid waste facility permitted to accept construction and demolition wastes.

ii. Asbestos Found in House Prior to Demolition

Following an asbestos inspection and removal of all asbestos the Department is recommending the segregation of household hazardous wastes, and source separation of recyclable materials if feasible prior to demolition.

However, reasonable effort should be made to separate HHW to the extent possible and transport HHW loads to an approved hazardous waste disposal facility.

Certain e-wastes are prohibited from disposal. These include televisions, personal computers, laptops, notebooks and monitors. E-waste should be segregated and transported to an approved Class D recycling center or universal waste handler.

Other materials in the house should be recycled if practical.

Reasonable efforts should be made to separate, collect and transport broken brick, block, concrete, and asphalt to a Department approved Class B recycling facility, or if outside of New Jersey, to a facility authorized by the jurisdiction. Concrete or other aggregate that has been visibly contaminated by an oil or chemical spill as a result of the disaster event should not be recycled and shall be managed as construction and demolition waste (ID 13C).

Following demolition, the demolition waste is classified as construction and demolition waste, type ID 13C. ID 13C waste from houses that were safe to enter and had all asbestos removed prior to demolition may be shipped to any solid waste facility permitted to accept construction and demolition wastes.

II. House Unsafe to Enter

Waste from houses that were unsafe to enter prior to demolition may be managed in one of the following two scenarios:

- i. The first scenario assumes all of the waste is RACM (ID 27A). No recycling or segregation, except for refrigerant containing appliances decontaminated as discussed earlier, is permitted under this scenario. All waste is classified as ID 27A and must be managed and shipped to a landfill permitted to accept ID 27A.
- ii. The second scenario allows for inspection of the debris for the presence of asbestos. If no asbestos is found, the debris is classified as construction and demolition waste, ID 13C, and may be shipped to any solid waste facility permitted to accept construction and demolition waste and recycling is permitted. If any asbestos is found, the debris may be sorted to separate RACM from non-RACM to save expenses on disposal costs. Any RACM must be managed as ID 27A and be shipped directly to a landfill permitted to accept ID 27A. Non-RACM waste is classified as construction and demolition waste, type ID 13C. However, due to possible asbestos contamination concerns, the Department is requiring this

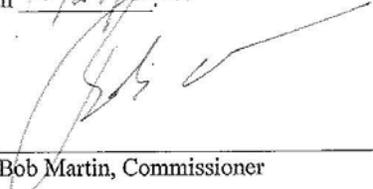
waste to be managed as if it were asbestos containing in regards to keeping the waste wetted at the site and wrapping the waste to prevent air emissions during transportation in accordance with the N.J.A.C. 7:26-3.5(d)1, 3 and 5. In addition, the waste shall only be shipped directly to a landfill authorized to accept ID 13C – the waste shall not be shipped to a transfer station, materials recovery facility, incinerator or be processed in any way after leaving the site. No recycling or segregation of material, except for refrigerant containing appliances decontaminated as discussed earlier is permitted.

III. Houses Down by Storm

Waste from houses that are “down by the storm” is classified as construction and demolition waste, type ID 13C. However, due to possible asbestos contamination concerns, the Department is requiring debris to be wetted to prevent air emissions during waste handling and be managed as if it were asbestos containing in regards to keeping the waste wetted at the site and wrapping it to prevent air emissions during transportation in accordance with the N.J.A.C. 7:26-3.5(d)1, 3 and 5. In addition, the waste shall only be shipped directly to a landfill authorized to accept ID 13C – the waste shall not be shipped to a transfer station, materials recovery facility, incinerator or be processed in any way after leaving the site. No recycling or segregation of material, except for refrigerant containing appliances decontaminated as discussed earlier is permitted.

These requirements shall remain in effect until 10/29/2013

4/10/2013
Date



Bob Martin, Commissioner

APPENDIX 3.3:
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

N.J.A.C. 5:23-2.17

5:23-2.17 Demolition or removal of structures; abandoned wells

(a) Service connections: Before a structure can be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until releases are obtained from all utilities that provided service to the property, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed or plugged in a safe manner.

(b) Abandoned wells:

1. In the event that there is a well on the property that has been abandoned, or that will be abandoned in conjunction with the proposed demolition, a permit to demolish or remove a structure on that property shall not be issued until a certification has been obtained from a well driller licensed by the Department of Environmental Protection indicating that the well has been sealed in accordance with N.J.A.C. 7:9-9. If such certification is not presented within 15 days of the application for the permit, the construction official shall give notice of the absence of such certification to the Bureau of Water Allocation, Department of Environmental Protection, PO Box 029, Trenton, NJ 08625-0029.

2. Notice shall also be given by the construction official to the Bureau of Water Allocation in the event of any demolition activity found to have been undertaken without a permit at a building or premises currently or previously served by a well and in any other case in which no permit application for demolition has been made but the construction official becomes aware that a well has been, or is about to be, abandoned without having been sealed by a licensed well driller.

(c) Notice to adjoining owners: Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the demolition or removal of a building or structure.

(d) Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of the appropriate subcodes.

(e) Asbestos abatement: Before a structure can be demolished or removed, the owner or agent shall document that the requirements of USEPA 40 C.F.R. 61 subpart M have been or shall be met. A permit to demolish or remove the structure shall not be issued until the owner or agent notifies the enforcing agency that all friable asbestos or asbestos-containing material that will become friable during demolition or removal has been or will be properly abated prior to demolition.

N.J.A.C. 5:23-2.32

5:23-2.32 Unsafe structures

(a) All buildings or structures that shall become unsafe, or unsanitary, or that contain deficient or blocked exitway facilities, or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or that by reason of illegal or improper use or occupancy shall be deemed unsafe buildings or structures, shall be taken down and removed or made safe and secure. A vacant building that is unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this chapter.

1. Examination and record of damaged structure: The appropriate subcode official shall examine every building or structure reported as dangerous, unsafe structurally, unsanitary or constituting a fire hazard and shall prepare a report to be filed in a docket of unsafe structures and premises, stating the use of the structure, the nature of the hazard, the nature and estimated amount of damages, if any, caused by collapse or failure.

2. Notice of unsafe structure: If an unsafe or unsanitary condition is found in a building or structure, the construction official shall serve a written notice describing the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be vacated or demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the construction official his or her acceptance or rejection of the terms of the order. Such person may seek review before the Construction Board of Appeals within 15 days of receipt of the notice.

3. Restoration of unsafe structure: A building or structure condemned by the construction official may be restored to a safe condition in accordance with N.J.A.C. 5:23-6, Rehabilitation Subcode. A certificate of approval or certificate of occupancy, as appropriate, shall be obtained prior to reoccupancy of the building or structure.

4. Posting notice of unsafe structure: If the person addressed with a notice of unsafe structure cannot be found within the municipality after diligent search, then such notice shall be sent by registered or certified mail to the last known address of such person, as on file with the office of the tax collector, and a copy of the notice of unsafe structure shall be posted in a conspicuous place on the premises; and such procedures shall be deemed the equivalent of personal notice.

5. Upon refusal or neglect of the person served with a notice of unsafe structure to comply with the requirements of the order to abate the unsafe condition, the construction official shall, in addition to any other remedies herein provided, forward the matter to the legal counsel of the jurisdiction for an action to compel compliance.

(b) Emergency measures:

1. When, in the opinion of the construction official and appropriate subcode officials, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building or structure, the construction official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The construction official shall cause to be posted at each entrance to such building a notice reading as follows: This structure is unsafe and its use or occupancy has been prohibited by the construction official, and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing the same. The order of the construction official shall be effective immediately.

2. Temporary safeguards: When, in the opinion of the construction official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the construction official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein has been instituted. Such work may include such demolition as may be necessary in order to eliminate any actual and immediate danger to human life; provided, however, that any demolition work shall not commence until at least 24 hours following service of notice of the pending demolition upon the owner, unless such service is not possible because the identity or the address of the owner cannot be determined from public records. Upon expiration of the 24-hour period, demolition may proceed unless stayed by order of the Superior Court.

3. Closing streets: When necessary for the public safety, the construction official may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe structure, and prohibit the same from being used.

4. Emergency repairs or demolition: For the purpose of this section, the construction official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

5. Costs of emergency repairs: Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on certificate of the construction official; and the legal authority of the jurisdiction shall institute appropriate action against the owner of the premises for the recovery of such costs.

6. Appeals: An emergency order issued by a municipal construction official pursuant to this subsection shall be appealable only to a court of competent jurisdiction.

APPENDIX 3.4:
NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

WAGE AND HOUR

Information on prevailing wages is available at
http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing_wage_determinations.html

N.J.S.A. 34:11-56.26. Definitions

As used in this act:

(1) "Department" means the Department of Labor and Workforce Development of the State of New Jersey.

(2) "Locality" means any political subdivision of the State, combination of the same or parts thereof, or any geographical area or areas classified, designated and fixed by the commissioner from time to time, provided that in determining the "locality," the commissioner shall be guided by the boundary lines of political subdivisions or parts thereof, or by a consideration of the areas with respect to which it has been the practice of employers of particular crafts or trades to engage in collective bargaining with the representatives of workers in such craft or trade.

(3) "Maintenance work" means the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased. "Maintenance work" also means any work on a maintenance-related project that exceeds the scope of work and capabilities of in-house maintenance personnel, requires the solicitation of bids, and has an aggregate value exceeding \$ 50,000.

(4) "Public body" means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions.

(5) "Public work" means construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program. "Public work" shall also mean construction, reconstruction, demolition, alteration, custom fabrication, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract the property or premises is owned by the public body or:

(a) Not less than 55% of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; and

(b) The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.

(6) "Commissioner" means the Commissioner of Labor and Workforce Development or his duly authorized representatives.

(7) "Workman" or "worker" includes laborer, mechanic, skilled or semi-skilled, laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site. For the purpose of P.L.1963, c.150 (*C.34:11-56.25 et seq.*), contractors or subcontractors engaged in custom fabrication shall not be regarded as material suppliers.

(8) "Work performed under a rehabilitation program" means work arranged by and at a State institution primarily for teaching and upgrading the skills and employment opportunities of the inmates of such institutions.

(9) "Prevailing wage" means the wage rate paid by virtue of collective bargaining agreements by employers employing a majority of workers of that craft or trade subject to said collective bargaining agreements, in the locality in which the public work is done.

(10) "Act" means the provisions of P.L.1963, c.150 (*C.34:11-56.25 et seq.*) and the rules and regulations issued hereunder.

(11) "Prevailing wage contract threshold amount" means:

(a) In the case of any public work paid for in whole or in part out of the funds of a municipality in the State of New Jersey or done on property or premises owned by a public body or leased or to be leased by the municipality, the dollar amount established for the then current calendar year by the commissioner through rules and regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (*C.52:14B-1 et seq.*), which amount shall be equal to \$ 9,850 on July 1, 1994 and which amount shall be adjusted on July 1 every five calendar years thereafter in direct proportion to the rise or fall in the average of the Consumer Price Indices for Urban Wage Earners and Clerical Workers for the New York metropolitan and the Philadelphia metropolitan regions as reported by the United States Department of Labor during the last full calendar year preceding the date upon which the adjustment is made; and

(b) In the case of any public work other than a public work described in paragraph (a) of this subsection, an amount equal to \$ 2,000.

(12) "Custom fabrication" means the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation.

N.J.A.C. 34:11-56.27 Prevailing wage rate required in contract

Every contract in excess of the prevailing wage contract threshold amount for any public work to which any public body is a party or for public work to be done on property or premises owned by a public body or leased or to be leased by a public body shall contain a provision stating the prevailing wage rate which can be paid (as shall be designated by the commissioner) to the workers employed in the performance of the contract and the contract shall contain a stipulation that such workers shall be paid not less than such prevailing wage rate. Such contract shall also contain a provision that in the event it is found that any worker, employed by the contractor or any subcontractor covered by said contract, has been paid a rate of wages less than the prevailing wage required to be paid by such contract, the public body, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor and his sureties shall be liable for any excess costs occasioned thereby to the public body, any lessee to whom the public body is leasing a property or premises or any lessor from whom the public body is leasing or will be leasing a property or premises.

N.J.S.A. 34:11-56.28 Specification of prevailing wage rate by craft in contract

The public body, any lessee to whom the public body is leasing a property or premises and any lessor from whom the public body is leasing or will be leasing a property or premises awarding any contract for public work or otherwise undertaking any public work shall ascertain from the commissioner the prevailing wage rate in the locality in which the public work is to be performed for each craft or trade needed to perform the contract and shall specify in the contract itself what the prevailing wage rate in the locality is for each craft or trade or classification of all workers needed to perform the contract during the anticipated term thereof. Nothing in this act however shall prohibit the payment of more than the prevailing wage rate to any worker employed on a public work.

N.J.S.A. 34:11-56.29 Record of wages paid by contractor and subcontractor

Every contractor and subcontractor shall keep an accurate record showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed by him in connection with a public work and such records shall be preserved for two years from date of payment. The record shall be open at all reasonable hours to the inspection of the public body awarding the contract, to any other party to the lease or agreement to lease pursuant to which the public work is done, and to the commissioner.

N.J.S.A. 34:11-56.30 Establishment of prevailing wage rate by commissioner

The commissioner shall determine the prevailing wage rate and forthwith shall establish the prevailing wage in the locality in which the public work is to be performed for each craft or trade or classification of all workmen needed to perform public work contracts. The prevailing wage shall be determined and computed in accordance with rules and regulations issued by the commissioner as may be required to carry out the provisions of this act; provided, however, that employer contributions for employee benefits pursuant to a then existing bona fide collective bargaining agreement shall be considered an integral part of the wage rate paid by employers of any craft or trade in the locality under consideration for the purpose of determining the prevailing wage under this act. Said wage determination shall be conclusive for a period of 2 years from date of issuance unless superseded within said 2-year period by a later determination. The commissioner shall forthwith announce all said determinations and give notice by mail of all determinations of prevailing wage rates made pursuant to this section to any representative of any craft or trade, any employer, or any representative of any group of employers who shall in writing request the commissioner so to do.

N.J.S.A. 34:11-56.31. Powers of commissioner

The commissioner shall have the authority to:

- (a) investigate and ascertain the wages of workmen employed in any public work in the State;
- (b) enter and inspect the place of business or employment of any employer or workmen in any public work in the State, for the purpose of examining and inspecting any or all books, registers, payrolls, and other records of any such employer that in any way relate to or have a bearing upon the question of wages, hours, and other conditions of employment of any such workmen; copy any or all of such books, registers, payrolls, and other records as he or his authorized representative may deem necessary or appropriate; and question such workmen for the purpose of ascertaining whether the provisions of this act have been and are being complied with;
- (c) require from such employer full and correct statements in writing, including sworn statements, with respect to wages, hours, names, addresses, and such other information pertaining to his workmen and their employment as the commissioner, or his authorized representative may deem necessary or appropriate; and
- (d) require any employer to file, within 10 days of receipt of a request, any records enumerated in subsections (b) and (c) of this section, sworn to as to their validity and accuracy. If the employer fails to provide the requested records within 10 days, the commissioner may direct within 15 days the fiscal or financial officer charged with the custody and disbursements of the funds of the public body which contracted for the public work immediately to withhold from payment to the employer up to 25% of the amount, not to exceed \$ 100,000.00, to be paid to the employer under the terms of the

contract pursuant to which the public work is being performed. The amount withheld shall be immediately released upon receipt by the public body of a notice from the commissioner indicating that the request for records has been satisfied.

N.J.S.A. 34:11-56.32 Posting of prevailing wage rates

Contractors and subcontractors performing public work of a public body subject to the provisions of this act shall post the prevailing wage rates for each craft and classification involved as determined by the commissioner, including the effective date of any changes thereof, in prominent and easily accessible places at the site of the work or at such place or places as are used by them to pay workmen their wages.

N.J.S.A. 34:11-56.33 Statement by contractor of amounts due workers; deductions from payment to contractor; payments to workers

(a) Before final payment is made by or on behalf of any public body or before any lessee to whom the public body is leasing a property or premises or any lessor from whom the public body is leasing or will be leasing a property or premises makes such payment, of any sum or sums due on a public work, it shall be the duty of the treasurer of the public body or other officer or person charged with the custody and disbursement of the funds of the public body, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises, as the case may be, to require the contractor and subcontractor to file written statements with the public body in a form satisfactory to the commissioner certifying to the amounts then due and owing from such contractor and subcontractor filing such statement to any and all workers for wages due on account of the public work, setting forth therein the names of the persons whose wages are unpaid and the amount due to each respectively, which statement shall be verified by the oath of the contractor or subcontractor, as the case may be, that he has read such statement subscribed by him, knows the contents thereof, and that the same is true of his own knowledge; provided, however, that nothing herein shall impair the right of a contractor to receive final payment because of the failure of any subcontractor to comply with provisions of this act.

(b) In case any worker shall have filed a protest in writing within three months from the date of the occurrence of the incident complained of with the commissioner, objecting to the payment to any contractor to the extent of the amount or amounts due or to become due to the worker for wages for work performed on a public work, the commissioner may direct the fiscal or financial officer of the public body or other person charged with the custody and disbursements of the funds of the public body, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises, as the case may be, to deduct from the whole amount of any payment, the sum or sums admitted by any contractor in such statement or statements so filed to be due and owing by him on account of wages earned on such public work.

Such fiscal or financial officer, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises, shall withhold the amount so deducted for the benefit of the worker whose wages are unpaid as shown by the verified statement filed by such contractor, and shall pay directly to any worker the amount shown by such statement to be due to him for such wages. Such payment shall thereby discharge the obligation of the contractor to the person receiving such payment to the extent of the amount thereof.

N.J.A.C. 12:60-1.4 Scope

(a) This chapter shall implement the Act by listing by name each craft, trade or class of workmen utilized in the various counties of the State; and

(b) This chapter shall apply to every contract in excess of \$ 14,187 awarded in whole or in part by a municipal public body and to every subcontract pursuant to said contract. It shall also apply to every contract in excess of \$ 2,000 awarded by a nonmunicipal public body and to every subcontract pursuant to said contract.

N.J.A.C. 12:60-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the New Jersey Prevailing Wage Act, *N.J.S.A. 34:11-56.25 et seq.*

"Certified payroll record" means a payroll record which is attested to by the employer, or the owner of the company doing business as the employer, or a corporate officer of such company, or an authorized agent of the employer.

"Commissioner" means the Commissioner of Labor, or his duly authorized designee.

"Custom fabrication" means the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation.

"Department" means the Department of Labor.

"Division of Wage and Hour Compliance" means the Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development, PO Box 389, Trenton, N.J. 08625-0389.

"Employer" means any natural person, company, firm, subcontractor or other entity engaged in public work.

"Locality" means any political subdivision of the State, combination of the same or parts thereof, or any geographical area or areas classified, designated and fixed by the commissioner from time to time, provided that in determining the "locality" the commissioner shall be guided by the boundary lines of political subdivisions or parts thereof, or by a consideration of the areas with respect to which it has been the practice of employers of particular crafts or trades to engage in collective bargaining with the representatives of workmen in such craft or trade.

"Maintenance-related project" means a project related to the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased.

"Maintenance work" means the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased. "Maintenance work" also means any work on a maintenance-related project that exceeds the scope of work and capabilities of in-house maintenance personnel, requires the solicitation of bids and has an aggregate value exceeding \$ 50,000.

"N.J.A.C." means the New Jersey Administrative Code.

"N.J.S.A." means the New Jersey Statutes Annotated.

"Payroll record" means a form satisfactory to the Commissioner, wherein is shown employee information such as name, address, social security number, craft or trade, together with actual hourly rate of pay, actual daily, overtime and weekly hours worked in each craft or trade, gross pay, itemized deductions, and net pay paid to the employee; such record shall also include:

1. Any fringe benefits paid to approved plans, funds or programs on behalf of the employee; and
2. Fringe benefits paid in cash to the employee.

"Persons" means any natural person, company, firm, association, corporation, contractor, subcontractor or other entity engaged in public work.

"Prevailing wage" means the wage rate paid by virtue of collective bargaining agreements by employers employing a majority of workmen of that craft or trade subject to said collective bargaining agreements, in the locality in which the public work is done.

"Public body" means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions.

"Public work" means construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, done

under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program.

Public work" shall also mean construction, reconstruction, demolition, alteration, custom fabrication, or repair work, done on any property or premises, whether or not the work is paid for from public funds, if, at the time of the entering into of the contract the property or premises is owned by the public body or:

1. Not less than 55 percent of the property or premises is leased by a public body, or is subject to an agreement to be subsequently leased by the public body; and

2. The portion of the property or premises that is leased or subject to an agreement to be subsequently leased by the public body measures more than 20,000 square feet.

N.J.A.C. 12:60-2A.1 Off-site manufacturing, assembly, or furnishing of materials, articles, supplies or equipment

(a) The manufacture, assembly or furnishing of materials, articles, supplies or equipment will be subject to the Prevailing Wage Act if conducted in connection with, and at the work-site of, such public works project.

(b) Custom fabrication is subject to the Prevailing Wage Act, pursuant to P.L. 2004, c. 101, § 1 (*N.J.S.A. 34:11-56.26*), but custom fabrication shall not be subject to the requirements of this section.

(c) The work-site shall be deemed to include the following:

1. The physical place or places where the building or work called for in the public works contract, which is subject to the terms of the Prevailing Wage Act, will remain; and

2. Any other site where a significant portion of the building or work associated therewith, is constructed, provided that such site is established specifically for the performance of the contract or project.

(d) The following shall be considered to be part of the work-site of a public works project and subject to the terms of the Prevailing Wage Act:

1. Job headquarters, tool yards, batch plants, borrow pits, assembly centers and any other related manufacturing or construction site of the same contractor or a subcontractor provided that:

i. They are dedicated exclusively or primarily, to the performance of the public works contract or building project; and

ii. They are adjacent or virtually adjacent to the site of the work as defined in (c)1 above.

(e) Not included in the site of the work are those locations which were established by a supplier of materials for a public works construction project before the opening of bids and not on the site of the work as set forth in (c)1 and 2 above.

N.J.A.C. 12:60-5.1 Inspections

(a) The Commissioner, or an authorized designee, shall have the authority to:

1. Inspect and copy books, registers, payrolls or other records that relate to or affect wages, hours and other conditions of employment for public works employees;

2. Question public works workmen to determine whether they are aware of violations of the prevailing wage act; and

3. Require public works employers to submit written statements, including sworn statements, concerning wages, hours, names, addresses and any other employee information as may be determined necessary by the Commissioner.

(b) If, within 10 days of a request by the Commissioner, a public works employer fails to file the material listed in (a)1 or 3 above, sworn as to its accuracy, the Commissioner may, within 15 days:

1. Direct the officer responsible for disbursement of funds for the public body which contracted for the public works project to withhold from the employer 25 percent of the amount, not to exceed \$ 100,000, due the employer under the contract for the project.

2. When the employer complies with the request for records, the Commissioner shall notify the public body, who shall immediately release the withheld funds.

(c) The public works contractors and subcontractors shall submit to the public body or lessor which contracted for the public works project the following in a form satisfactory to the Commissioner (see Appendix, incorporated herein by reference).

1. A certified payroll record on each public works project.

i. Such record shall be submitted each payroll period within 10 days of the payment of wages.

ii. The public body shall receive, file, store and make available for inspection at its normal place of business and during normal business hours the certified payroll records.

N.J.A.C. 12:60-6.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Apprentice" means an individual who, while performing work on a public work project, is registered, in good standing, in an apprenticeship program approved or certified by the Office of Apprenticeship in the United States Department of Labor.

"Records" means all books, registers, payrolls, and any other documentation maintained by the employer that have a bearing upon the question of wages, hours and other conditions of employment of any workmen.

N.J.A.C. 12:60-6.2 Responsibilities of contractors and subcontractors

(a) A contractor or subcontractor employing one or more apprentices on a public work project shall maintain with its records written evidence that the apprentice or apprentices are registered in an approved apprenticeship program while performing work on the project.

1. The contractor or subcontractor shall make all records available for inspection by the public body awarding the contract and by the Commissioner during normal business hours.

2. The awarding body and the Commissioner shall have unencumbered access to the employees who are employed on a public work project for the purpose of interviewing and determining compliance.

(b) A contractor or subcontractor shall not create job titles and worker classifications which are not consistent with prevailing practices and existing task ratios for a specific building trades craft for the purpose of circumventing the intent of this subchapter.

N.J.A.C. 12:60-6.3 Ratio of apprentices to journeymen

(a) Upon determining the prevailing wage rate and establishing the prevailing wage in the locality for each craft, trade or class of workmen needed to perform public work contracts, the Commissioner shall also determine the ratio of apprentices to journeymen for the purpose of establishing the number of workmen who may be paid the apprentice rate.

(b) If no ratio of apprentices to journeymen is set forth in the collective bargaining agreement used by the Commissioner to make his or her prevailing wage determination,

the maximum ratio of apprentices to journeymen shall be one apprentice to every four journeymen.

(c) If the prevailing collective bargaining agreement for a craft or trade does not provide for an apprentice rate, the employer shall pay the employees not less than the journeyman's rate even if an employee is registered in an apprentice program for that trade.

N.J.A.C. 12:60-6.4 Correction of wage rate

(a) If the Department determines that a worker who has been paid an apprentice wage rate on a project is entitled to a journeyman's rate, the Department shall conduct an audit and require the contractor or subcontractor to pay the worker an additional amount equal to the difference between the rate of an apprentice and the rate of a journeyman plus any applicable benefits the worker is entitled to as a journeyman.

N.J.A.C. 12:60-7.1 Purpose and scope

(a) The purpose of this subchapter is to set forth the conditions which constitute grounds for debarment from public works and Economic Development Authority (EDA) contracts, and to notify individuals of the departmental policies and procedures concerning debarment.

(b) The provisions of this subchapter shall be applicable to all contractors, subcontractors, and other persons who perform public works for any public body and EDA projects in New Jersey.

N.J.A.C. 12:60-7.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Commissioner" means the Commissioner of the Department of Labor and Workforce Development or his or her designee.

"Contractor" means a person who undertakes to perform a job or piece of a public works project or EDA project and who retains control of the means, method and manner of accomplishing the desired result. Contractor includes the officers and directors of a corporate contractor.

"Debarment" means the inclusion on a Statewide list of persons who are prohibited from performing public works or EDA projects, on the basis of a lack of responsibility evidenced by an offense as set forth in this subchapter.

"Department" means the New Jersey Department of Labor and Workforce Development.

"Entity" means a company, limited liability company, association, partnership, sole proprietorship, limited liability partnership, corporation, business trust or organization.

"Interest" means an interest in the entity bidding or performing work on the public works project, whether as an owner, partner, officer, manager, employee, agent, consultant or representative. The term also includes, but is not limited to, all instances where the debarred contractor or subcontractor receives payments, whether cash or any other form of compensation, from any entity bidding or performing work on the public works project, or enters into any contracts or agreements with the entity bidding or performing work on the public works project for services performed, or to be performed, for contracts that have been or will be assigned or sublet, or for vehicles, tools, equipment or supplies that have been or will be sold, rented or leased during the period from the initiation of the debarment proceedings until the end of the term of the debarment period. "Interest," however, does not include shares held in a publicly traded corporation if the shares were not received as compensation after the initiation of debarment from an entity bidding or performing work on a public works project.

"Person" means any natural person, company corporate officer or principal, firm, association, corporation, contractor, subcontractor or other entity engaged in public works or EDA projects.

"Public body" means the State of New Jersey, any of its political subdivisions, any authority created by the Legislature of the State of New Jersey and any instrumentality or agency of the State of New Jersey or of any of its political subdivisions.

"Public work" means constructions, reconstruction, demolition, alteration, or repair work or maintenance work, including painting and decorating, done under contract and paid for in whole or in part out of the funds of a public body, except work performed under a rehabilitation program.

"Suspension" means that an affected contractor shall not bid on or engage in any public works project effective upon the date on which he or she receives the Commissioner's Notification of Suspension Pending Debarment. Suspension shall not include public works projects bearing award dates which precede receipt of said notification.

N.J.A.C. 12:60-7.3 Conditions of debarment

(a) Debarment from public works or EDA contracts shall be made only with the approval of the Commissioner, except as otherwise provided by law.

(b) The Commissioner may debar a person, after an investigation and determination that the person has failed or refused to pay the prevailing wage rate.

(c) A violation as listed in (b) above shall not necessarily require that a person be debarred. In each case, the decision to debar shall be made at the discretion of the Commissioner unless otherwise provided by law. The Commissioner may consider the following factors as material in each decision to debar:

1. The record of previous violations by the person with the Division of Wage and Hour Compliance;
2. Previous cases of debarment by the Commissioner;
3. The frequency of violations by the person discovered in previous cases;
4. The significance or scale of the violations, consisting of shortfalls in wages or fringe benefits computed in audits;
5. The existence of outstanding audit(s) or failure(s) to pay;
6. Failure to respond to a request to produce records, forms, documents, or proof of payments; and
7. Submission of falsified or altered records, forms, documents, or proof of payment.

(d) The Commissioner may suspend a person pending debarment. The bases therefor shall include any or all of the following:

1. A history of any previous violation by the contractor of the New Jersey Prevailing Wage Act or Contractor Registration Act or any of their subsidiary regulations;
2. A history of a prior debarment or of a penalty imposed in a contested matter;
3. The existence of other contested prevailing wage or contractor registration matters pending against the contractor;
4. The size and scale of an outstanding audit by the Division of Wage and Hour Compliance is such as to indicate that the alleged violation by the contractor of the New Jersey Prevailing Wage Act, even absent a previous history of violations thereof, is significant; and/or
5. Aggravating factors which may include, but are not limited to:
 - i. Falsified testimony or statements;
 - ii. Attempts to evade investigations conducted by the Department;

iii. Attempts to intimidate or coerce workers from cooperating with the Department and its representatives in the investigation of the contractor;

iv. A history of not adhering to prior settlement agreements reached previously with the Department regarding the payment of wages, fees and penalties; and

v. A history of hiring subcontractors who have been found to be in violation of the Prevailing Wage Act or the Contractor Registration Act.

(e) When the Commissioner suspends a person from contracting, the person suspended shall be furnished with a written notice, which may be included in the notification of debarment, stating:

1. That suspension has been imposed, the date on which it becomes effective and the reasons therefor;

2. That if the contractor chooses to contest the suspension pending debarment, the contractor shall notify the Department in writing of that decision within 72 hours of receipt of the notification of suspension; and

3. That the suspension is for a temporary period, but that whenever debarment action has been initiated, the suspension may continue until the legal proceedings are completed.

(f) A Departmental-level hearing on the suspension will be held before the Director of the Division of Wage and Hour Compliance, or his or her designee, within seven days of the receipt by the Department of the contractor's notification contesting the suspension.

1. The Director, or his or her designee, shall permit the contractor to explain his or her position as to why suspension should not be imposed and to present evidence expeditiously in support of that position;

2. At the conclusion of the Departmental-level hearing, the Director, or his or her designee, shall consider all of the evidence so presented and shall reevaluate the necessity of the suspension, if so warranted by the evidence; and

3. The Director, or his or her designee, shall issue a written determination upholding or reversing the suspension and the reasons for same within five business days of the hearing.

(g) If the contractor disagrees with the written determination, he or she shall appeal said determination to the Office of Administrative Law for a hearing pursuant to the Administrative Procedure Act, *N.J.S.A. 52:14B-1 et seq.* and *52:14F-1 et seq.*, and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*, in connection with the underlying debarment action.

N.J.A.C. 12:60-7.4 Notification of debarment

(a) When the Department seeks to debar a person, the person or persons shall be furnished with a written notice stating:

1. That debarment is being considered;
2. The provisions of *N.J.S.A. 34:11-56.37* and *34:11-56.38*;
3. The specific details of the violations referring to employees involved by name, job classifications, dates of violations and any amount found due;
4. The public work or EDA project involved during which performance of the violations cited occurred; and
5. That the person shall have the right to appeal the debarment to the Commissioner within 15 days of the date of the notice of intent to debar. Any appeal received within the 15-day period will be filed as of the 15th day.

(b) The notice of intent to debar shall be mailed, by regular mail and return receipt requested, to each corporate officer of record, partner, individual proprietor or other involved person.

(c) If, after confirmation that the person has been mailed the notice of intent to debar, the person has not filed an appeal, the person shall be listed as a debarred person.

(d) All hearings conducted pursuant to this section shall be conducted in accordance with the provisions of the Administrative Procedure Act, *N.J.S.A. 52:14B-1* et seq., and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1* and *N.J.A.C. 1:12B*. Where any other State department or agency has already imposed debarment upon a party, the Commissioner may also impose a similar debarment without affording an opportunity for a hearing, provided the Commissioner furnishes notice of the proposed similar debarment to that party, and affords that party an opportunity to present information in his or her behalf to explain why the proposed similar debarment should not be imposed in whole or part.

(e) Debarment shall be for a period of three years.

N.J.A.C. 12:60-7.5 Lists

The Department shall provide the State Treasurer with the names of all persons debarred and the effective date and period of debarment, if any.

N.J.A.C. 12:60-8.1 Purpose; scope

(a) The purpose of this subchapter is to establish rules to effectuate *N.J.S.A. 34:11-56.25* et seq., the New Jersey Prevailing Wage Act (Act), provide sanctions for non-compliance, and to protect established wage rates.

(b) The chapter is applicable to:

1. Wages and hours subject to the Act; and
2. Wages paid to an employee for services rendered.

N.J.A.C. 12:60-8.2 Violations of the Act

(a) Violations of the Act shall occur when an employer:

1. Willfully hinders or delays the Commissioner in the performance of the duties of the Commissioner in the enforcement of this chapter;

2. Fails to make, keep and preserve any records as required under the provisions of this chapter;

3. Falsifies any such record;

4. Refuses to make any such record accessible to the Commissioner upon demand;

5. Refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this chapter to the Commissioner upon demand;

6. Pays or agrees to pay wages at a rate less than the prevailing rate applicable under this chapter;

7. Requests, demands, or receives, either for himself or any other person, either before or after a worker is engaged in public work at a specified rate of wages, the following:

i. That such worker forego, pay back, return, donate, contribute or give any part, or all, of his or her wages, salary or thing of value, to any person upon the statement, representation or understanding that failure to comply with such request or demand will prevent such worker from procuring or retaining employment; or

8. Otherwise violates any provision of this chapter or of any order issued under this chapter.

(b) An employer who knowingly and willfully violates any provision of this chapter shall be guilty of a disorderly persons offense and shall, upon conviction therefor:

1. Be fined not less than \$ 100.00 nor more than \$ 1,000;
2. Be imprisoned for not less than 10 nor more than 90 days; or
3. Be subject to both the fine and imprisonment.

(c) Each week in any day of which an employee is paid less than the rate applicable to him or her under the Act or under a minimum fair wage order, and each employee so paid, shall constitute a separate offense.

N.J.A.C. 12:60-8.3 Administrative penalties

(a) As an alternative to or in addition to any other sanctions provided for in *N.J.A.C. 12:60-8.2*, pursuant to *N.J.S.A. 34:11-56.25* et seq. when the Commissioner finds that an employer has violated that Act, the Commissioner is authorized to assess and collect administrative penalties in the amounts that follow:

1. First violation--not more than \$ 2,500.
2. Second and subsequent violations--not more than \$ 5,000.

(b) No administrative penalty shall be levied pursuant to this subchapter unless the Commissioner provides the alleged violator with notification by certified mail of the violation and the amount of the penalty and an opportunity to request a formal hearing. A request for a formal hearing must be received within 15 working days following the receipt of the notice.

1. If a hearing is not requested, the notice shall become a final order upon the expiration of the 15-working day period following receipt of the notice.

2. If a hearing is requested, the Commissioner shall issue a final order upon such hearing and a finding that a violation has occurred.

3. All wages due, fees and penalties shall be paid within 30 days of the date of the final order. Failure to pay such wages due, fees and/or penalty shall result in a judgment being obtained in a court of competent jurisdiction.

4. All payments shall be made payable to the "Commissioner of Labor and Workforce Development, Prevailing Wage Trust Fund." All payments shall be made by

certified check or money order, or payable in a form suitable to the Commissioner of Labor and Workforce Development.

(c) In assessing an administrative penalty pursuant to this chapter, the Commissioner shall consider the following factors, where applicable, in determining what constitutes an appropriate penalty for the particular violations.

1. The seriousness of the violation;
2. The past history of previous violations by the employer;
3. The good faith of the employer;
4. The size of the employer's business; and
5. Any other factors which the Commissioner deems to be appropriate in the determining of the penalty assessed.

N.J.A.C. 12:60-8.4 Administrative fees

(a) The Commissioner is authorized to supervise the payment of amounts due to employees under this chapter, and the employer may be required to make these payments to the Commissioner to be held in a special account in trust for the employee, and paid on order of the Commissioner directly to the employee or employees affected.

(b) The employer shall also pay the Commissioner an administrative fee on all payments due to employees pursuant to Articles 1 and 2 of Chapter 11 of Title 34 of the revised statutes.

(c) A schedule of the administrative fees is set forth in Table 8.4(c) below:
Table 8.4(c)
Schedule of Administrative Fees

1. First violation--10 percent of amount of any payment made to the Commissioner pursuant to this chapter;
2. Second violation--18 percent of amount of any payment made to the Commissioner pursuant to this chapter;
3. Third and subsequent violations--25 percent of amount of any payment made to the Commissioner pursuant to this chapter.

N.J.A.C. 12:60-8.5 Interest

(a) When the Commissioner makes an award of back pay, he or she may also award interest in the following situations:

1. When an employer has unreasonably delayed compliance with an order of the Commissioner to pay wages owed to an employee;
2. Where an equitable remedy is required in order to recover the loss of the present value of money retained by the employer over an extensive period of time; or
3. Where the Commissioner finds sufficient cause based on the particular case.

(b) Where applicable, interest deemed owed to an employee shall be calculated at the annual rate as set forth in *New Jersey Court Rules, 4:42-11*.

N.J.A.C. 12:60-8.6 Hearings

(a) No assessment of wages, fees or penalties shall be levied pursuant to this subchapter unless the Commissioner provides the alleged violator with written notification of the violation and the amount of the wages, fees and/or penalties, and an opportunity to request a formal hearing. A request for a formal hearing must be received within 15 business days following the receipt of the notice of assessment. All contested cases shall be heard pursuant to the Administrative Procedures Act, *N.J.S.A. 52:14B-1* et seq. and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*. The filing of a request for a hearing regarding wages, fees or penalties shall not preclude the Commissioner from pursuing other remedies under the Prevailing Wage Act, including debarment pursuant to *N.J.S.A. 34:11-56.37* and *56.38*.

(b) All requests for a hearing shall be reviewed by the Division of Wage and Hour Compliance to determine if the reason for dispute could be resolvable at an informal settlement conference. If the review indicates that an informal settlement conference is warranted, such conference shall be scheduled. If a settlement cannot be reached, the case shall be forwarded to the Office of Administrative Law for a formal hearing.

(c) The Commissioner shall make the final decision of the Department.

(d) Appeals of the final decision of the Commissioner shall be made to the Appellate Division of the New Jersey Superior Court.

(e) If the employer, or a designated representative of the employer, fails to appear at a requested hearing, the Commissioner or his or her designee may, for good cause shown, reschedule a hearing.

(f) If the Commissioner or his or her designee does not authorize such a rescheduled hearing, then the Commissioner shall issue a final agency determination.

(g) Payment of the wages, fees and/or penalties is due when a final agency determination is issued.

(h) Upon final determination, the wages, fees and penalties may be recovered with cost in a summary proceeding commenced by the Commissioner.

N.J.A.C. 12:60-8.7 Discharge or discrimination against employee making complaint

(a) An employer is a disorderly person, if he or she discharges or in any other manner discriminates against any employee because such employee has made any complaint to his or her employer, to the public body, or to the Commissioner that he or she has not been paid wages in accordance with the provisions of this chapter, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this chapter, or because such employee has testified or is about to testify in any such proceeding, shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$ 100.00 nor more than \$ 1,000.00.

(b) As an alternative to, or in addition to, any sanctions imposed under (a) above, the Commissioner is authorized under N.J.S.A. 34:11-56a.24 to assess and collect administrative penalties as provided for in *N.J.A.C. 12:60-8.3*.

N.J.S.A. 34:11-56.50. Definitions relative to public works contractors

As used in this act:

"Commissioner" means the Commissioner of Labor and Workforce Development or his duly authorized representatives.

"Contractor" means a person, partnership, association, joint stock company, trust, corporation, or other legal business entity or successor thereof who enters into a contract which is subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (*C.34:11-56.25 et seq.*), and includes any subcontractor or lower tier subcontractor of a contractor as defined herein.

"Department" means the Department of Labor and Workforce Development.

"Director" means the Director of the Division of Wage and Hour Compliance in the Department of Labor and Workforce Development.

"Worker" includes laborer, mechanic, skilled or semi-skilled laborer and apprentices or helpers employed by any contractor or subcontractor and engaged in the performance of

services directly upon a public work, regardless of whether their work becomes a component part thereof, but does not include material suppliers or their employees who do not perform services at the job site.

N.J.S.A. 34:11-56.51. Registration required for contractors, subcontractors

No contractor shall bid on any contract for public work as defined in section 2 of P.L. 1963, c. 150 (*C. 34:11-56.26*) unless the contractor is registered pursuant to this act. No contractor shall list a subcontractor in a bid proposal for the contract unless the subcontractor is registered pursuant to P.L. 1999, c. 238 (*C. 34:11-56.48 et seq.*) at the time the bid is made. No contractor or subcontractor, including a subcontractor not listed in the bid proposal, shall engage in the performance of any public work subject to the contract, unless the contractor or subcontractor is registered pursuant to that act.

N.J.S.A. 34:11-56.52. Contractor to register in writing; form; requisites

a. A contractor shall register in writing with the department on a form provided by the commissioner. The form shall require the following information:

- (1) The name, principal business address and telephone number of the contractor;
- (2) Whether the contractor is a corporation, partnership, sole proprietorship, or other form of business entity;
- (3) If the contractor's principal business address is not within the State, the name and address of the contractor's custodian of records and agent for service of process in this State;
- (4) The name and address of each person with a financial interest in the contractor and the percentage interest, except that if the contractor is a publicly-traded corporation, the contractor shall supply the names and addresses of the corporation's officers;
- (5) The contractor's tax identification number and unemployment insurance registration number; and
- (6) Any other relevant and appropriate information as determined by the commissioner.

b. At the time of registration, and subsequently upon request, the contractor shall submit to the commissioner documentation demonstrating that the contractor has worker's compensation insurance coverage for all workers as required by law.

N.J.S.A. 34:11-56.53. Nonrefundable registration fees

a. The contractor shall pay an initial annual non-refundable registration fee of \$ 300 to the commissioner. The non-refundable registration fee for the second annual registration shall be \$ 300. Upon successful completion of two consecutive years of registration, a contractor may elect to register for a two-year period and pay a non-refundable registration fee of \$ 500.

b. A contractor who is performing public work on the effective date of this act shall submit the registration application form and fee to the commissioner within 30 days of the effective date of this act.

c. Registration fees collected pursuant to this act shall be applied toward the enforcement and administration costs of the Division of Workplace Standards, Office of Wage and Hour Compliance, Public Contracts section and Registration section within the department.

N.J.S.A. 34:11-56.54. Issuance of certificate of registration

Upon receipt of the fee, form and documentation required by section 5 of this act [C.34:11-56.52], the commissioner shall issue a certificate of registration to the contractor. A registration certificate shall be valid for one calendar year from the date of registration. Registrations shall be renewed not less than 30 days before the expiration date of the immediately preceding registration.

N.J.S.A. 34:11-56.55. Submission of all subcontractor registration certificates by contractor

Each contractor shall, after the bid is made and prior to the awarding of the contract, submit to the public entity the certificates of registration for all subcontractors listed in the bid proposal. Applications for registration shall not be accepted as a substitute for a certificate of registration for the purposes of this section.

N.J.S.A. 34:11-56.56. Violation; disorderly persons offense; other penalties; suspension; hearing

a. A contractor who:

(1) willfully hinders or delays the commissioner in the performance of his duties in the enforcement of this act;

(2) fails to make, keep, and preserve any records as required under the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.);

(3) falsifies any such record, or refuses to make any such record accessible to the commissioner upon demand;

(4) refuses to furnish a sworn statement of such records or any other information required for the enforcement of this act to the commissioner upon demand;

(5) pays or agrees to pay wages at a rate less than the rate prescribed by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (*C.34:11-56.25 et seq.*); or

(6) otherwise violates any provision of this act, shall be guilty of a disorderly persons offense.

b. As an alternative to or in addition to sanctions provided by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (*C.34:11-56.25 et seq.*), the commissioner may, after providing the contractor with notice of any alleged violation of this act, and with an opportunity to request a hearing before the commissioner or his designee:

(1) Deny renewal, revoke or suspend the registration of a contractor for a period of not more than five years; or

(2) Require a contractor, as a condition of initial or continued registration, to provide a surety bond payable to the State. The surety bond shall be for the benefit of workers damaged by any failure of a contractor to pay wages or benefits pursuant to or otherwise comply with the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (*C.34:11-56.25 et seq.*) or this act. The surety bond shall be in the amount and form that the commissioner deems necessary for the protection of the contractor's workers, but shall not exceed \$ 10,000 per worker. The surety bond shall be issued by a surety that meets the requirements of *N.J.S.2A:44-143*.

c. The director may order the immediate suspension of a contractor's registration, prior to a formal hearing on the revocation of the contractor's registration pursuant to subsection b. of this section, if the director determines that ordering an immediate suspension is in the public interest and provided that the contractor is afforded an opportunity to contest the immediate suspension in the following manner:

(1) The director shall notify the contractor in writing of the immediate revocation and the contractor's rights under the subsection.

(2) The contractor may notify the director of its request for an opportunity to be heard and contest the immediate suspension in writing within 72 hours of its receipt of immediate suspension notification.

(3) Within seven business days of receipt of the notification from the contractor pursuant to paragraph (2) of this subsection, the director shall grant the contractor a hearing to contest the immediate suspension. The director shall permit the contractor to present evidence at the hearing.

(4) The director shall issue a written decision within five business days of the hearing either upholding or reversing the contractor's immediate suspension. The decision shall include the grounds for upholding or reversing the contractor's immediate suspension.

(5) If the contractor disagrees with the written decision, the contractor may appeal the decision to the commissioner, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (*C.52:14B-1* et seq.).

d. If the director intends to impose an immediate suspension as set forth in subsection c. of this section, based upon a rebuttable presumption as set forth in section 14 of P.L.1963, c.150 (*C.34:11-56.38*), the director shall provide the contractor with a notice of intent to suspend and the contractor may request a hearing before the Director of the Division of Wage and Hour Compliance within 72 hours of the receipt of the notice of intent to suspend in order to present evidence expeditiously in support of the position that the suspension should not be imposed. The suspension shall not take effect prior to the expiration of the 72-hour opportunity to request a hearing. If such a request is not made, the suspension shall take effect at the end of the 72-hour period. If such a request is made, the suspension shall take effect only after the director conducts the hearing.

e. If the director orders the immediate suspension of a contractor's registration pursuant to subsection b. of this section, the violation shall have no effect on the registration of any contractor or subcontractor, regardless of tier, in the contractual chain with the suspended contractor.

N.J.A.C. 12:62-2.1 Registration required

(a) No contractor shall bid on any contract for public work unless the contractor is registered pursuant to the Act. In addition:

1. No contractor shall list a subcontractor, including a contractor/subcontractor who is involved in off-site custom fabrication, as defined in N.J.S.A. 34:11-56.26, in a bid proposal for a public works contract unless the subcontractor as required is registered pursuant to the terms of N.J.S.A. 34:11-56.48 et seq., the Public Works Contractor Registration Act, at the time the bid is submitted to the public entity; and

2. No contractor or subcontractor not listed on the bid proposal shall engage in the performance of any public work project unless the contractor or subcontractor is registered pursuant to the Act.

(b) Any contractor which seeks to register under the Act shall apply to the Division of Wage and Hour Compliance, within the Department of Labor and Workforce

Development. For this purpose, the Department shall prepare a "New Jersey Department of Labor and Workforce Development Application for Public Works Contractor Registration." This form shall be available from the Department.

(c) As part of its application to the Department, a contractor shall provide all required information and documents requested by the Application for Public Works Contractor Registration. The information to be submitted for review shall include:

1. The name, principal business address, telephone and fax number as well as any e-mail address of the business;

2. Whether the contractor or subcontractor is a corporation, partnership, sole proprietorship, or other form of a business entity;

3. The name and address of the custodian of records and agent for service of process within the State of New Jersey;

4. The name, addresses of residence, and telephone number of each person with a financial interest in the business and the percentage of interest, except that if the business is a publicly traded corporation, the contractor shall supply the names and addresses of residence of the corporation's officers;

5. The business' Federal Employer Identification Number and State of New Jersey Taxpayer Identification Number;

6. A history of previous and/or current labor law violations and the final dispositions of such violations and any violations, or pending violations, brought by a governmental entity of criminal or civil statutes and/or regulations which would reflect upon the fitness of the applicant/contractor to bid on or engage in public work projects;

7. Proof of workers' compensation insurance; and

8. Any other relevant and appropriate information from a particular applicant as determined by the Commissioner.

(d) The contractor shall pay an initial, non-refundable, annual registration fee of \$ 300.00 to the Commissioner. The non-refundable fee for the second annual registration shall be \$ 300.00. Upon successful completion of two consecutive years of registration, a contractor may elect to register for a two-year period and pay a non-refundable registration fee of \$ 500.00. However, a two-year registration will only be granted if the applicant has not

violated the Act and/or the Prevailing Wage Act or these rules during the period of licensure preceding submission of the renewal application.

(e) An applicant shall fully and accurately complete all relevant parts of the Application for Public Works Contractor Registration. Failure to provide a complete application shall result in rejection.

(f) An applicant who fails to provide specifically requested additional information or documentation shall be considered not in compliance with the Act and shall be subject to rejection.

(g) If the applicant knowingly supplies incomplete or inaccurate information to the Department in connection with his or her application, he or she shall be disqualified under these rules, barred from reapplying for registration for a period of up to one year from the date of notice of disqualification, and may be subject to other penalties described in N.J.A.C. 12:62-2.3, 2.4 and 2.5.

ASBESTOS CONTROL AND LICENSING

The statutes and regulations pertaining to asbestos control and licensing are available at http://lwd.dol.state.nj.us/labor/lssc/laws/Asbestos_law.html

N.J.S.A. 34:5A-34. Definitions

As used in this act:

a. "Asbestos" means the asbestiform varieties of chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonitegrunerite); anthophyllite; termolite; and actinolite;

b. "Asbestos-containing material" means any material which contains more than 1% asbestos by weight;

c. "Employee" means any person suffered or permitted to work by an employer;

d. "Employer" means a body, board, person, corporation, partnership, proprietorship, joint venture, fund, authority or similar entity employing, permitting or suffering another to work. In the case of a corporation, the officers of the corporation and any agents having the management of the corporation shall be deemed to be employers of the employees of the corporation for the purposes of this act. This term shall apply to private

employers and to the State, its political subdivisions, and any boards, commissions, schools, institutions, or authorities created or recognized thereby;

e. "Friable" means asbestos-containing material that when dry may be crumbled, pulverized or reduced to powder by hand pressure, and includes previously nonfriable asbestos-containing material after that material becomes damaged to the extent that when dry it may be crumbled, pulverized or reduced to powder by hand pressure.

N.J.S.A. 34:5A-35. Specifications required

Any private or public agency letting contracts for any activity involving the application, enclosure, repair, removal or encapsulation of asbestos in any structure for which a license is required shall include in these contracts specifications that these contracts are to be performed by contractors and subcontractors licensed by the Commissioner of Labor.

N.J.S.A. 34:5A-36. License for asbestos work; exception

No employer shall either directly or indirectly perform any of the functions of application, enclosure, removal, or encapsulation of asbestos in any structure, nor enter into any contract with the owner or the owner's representative for the employer to perform such work or services, without first obtaining a nontransferable license from the Commissioner of Labor, except private employers subject to the federal Occupational Safety and Health Act of 1970 (29 U.S.C. s. 651 et seq.) who use their own employees to apply, enclose, remove, repair, or encapsulate asbestos in their own facility, or as otherwise exempted pursuant to section 7 of P.L.1994, c.21 (C.34:5A-43).

This license shall be in writing, shall be dated when issued, shall contain an expiration date, and shall be signed by the commissioner. The commissioner may issue employer licenses with such conditions as the commissioner deems necessary, and as adopted by regulation, specifying the scope of work authorized by such license. No license shall be issued by the commissioner unless the employer has completed a course of training certified by, and satisfactorily has completed an examination approved by, the Department of Health. The license shall give the name and address of the employer to whom it is issued. Licensed employers shall post a sign indicating, in letters more than four inches in height, "LICENSED BY THE STATE OF NEW JERSEY FOR ASBESTOS WORK," readily visible outdoors at the work site. The actual license shall be readily available at the work site for inspection by representatives of the Commissioners of Labor and Health and the contracting agency.

N.J.S.A. 34:5A-37. Performance permit, exception

Every employee performing functions of application, enclosure, repair, removal, or encapsulation of asbestos, with the exception of employees of an employer subject to the federal Occupational Safety and Health Act of 1970 (29 U.S.C. s. 651 et seq.) applying, enclosing, repairing, removing, or encapsulating asbestos at the employer's own facility, or as otherwise exempted pursuant to section 7 of P.L.1994, c.21 (C.34:5A-43), shall first procure from the Commissioner of Labor a performance permit. No permit shall be issued unless the employee has taken a course of training in asbestos control and removal, passed an examination thereon, and demonstrated the ability to perform asbestos control and removal safely, in accordance with the current state-of-the-art technology. The Commissioner of Health shall certify the course of training and approve the examination necessary for a permit. This permit shall be in writing, shall be dated when issued, shall contain an expiration date, and shall be signed by the Commissioner of Labor. It shall give the name and address of the employee to whom it is issued. The permit shall be carried upon the worker's person and be readily available for inspection by representatives of the Commissioners of Labor and Health and the contracting agency. The Commissioner of Labor may place reasonable conditions on employee permits which specify the scope of work authorized by such permit.

N.J.A.C. 12:120-1.4 Scope

(a) This chapter shall apply to:

1. Licensing of employers;
2. Training, examination and issuance of permits to workers;
3. Training, examination and issuance of permits to supervisors;
4. Certifying of training agencies and courses for the above job classifications;
5. Employers having a contractual relationship for asbestos work with the owner of a building or structure or equipment for the application, enclosure, encapsulation, repair, or removal of asbestos-containing material; and

6. Any public or private building, structure or equipment on which asbestos work is performed, except as provided in (b) below.

(b) This chapter shall not apply to:

1. The limited repair of asbestos-containing material on any pipe, duct, boiler, tank, structural member or similar equipment by the application of duct tape, rewettable glass cloth, canvas, cement or other sealable material to seal exposed areas from which asbestos fibers may be released;

2. The stripping, limited repair, or removal of three feet or less of asbestos-containing material from piping;

3. The stripping, limited repair or removal of three square feet or less of asbestos-containing material from any duct, boiler, tank, structural member, or similar equipment;

4. The sale or storage of asbestos;

5. The application, enclosure, encapsulation, repair, or removal of asbestos-containing roofing and exterior siding materials in all but demolition projects;

6. The licensure of private employers subject to the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., using their own employees to apply, enclose, encapsulate, repair or remove asbestos-containing material in their own facility; or

7. The permitting of employees subject to the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., who apply, enclose, encapsulate, repair or remove asbestos-containing materials in their employer's own facility.

N.J.A.C. 12:120-3.2. Compliance

(a) Every employer falling within the scope of this chapter, who performs any of the functions of application, enclosure, repair, removal or encapsulation of asbestos in any structure, or who enters into any contract with the owner or owner's representative for the employer to perform such work or services, shall comply with the provisions of this chapter and shall be issued a nontransferable license by the Commissioner of Labor and Workforce Development.

(b) For the purpose of determining under (a) above whether an employer is performing any of the functions of application, enclosure, repair, removal or encapsulation of asbestos in any structure, or entering into any contract with the owner or owner's representative for the employer to perform such work and, therefore, whether the employer is required to comply with the provisions of this chapter and be issued a nontransferable license by the Commissioner of Labor and Workforce Development, the Department of Labor and Workforce Development and the Department of Health and Senior Services shall analyze all bulk samples obtained to determine the presence of asbestos utilizing the "Test Method -- Method for the Determination of Asbestos in Bulk Building Materials," EPA/600/R-93/116, July 1993, incorporated herein by reference, as amended and supplemented.

1. The Department of Labor and Workforce Development and the Department of Health and Senior Services shall analyze Category I non-friable asbestos containing material and other non-friable organically bound material utilizing the "Test Method -- Method for the Determination of Asbestos in Bulk Building Materials," EPA/600/R-93/116, July 1993, in the manner prescribed within the Appendix to this chapter.

(c) Every employee falling within the scope of this chapter who performs the functions of application, enclosure, repair, removal or encapsulation of asbestos shall procure a performance permit issued by the Commissioner of Labor and Workforce Development pursuant to this chapter.

(d) Every employer and employee shall take all prudent measures to comply with written recommendations made by the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be.

N.J.A.C. 12:120-4.2 Exempted activities

(a) The Commissioner of Health and Senior Services may exempt from the license requirements those designated asbestos-related activities based on sufficient data which indicates that no significant exposure exists to perform such activity. Such data shall be submitted to the Commissioner of Health and Senior Services for review at least 10 calendar days prior to the beginning of such work.

(b) These exempted activities involve non-friable asbestos containing material that is not rendered friable by the activity.

N.J.A.C. 12:120-7.2 Notification requirements

(a) Every employer under the scope of this subchapter who plans to perform asbestos work in New Jersey shall submit a written notification of intent to perform asbestos work at least 10 calendar days prior to beginning such work on forms specified by the Department of Health and Senior Services except where such work is exempted at N.J.A.C. 12:120-1.4(b) (8:60-1.4(b)).

1. The date of submission of the notice is determined to be the date as postmarked by the United States Postal Service on the transmittal envelope.

2. If the postmark is not legible, or if metered mail is used, the date of submission of the notice is determined to be the date of receipt by either the Commissioner of Labor and Workforce Development or Health and Senior Services.

3. If an earlier mailing date is established by proof of mailing with a recognized United States Postal Service receipt, the date of submission of the notice is determined to be the established date.

4. The pick-up date of a recognized overnight delivery or courier service shall be deemed equivalent to a United States Postal Service postmark.

5. Facsimile transmissions of written notifications of intent to perform asbestos work are only accepted as submissions where emergency circumstances are warranted pursuant to this subchapter.

(b) The written notification required by (a) above shall include:

1. The name, address, and telephone number of the licensee;
2. The license number and type of license held by the licensee;
3. The name and address of the owner of the facility;
4. The location and description of the facility;
5. A description of the asbestos work to be performed;
6. The starting and scheduled completion dates of the asbestos work;

7. The name and address of the waste disposal site where the asbestos-containing material will be disposed;

8. The name, address and New Jersey Waste Hauler identification number of the registered waste hauler;

9. A \$ 200.00 non-refundable fee (certified check or money order made payable to the Commissioner of Labor and Workforce Development); and

10. Any other relevant information which the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be, determines to be necessary.

(c) Amended written notifications shall be submitted in accordance with and pursuant to N.J.A.C. 12:120-7.2(a) and (b) and 8:60-7.2(a) and (b). Amended notifications to the Commissioner of Labor and Workforce Development and the Commissioner of Health and Senior Services are required when:

1. The starting date is delayed beyond the scheduled completion date as submitted on the initial notification;

2. The scheduled completion date will extend beyond the scheduled completion date as submitted on the initial notification:

3. The scope or description of the asbestos work to be performed for the facility changes; or

4. Any other items as required pursuant to N.J.A.C. 12:120-7.2(b) and 8:60-7.2(b) that may change.

(d) The Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be, may allow less than 10 calendar days prior notification where emergency circumstances warrant less than a 10 calendar day prior notification.

1. Where emergency circumstances warrant less than a 10 calendar day prior notification, an employer shall still be required to adhere to the remaining requirements of N.J.A.C. 12:120-7.2(a) and (b) and 8:60-7.2(a) and (b) when it plans to perform asbestos work in New Jersey.

2. To enable the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services to determine whether a waiver of the 10 calendar day prior notification may be granted, the notifying party shall:

i. Submit a written explanation from the facility owner or from the third party environmental engineer representing the facility owner to both the Commissioner of Labor and Workforce Development and the Commissioner of Health and Senior Services which details:

(1) The unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action; and

(2) The impact upon the facility owner should a waiver of the 10 calendar day prior notification not be granted.

ii. By facsimile transmission or express delivery, submit a written notice for the emergency circumstance pursuant to N.J.A.C. 12:120-7.2(b) and 8:60-7.2(b).

3. A request for a waiver of the 10 calendar days prior notification may be reviewed for approval by the Commissioner of Labor and Workforce Development or Health and Senior Services when received by facsimile transmission or express delivery. Only after the Commissioner of Labor and Workforce Development or Health and Senior Services has determined and has authorized that the emergency circumstance warrants a waiver, may the asbestos work proceed as notified.

(e) Written notifications required pursuant to this subchapter shall be submitted to:

New Jersey Department of Labor and Workforce Development
Asbestos Control and Licensing Section
1 John Fitch Plaza, 3rd Floor
PO Box 392
Trenton, NJ 08625-0392

and

New Jersey Department of Health and Senior Services
Consumer and Environmental Health Services
PO Box 369
Trenton, NJ 08625-0369

APPENDIX 3.5:
NEW JERSEY DEPARTMENT OF HEALTH

The New Jersey Department of Health (DOH) provides comprehensive general information for asbestos detection, removal, management and disposal activities. The DOH is the lead agency for the asbestos and environmental health information in New Jersey and has received partial authorization from the United States Environmental Protection Agency (EPA) to administer a state program for asbestos workers and supervisors. Under N.J.A.C. 8:60, the DOH administers the asbestos training and certification activities.

N.J.A.C. 8:60 Scope

(a) This chapter shall apply to:

1. Licensing of employers;
2. Training, examination and issuance of permits to workers;
3. Training, examination and issuance of permits to supervisors;
4. Certifying of training agencies and courses for the above job classifications;
5. Employers having a contractual relationship for asbestos work with the owner of a building or structure or equipment for the application, enclosure, encapsulation, repair, or removal of asbestos-containing material; and
6. Any public or private building, structure or equipment on which asbestos work is performed, except as provided in (b) below.

(b) This chapter shall not apply to:

1. The limited repair of asbestos-containing material on any pipe, duct, boiler, tank, structural member or similar equipment by the application of duct tape, rewettable glass cloth, canvas, cement or other sealable material to seal exposed areas from which asbestos fibers may be released;
2. The stripping, limited repair, or removal of three feet or less of asbestos-containing material from piping;

3. The stripping, limited repair or removal of three square feet or less of asbestos-containing material from any duct, boiler, tank, structural member, or similar equipment;

4. The sale or storage of asbestos;

5. The application, enclosure, encapsulation, repair, or removal of asbestos-containing roofing and exterior siding materials in all but demolition projects;

6. The licensure of private employers subject to the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., using their own employees to apply, enclose, encapsulate, repair or remove asbestos-containing material in their own facility;
or

7. The permitting of employees subject to the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq., who apply, enclose, encapsulate, repair or remove asbestos-containing materials in their employer's own facility.

N.J.A.C. 8:60-3.2. Compliance

(a) Every employer falling within the scope of this chapter, who performs any of the functions of application, enclosure, repair, removal or encapsulation of asbestos in any structure, or who enters into any contract with the owner or owner's representative for the employer to perform such work or services, shall comply with the provisions of this chapter and shall be issued a nontransferable license by the Commissioner of Labor and Workforce Development.

(b) For the purpose of determining under (a) above whether an employer is performing any of the functions of application, enclosure, repair, removal or encapsulation of asbestos in any structure, or entering into any contract with the owner or owner's representative for the employer to perform such work and, therefore, whether the employer is required to comply with the provisions of this chapter and be issued a nontransferable license by the Commissioner of Labor and Workforce Development, the Department of Labor and Workforce Development and the Department of Health and Senior Services shall analyze all bulk samples obtained to determine the presence of asbestos utilizing the "Test Method -- Method for the Determination of Asbestos in Bulk Building Materials," EPA/600/R-93/116, July 1993, incorporated herein by reference, as amended and supplemented.

1. The Department of Labor and Workforce Development and the Department of Health and Senior Services shall analyze Category I non-friable asbestos containing material and other non-friable organically bound material utilizing the "Test Method -- Method for the Determination of Asbestos in Bulk Building Materials," EPA/600/R-93/116, July 1993, in the manner prescribed within the Appendix to this chapter.

(c) Every employee falling within the scope of this chapter who performs the functions of application, enclosure, repair, removal or encapsulation of asbestos shall procure a performance permit issued by the Commissioner of Labor and Workforce Development pursuant to this chapter.

(d) Every employer and employee shall take all prudent measures to comply with written recommendations made by the Commissioner of Labor and Workforce Development or the Commissioner of Health and Senior Services, as the case may be.

N.J.A.C. 8:60-4.2 and 4.5 Exempted activities

(a) The Commissioner of Health may exempt from the license requirements those designated asbestos-related activities based on sufficient data which indicates that no significant exposure exists to perform such activity. Such data shall be submitted to the Commissioner of Health for review at least 10 calendar days prior to the beginning of such work.

(b) These exempted activities involve non-friable asbestos containing material that is not rendered friable by the activity.

APPENDIX 3.6:
NEW JERSEY DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION
PROGRAM

Link to the Department of Agriculture Rules

<http://nj.gov/agriculture/divisions/anr/pdf/Rules2006.pdf>

Authority

The Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39 et seq.) requires land disturbances which meet the definition of a “project” to secure soil erosion and sediment control plan certification prior to the initiation of the land disturbance.

N.J.S.A. 4:24-41

- a. “Project” means any disturbance of more than 5,000 square feet of the surface area of land (1) for the accommodation of construction for which the State Uniform Construction Code would require a construction permit, except that the construction of a single-family dwelling unit shall not be deemed a ‘project’ under this act unless such unit is part of a proposed subdivision, site plan, conditional use, zoning variance, planned development or construction permit application involving two or more such single-family dwelling units; (2) for the demolition of one or more structures; (3) for the construction of a parking lot; (4) for the construction of a public facility; (5) for the operation of any mining or quarrying activity; or (6) for the clearing or grading of any land for other than agricultural or horticultural purposes.

Procedure

No Soil Disturbance – For either a demolition of structure or structure down by storm involving no soil disturbance in excess of 5,000 square feet, the Soil Erosion and Sediment Control Act would not apply.

Demolition Permit required - Demolition activities with accompanied soil disturbance of 5,000 square feet or greater requires soil erosion and sediment control plan certification by the local soil conservation district prior to the issuance of a demolition permit by the local construction code official. Certification may either be through the proposed, expedited process (attached) when applicable or through the standard certification process. At the conclusion of debris removal, the property should be stabilized in accordance with the Standards for Soil Erosion and Sediment Control and a Report of Compliance inspection scheduled with the local District.

No Demolition Permit required - Demolition or structure down by storm activities with an accompanied soil disturbance of 5,000 square feet or greater requires soil erosion and

sediment control plan certification prior to any land disturbing activities. Certification may either be through the proposed, expedited process (attached) when applicable or through the standard certification process. At the conclusion of debris removal, the property should be stabilized in accordance with the Standards for Soil Erosion and Sediment Control and a Report of Compliance inspection scheduled with the local District. Close coordination between the local municipal officials and soil conservation district staff is essential to identify potential activities which may fall into this category.

2:90-1.3 STANDARDS

(a) The State Soil Conservation Committee adopts and hereby incorporates into these rules by reference as standards for soil erosion and sediment control those standards published in the "Standards for Soil Erosion and Sediment Control in New Jersey", and identified as adopted or revised on April 12, 1999 as the technical basis for local soil conservation district certification of soil erosion and sediment control plans. Specifically, these standards include the following:

| | |
|---|------|
| 1. Vegetative Standards | |
| Acid Soil Management | 1-1 |
| Adopted April 12, 1999 | |
| Dune Stabilization..... | 2-1 |
| Revised April 12, 1999 | |
| Maintaining Vegetation | 3-1 |
| Revised April 12, 1999 | |
| Permanent Vegetative Cover for Soil Stabilization | 4-1 |
| Revised April 12, 1999 | |
| Stabilization with Mulch Only..... | 5-1 |
| Revised April 12, 1999 | |
| Stabilization with Sod..... | 6-1 |
| Revised April 12, 1999 | |
| Temporary Vegetative Cover for Soil Stabilization | 7-1 |
| Revised April 12, 1999 | |
| Topsoiling..... | 8-1 |
| Revised April 12, 1999 | |
| Tree Protection During Construction..... | 9-1 |
| Revised April 12, 1999 | |
| Trees, Shrubs and Vines | 10-1 |
| Revised April 12, 1999 | |
| 2. Engineering Standards | |
| Channel Stabilization..... | 11-1 |
| Revised April 12, 1999 | |
| Conduit Outlet Protection | 12-1 |
| Revised April 12, 1999 | |
| Detention Basin..... | 13-1 |
| Revised April 12, 1999 | |
| Dewatering..... | 14-1 |
| Adopted April 12, 1999 | |
| Diversions | 15-1 |
| Revised April 12, 1999 | |
| Dust Control..... | 16-1 |
| Revised April 12, 1999 | |
| Grade Stabilization Structure..... | 17-1 |

| | |
|---|------|
| Revised April 12, 1999 | |
| Grassed Waterway | 18-1 |
| Revised April 12, 1999 | |
| Land Grading | 19-1 |
| Revised April 12, 1999 | |
| Lined Waterway | 20-1 |
| Revised April 12, 1999 | |
| Offsite Stability Analysis | 21-1 |
| Adopted April 12, 1999 | |
| Parking Lot Storage | 22-1 |
| Revised April 12, 1999 | |
| Riprap | 23-1 |
| Revised April 12, 1999 | |
| Rooftop Storage | 24-1 |
| Revised April 12, 1999 | |
| Sediment Barrier | 25-1 |
| Revised April 12, 1999 | |
| Sediment Basin | 26-1 |
| Revised April 12, 1999 | |
| Slope Protection Structures | 27-1 |
| Revised April 12, 1999 | |
| Soil Bioengineering | 28-1 |
| Adopted April 12, 1999 | |
| Stabilized Construction Access | 29-1 |
| Revised April 12, 1999 | |
| Storm Sewer Inlet Protection | 30-1 |
| Revised April 12, 1999 | |
| Stream Crossing | 31-1 |
| Adopted April 12, 1999 | |
| Subsurface Drainage | 32-1 |
| Revised April 12, 1999 | |
| Traffic Control | 33-1 |
| Revised April 12, 1999 | |
| Turbidity Barrier | 34-1 |
| Adopted April 12, 1999 | |
| Underground Detention Storage | 35-1 |
| Revised April 12, 1999 | |
| | |
| 3. Stormwater Runoff Treatment Standards | |
| Dry Wells | 36-1 |
| Adopted April 12, 1999 | |
| Extended Detention Basin | 37-1 |
| Adopted April 12, 1999 | |
| Infiltration Structures | 38-1 |
| Adopted April 12, 1999 | |
| On-Line Water Quality Storm Sewer Catch Basin | 39-1 |

Adopted April 12, 1999

Sand Filters 40-1

Adopted April 12, 1999

Vegetative Filter Strip 41-1

Adopted April 12, 1999

Wet Ponds 42-1

Adopted April 12, 1999

4. Copies of the Standards may be obtained by contacting the State Soil Conservation Committee or any of the soil conservation districts as follows:

- i. Bergen County Soil Conservation District;
- ii. Burlington County Soil Conservation District;
- iii. Camden County Soil Conservation District;
- iv. Cape-Atlantic Soil Conservation District (Cape May and Atlantic Counties);
- v. Cumberland County Soil Conservation District
- vi. Freehold Soil Conservation District (Middlesex and Monmouth Counties);
- vii. Gloucester County Soil Conservation District;
- viii. Hudson, Essex and Passaic Soil Conservation District (Hudson, Essex and Passaic Counties);
- ix. Hunterdon County Soil Conservation District;
- x. Mercer County Soil Conservation District;
- xi. Morris County Soil Conservation District;
- xii. Ocean County Soil Conservation District;
- xiii. Salem County Soil Conservation District;
- xiv. Somerset-Union Soil Conservation District (Somerset and Union Counties);
- xv. Sussex County Soil Conservation District;
- xvi. Warren County Soil Conservation District.

(b) Where it can be satisfactorily demonstrated by the applicant that unique or innovative control measures or procedures not specified in this chapter may be applicable to specific sites, such measures may be proposed for consideration and utilized subject to approval by the soil conservation district and the State Soil Conservation Committee. To secure such approval, a written request shall be sent to the soil conservation district and State Soil Conservation Committee describing the unique or innovative control measure or procedure and its proposed function or use on the project. Such approval may be granted only where it is determined that strict application of the standards as herein specified will not result in the most practical and effective control of soil erosion, sedimentation and stormwater damages.

(c) The location address, and telephone number of the local soil conservation districts may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, N.J. 08625, 609-292-5540.

APPENDIX 4:
GUIDANCE

APPENDIX 4.1:
USEPA

http://www.iowadnr.gov/portals/idnr/uploads/air/insidednr/asbestos/asbestos_guidelines.pdf

www.epa.gov/sandy/pdf/R2asbestos.pdf “Guidelines for Catastrophic Emergency Situations Involving Asbestos” December 2009

(Excerpt from “Guidelines for Catastrophic Emergency Situations Involving Asbestos” December 2009; page 31)

In the aftermath of a catastrophic event, many buildings including single family homes within the affected area may be badly damaged and need to be demolished. Though the definition of “facility” excludes residences that have four or fewer dwelling units, when residences are on the same site or they meet the criteria to be considered an installation, they are subject to the demolition, renovation, and disposal requirements. After a catastrophic event, the demolition activities may be carried out by government agencies or contractors (often funded with public funds) and these demolitions are part of a larger project as opposed to a demolition by an individual. Under such circumstances, the demolition or renovation of single family homes is covered. Residences that are part of an installation or larger project are subject to the Asbestos NESHAP requirement.

In many cases, a contractor may be carrying out multiple demolitions involving buildings including single family homes through a contractual arrangement with a government organization. In such situations, single family homes or buildings with four or fewer dwelling units within the area of destruction are considered to be an installation and are subject to the asbestos NESHAP regulation.

Refrigerant Removal from Appliances

EPA regulations at 40 CFR 82.156 require that appliances containing refrigerants and substitute refrigerants must have all refrigerants/substitutes removed prior to disposal or recycling. Below is the protocol for handling these appliances from houses damaged by Superstorm Sandy.

Protocol for Handling Appliances containing Refrigerants:

1. Local governments should require contractors demolishing structures, to the greatest extent practicable, to remove and properly handle appliances which include refrigeration equipment, freezers, window air conditioners, dehumidifiers, etc.
2. Refrigerants/substitutes shall be removed from split systems (central ACs) prior to demolition if it can be done safely. Outside condensing units shall then be removed and sent to an appropriate collection site.
3. Air Sampling shall continue to be conducted during the decontamination process of the appliances.
4. If these appliances could not safely be removed prior to demolition, the appliances shall be decontaminated after demolition by applying water to remove all visible debris from the surfaces. These appliances shall be taken to a facility for ultimate refrigerant removal and recycling.
5. All recovered refrigerant and substitute refrigerant shall be sent to an EPA-certified reclaimer or to a destruction facility using approved destruction technology.

Notifications to Communities

It is important for people that could be potentially impacted by demolition activities to be informed beforehand so that they have a full understanding of what is happening in their community and what steps are being taken to protect them. Municipalities shall develop and implement a plan to notify residents and businesses that are located within a two block radius that demolition activities will be taking place, providing as much advanced notice as possible.

This notification should include:

- General information that explains that houses in the area are slated for demolition because they are structurally unsound and that there is the potential that they contain asbestos.
- General information about the risks posed by asbestos, with an explanation that this risk is related to asbestos that can be inhaled.

- An explanation of steps that are being taken to reduce the risk of the spread of asbestos. This should include a description of techniques such as constant wetting to prevent the asbestos from getting into the air where it can be inhaled, bulk sampling and/or air monitoring and steps to ensure that debris that could contain asbestos is being disposed of properly.
- The exact location(s), date and the expected duration of the demolition work.
- A local point of contact in case the residents or business employees have concerns.

The municipality shall retain documentation of notification procedures followed.

Required Air Monitoring Protocol

- Perimeter air monitoring for respirable dust and asbestos fibers must be performed at locations up wind and downwind surrounding the work site, at a minimum, while the demolition work is ongoing. The number of asbestos air sampling locations must be sufficient to monitor the entire area where demolition work is ongoing.
- Asbestos air monitoring will follow NIOSH 7400 (Phase Contrast Microscopy—PCM) sampling method.
- Asbestos air samples will be analyzed daily with results being made available to the NJDOH by the following work day no later than 4:00 PM.
- If asbestos air sample results indicate any airborne asbestos at or above 0.010 fibers per cubic centimeter (f/cc) the work shall temporarily cease. The contractor must evaluate the work practices to determine the cause of the elevated readings and implement corrective measure to reduce the fiber levels. Corrective measures may include but not limited to, increased wetting or altering demolition procedures.
- Any asbestos air sampling results from PCM exceeding the action level of 0.010 f/cc for total fibers shall be analyzed by transmission electron microscopy (TEM) using NIOSH 7402 sampling method and made available to the NJDOH by the second day after collection of the sample(s) no later than 4:00 PM. If it is determined that the elevated readings are in fact due to the excessive levels of asbestos fibers leaving the perimeter of the work site, more aggressive suppression measures must be implemented. Corrective

measures may include but not limited to, increased wetting or altering demolition procedures.

- A copy of the asbestos air sampling results will be forwarded daily to the DOH.
- In addition to the air fiber monitoring, aerosol dust monitors must be installed around the demolition and debris handling work area to measure total particulates.
- The number of total dust monitoring locations must be sufficient to monitor the entire area where demolition and debris handling work is ongoing.
- The aerosol dust monitor(s) utilized shall be alarmed and capable of data logging
- The action level for the perimeter dust monitoring is background particulate concentration plus 150 ug/m³.
- If during demolition activities the action level is exceeded for two consecutive readings or 10 minutes, demolition activities shall be halted and work practices re-evaluated. Corrective measures, including increased wetting or altering demolition procedures, must be implemented to immediately reduce the total dust levels to below the action level.
- A copy of the total dust monitoring results will be forwarded daily to the DOH.

**Assessing Asbestos Emissions and Dust at
Demolition Sites in Sandy Response
Quality Assurance Project Plan**

**US Environmental Protection Agency
Region 2, New York, NY 10007**

**USEPA
Version, April 16, 2013**

Purpose

EPA is requiring air monitoring of many of these demolitions for potential asbestos release and dust that might affect existing downwind residents, and should deleterious asbestos or dust concentrations be detected, the demolition and/or debris removal processes will be modified to assure that future undesirable situations do not recur. The goals of this effort is to evaluate the effectiveness of the demolition and debris removal practices being employed, to assure the safety of existing residents.

Municipalities covered by this guide are required to ensure that perimeter air monitoring is conducted and representative air samples collected and analyzed for asbestos and dust to evaluate the exposure to nearby residents from the fugitive release of asbestos and dust as part of these demolitions. Only houses that are either deemed unsafe to enter or safe to enter and have been abated of asbestos will be monitored as they potentially present the largest risk. The type and frequency of the sampling will depend on the individual scope and conditions of the work site.

Meteorological Observations

At 30-minute intervals and when notable changes occur, the sampling teams will measure wind speed and direction and other observations. Wind direction and speed will be measured using a compass and handheld anemometer. Other observations will at a minimum describe wind stability, (i.e. steady, gusting, unstable etc.) and will also be used to record cloud cover, precipitation or other conditions that could affect transport of dust. Wind speed will be measured by a portable anemometer and rainfall will be measured with a portable rain gage.

The following observations must be documented:

- Military time
- Wind Direction
- Wind Speed
- Rainfall
- Observations

Air Sampling For Asbestos

Pump Calibrations

Before the sampling pumps are used in the field, their performance will be evaluated by a qualified technician. The air sampling pumps for asbestos sampling, which are the primary air sampling item, will be evaluated to determine that they are capable of maintaining a stable flow rate for a given static pressure drop; i.e., the pressure drop created by a 25-mm, 0.45- μm mixed cellulose ester (MCE) membrane filter with a five- μm pore-sized MCE backup diffusing filter and cellulose support pad contained in a three piece cassette at the designated flow rate.

In the field, flow measurements will be taken using a primary standard calibrated flow meter placed downstream of the filter cassette at the beginning and ending of the sampling periods. If the flow rate at the end differs from that at the beginning by more than ten percent, the sample's validity must be evaluated.

A detailed written record will be maintained of all calibrations. The record will include all relevant calibration data, including the following elements:

- Flow meter model and serial number
- Sampling train (pump, flow control valve, and filter)
- Relevant calculations

Pump checks will be performed at least every hour during sample collection. These periodic checks will include the following activities:

- Observe the sampling apparatus (filter cassette, vacuum pump, etc.) to determine whether it's been disturbed.
- Check the pump to ensure that it is working properly and the flow rate is stable at the prescribed flow rate on the pump-mounted rotameter, where installed.
- Inspect the filter for overloading and particle deposition.

Overloading the filters is always a concern. Dust from traffic or other nearby activities (there should be little to none from the demolition effort) may overload the filters and invalidate the data set. The filters should be routinely visually inspected as the sampling period progresses and if they look excessively dirty, they should be replaced with new ones and the data recorded to ensure that sampling data is available for each filter. Both sets should then be analyzed and the results integrated to give a composite result for the whole sampling period. See Addendum A for more information.

Air Monitoring Protocol

Asbestos Air Monitoring

- Perimeter air monitoring for asbestos fibers must be performed at locations up wind and downwind surrounding the work site, at a minimum, while the demolition work is ongoing. The number of asbestos air sampling locations must be sufficient to monitor the entire area where demolition work is ongoing.
- Asbestos air monitoring will follow NIOSH 7400 (Phase Contrast Microscopy—PCM) sampling method.
- Asbestos air samples will be analyzed daily with results being made available to the NJDOH by the following work day no later than 4:00 PM.
- Any asbestos air sampling results from PCM exceeding the action level of 0.010 f/cc for total fibers shall be analyzed by transmission electron microscopy (TEM) using NIOSH 7402 sampling method and made available to the NJDOH by the second day after collection of the sample(s) no later than 4:00 PM.
- A copy of the asbestos air sampling results will be forwarded daily to the DOH by 4:00 PM.

Total Dust Monitoring

- In addition to the asbestos air fiber monitoring, dust monitors must be installed around the demolition work area measure total particulate. The number of total dust monitoring locations must be sufficient to monitor the entire area where demolition work is ongoing.
- The aerosol dust monitor(s) utilized shall be alarmed and capable of data logging.
- A copy of the total dust monitoring results must be forwarded daily to the NJDOH by 4:00 PM. The total dust monitoring data must be directly exported from each of instruments from each of the monitoring location.

Sample Collection

All sample collection will be conducted in accordance with the procedures outlined in NIOSH 7400/7402 as appropriate.

Chain of Custody

Chain-of-custody procedures emphasize careful documentation of constant secure custody of samples during the field, transport, and analytical stages of environmental measurement projects. After collection, sample information will be entered on a chain-of-custody form. This form will accompany the samples, and each person having custody of the samples will note receipt of the same and complete an appropriate section of the form.

Laboratory Analyses

PCM Method

All fiber samples will be analyzed by phase contrast microscopy (PCM) following NIOSH 7400 per industry practices

TEM Method

Any PCM samples that exceed the action level of 0.010 structures/cm³ will be verified by transmission electron microscopy (TEM) analysis.

Reporting

Structure counting data including the following shall be recorded for PCM and TEM (if required):

1. Laboratory Sample Number.
2. Project Sample Number.
3. Date of Analysis.
4. Air Volume.
5. Active Area of Sample Filter.
6. Analytical Magnification.
7. Mean Grid Opening Dimension in mm².
8. Number of Grid Openings Examined.
9. Number of Primary Structures Detected.

All QA/QC sample analyses will also be reported.

Laboratory QA/QC

Laboratory has to follow all QA/QC procedures outlined in NIOSH 7400/7402 and all procedures outlined in accordance with the lab accredited programs.

Data Assessment

Screening Process

The first level of protection to prevent or minimize asbestos release is to adequately wet the building material prior to, during, and after demolition, which should minimize releases of airborne fibers, including but not limited to asbestos fibers. The second level of protection is afforded by the ambient air monitoring (by PCM). The third level of protection incorporates the use of this TEM monitoring to evaluate the effectiveness of the overall demolition process, specifically targeting minimizing the release of asbestos per se. PCM can only see large fibers but typically can't distinguish whether they are asbestos whereas TEM can see both large and small fibers and can positively identify asbestos.

Any exceedances of either of these criteria prompt an immediate review of demolition procedures and prompt immediate corrective action in those processes (e.g., better wetting, less forceful demolition, use of surfactants, etc). Corrective action from these criteria will occur in a matter of a few days at most.

References

1. U.S. EPA, Response to 2005 Hurricanes, Asbestos Screening Levels. <http://www.epa.gov/air/katrina/asbestos-screening.html>, May 2006.

Addendum A

RACM Demolition Air Sampling Operating Procedures

The following Operating Procedures relate to general concerns and field forms:

General Concerns – RACM Demolitions

Prior to event, set up pumps/filter at a flow rate of three liters per minute (lpm).

This flow rate will provide the target volume range of 800 to 1,440 liters with durations of about 4.5 hours to eight hours. Demolitions are requiring from 2.5 to nine hours. The flow rate may be adjusted upward if demolition durations of less than five hours are expected or become common. Volumes greater than 1,440 liters will be acceptable.

Response to rain, adverse weather, demolition delays, sample equipment failures.

1. If rain or other conditions postpone the completion of the demolition and the demolition contractor demobilizes, the team will stop the pumps, record the time, cap the filters and the rain gage if water is in it, mark the sample locations and demobilize. The team will remobilize when the demolition team remobilizes and reverse the shutdown process when demolition continues.
2. If the demolition is delayed due to equipment failure or other reasons, generally sampling will continue during the downtime. If the delay will be significant, based on information from the contractor (i.e., overnight), then the team will stop the pumps, record the time, cap the filters and the rain gage if water is in it, mark the sample locations and demobilize. The team will remobilize when the demolition team remobilizes and reverse the shutdown process when demolition continues.
3. If sampling equipment fails including pumps and generators, sampling will continue at the failed station, if it can be repaired. Generally and at the discretion of the Air Group Leader, samples will be sent to the laboratory if at least one satisfactory downwind sample is collected.

Filter Check Worksheet – RACM Demolitions

1. During the sampling run, check filters once per hour and more frequently if weather or other conditions indicate (at discretion of field team leader).
2. Note pump rotameter, clock time (hour, minute) and second hand of watch.
3. Inspect filter while pump is running.
4. Acceptable: minimal visible dust or filter discoloration.
5. Reject and replace the filter if sufficient visible dust or dirt is on filter. Recover the filter as a completed sample even if sample volume is less than 800 liters.
6. If the sample is rejected, another sample is started if there is enough time left in the demolition to get 800 liters before end of the event. Adjust flow rate as high as practical to achieve the necessary volume.
7. Record the new sample with a new ID, using the same location but using the new time. Add the new sample ID to the “Associated Samples” on the Meteorological Data Work Sheet.
8. Submit all samples at a given location for analysis.

The Filter Check Worksheet also will be used to record other instances of pump down time. For example, down time for refueling the generator or down time for overnight shutdowns will be recorded on this form.

Meteorological Data Work Sheet

1. Meteorological observations should be made every half hour or more often at the discretion of the Air Group Leader and/or Team Leader.
2. The demolished structure address should be the complete legal address, including the street number, street name, city, town, village, or parish, state, five-digit zip code.
3. The structure description should be brief; for example, small, two-story wood.
4. The demolition contractor should be the company name.

5. The met station should be placed close to the upwind sample. The met station location description should be referenced to the upwind sample location, for example, 15-feet west of upwind sample location, OR-1011-070811.
6. The wind direction is the direction from which the wind is blowing.
7. Wind speed is measured in miles per hour (mph).
8. Other entries are self-explanatory.

Air Sampling Work Sheet – RACM Demolitions

1. The demolished structure address should be identical to the address in the Meteorological Data Work Sheet.
2. Contractor Information will include Contractor Name, Crew number, and Contractor Work Order or right of entry number.
3. Total down time will include the down time for filter changes and other possible down time for weather delays or demolition contractor delays.
4. Other entries are self-explanatory, explained elsewhere or automated.

APPENDIX: 4.2
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
SOLID & HAZARDOUS WASTE MANAGEMENT

Waste Management for Houses Damaged by Superstorm Sandy

Houses Damaged by Superstorm Sandy fall into one of the following 3 categories:

- I. Houses Safe to Enter
- II. Houses Unsafe to Enter
- III. Houses Down by Storm

There are certain general requirements that pertain to all of the categories including removal of refrigerants, solid waste transportation and waste flow provisions as discussed below. Specific requirements and options for each category follow the general requirements.

General Requirements

Refrigerant Removal from Appliances

USEPA regulations at 40 C.F.R. 82.156 require that appliances containing refrigerants must have the all refrigerant removed prior to disposal or recycling. Management and decontamination, if necessary, of these appliances containing refrigerants shall conform to the EPA Guidance contained in Appendix 4.1. For houses that are safe to enter, removal of refrigerant from the appliances should be conducted as normally required. However, due to asbestos contamination concerns, appliances must be decontaminated at the site prior to refrigerant removal for houses down by the storm or following demolition of houses that were unsafe to enter.

Solid Waste Transportation and Waste Flow

Each truck and container (roll off containers, dumpsters, etc.) utilized to collect or transport solid waste must have a valid solid waste transportation decal pursuant to N.J.A.C. 7:26-3.4(h) or other evidence of temporary authorization from the Department. Truck loading shall comply with New Jersey Department of Transportation (NJDOT) rules and regulations including weight limitations and the covering of truckloads.

Tarpaulins or covers shall be provided and used on containers while transporting solid waste in accordance with N.J.A.C. 7:26-3.4(i). In addition, for regulated asbestos containing material (RACM), transporters must follow specific requirements for asbestos found at N.J.A.C. 7:26-3.5(d). Each shipment must be accompanied by proper shipping papers (Origin and Destination

form) (see N.J.A.C. 7:26-3.5(h)) Solid waste must be transported to disposal facilities in accordance with applicable waste flow requirements per the solid waste management plan for the county of waste origin per N.J.A.C. 7:26-3.4(m). Summaries of district solid waste management plans are set forth at the Department's website: www.nj.gov/dep/dshw/recycling/03cplsum.htm. RACM waste is classified as waste type ID 27A and must be sent directly to a landfill authorized to accept RACM/ID 27A. Other waste from demolition is classified as construction and demolition waste, type ID 13C. Where loads of ID 13C may be shipped depends on the category of house from which the waste was generated.

Source separated recyclable materials (only allowed for houses that are safe to enter, where asbestos contamination is not a concern) may be transported to facilities authorized to accept the specific types of recyclables collected. No special transporter licenses or county waste flow provisions apply to source separated recyclable materials being shipped to a recycling facility.

Specific Requirements by Category

I. House Safe to Enter

A house that is safe to enter must be inspected for asbestos containing material (ACM). RACM must be removed in accordance with USEPA NESHAP regulations. New Jersey has more stringent regulations requiring all asbestos (both RACM and non-RACM asbestos containing material) to be removed.

i. No Asbestos Found in House Prior to Demolition

After a house that is safe to enter has been inspected for asbestos containing material (ACM) and no ACM is found, the Department is recommending the segregation of household hazardous wastes and source separation of recyclable materials, if feasible.

Household Hazardous Waste (HHW) includes, but is not limited to, items such as automobile fluids (used waste oil, antifreeze, etc.), batteries, oil-based paints and stains, cleansers, photo chemicals, lawn-care chemicals, unidentified liquids, household cleaners, and pesticides. Latex paint is not HHW, but is solid waste and shall be disposed as solid waste. HHW is excluded from the definition of hazardous waste and therefore does not require the same collection or handling procedures as hazardous waste. However, reasonable effort should be made to separate HHW to the extent possible and transport HHW loads to an approved hazardous waste disposal facility.

Certain electronic devices (“e-waste”) are prohibited from disposal. These devices include televisions, personal computers, laptops, notebooks and monitors. E-waste should be segregated and transported to an approved Class D recycling center or universal waste handler.

Reasonable efforts should be made to separate, collect and transport broken brick, block, concrete, and asphalt to a Department approved Class B recycling facility, or if outside of New Jersey, to a facility authorized by the jurisdiction. Concrete or other aggregate that has been visibly contaminated by an oil or chemical spill as a result of the disaster event should not be recycled and shall be managed as construction and demolition waste (ID 13C).

Following demolition, the demolition waste is classified as construction and demolition waste, type ID 13C. Type ID 13C waste from houses that were safe to enter and did not contain asbestos may be shipped to any solid waste facility permitted to accept construction and demolition wastes.

ii. Asbestos Found in House Prior to Demolition

Following an asbestos inspection and removal of all asbestos, the Department is recommending the segregation of HHWs and source separation of recyclable materials if feasible prior to demolition.

HHW includes, but is not be limited to, items such as automobile fluids (used waste oil, antifreeze, etc.), batteries, oil-based paints and stains, cleansers, photo chemicals, lawn-care chemicals, unidentified liquids, household cleaners, and pesticides. Latex paint is not HHW, but is solid waste and shall be disposed as solid waste. HHW is excluded from the definition of hazardous waste and therefore does not require the same collection or handling procedures as hazardous waste.

Reasonable effort should be made to separate HHW to the extent possible and transport HHW loads to an approved hazardous waste disposal facility.

Certain e-wastes are prohibited from disposal. These include televisions, personal computers, laptops, notebooks and monitors. E-waste should be segregated and transported to an approved Class D recycling center or universal waste handler.

Other materials in the house should be recycled if feasible.

Reasonable efforts should be made to separate, collect and transport broken brick, block, concrete, and asphalt to a Department approved Class B recycling facility, or if outside of New Jersey, to a facility authorized by the jurisdiction. Concrete or other aggregate that has been visibly contaminated by an oil or chemical spill as a result of the disaster event should not be recycled and shall be managed as construction and demolition waste (ID 13C).

Following demolition, the demolition waste is classified as construction and demolition waste, type ID 13C. Type ID 13C waste from houses that were safe to enter and had all asbestos removed prior to demolition may be shipped to any solid waste facility permitted to accept construction and demolition waste.

II. House Unsafe to Enter

Waste from houses that were unsafe to enter prior to demolition may be managed in one of the following two scenarios:

- i. The first scenario assumes all of the waste is RACM (ID 27A). No recycling or segregation, except for appliances containing refrigerants decontaminated as discussed earlier, is permitted under this scenario. All waste is classified as ID 27A and must be managed and shipped to a landfill permitted to accept ID 27A.
- ii. The second scenario allows the licensed asbestos abatement contractor to inspect the debris for the presence of asbestos.

If no asbestos is found, the debris is classified as construction and demolition waste (ID 13C) and may be shipped to any solid waste facility permitted to accept construction and demolition waste.

If asbestos is found, the debris may be sorted to separate RACM from non-RACM to save expenses on disposal costs. Any RACM must be managed as ID 27A and be shipped directly to a landfill permitted to accept ID 27A. Non-RACM waste is classified as construction and demolition waste, type ID 13C. As non-RACM waste may contain asbestos, the Department is requiring this waste to be kept wet at the site and wrapped until disposal in accordance with N.J.A.C. 7:26-3.5(d) 1, 3,

and 5 to prevent air emissions. In addition, the waste shall only be shipped directly to a landfill authorized to accept ID 13C. The waste shall not be shipped to a transfer station, materials recovery facility, incinerator, or be processed in any way after leaving the site. No recycling or segregation of material, except for appliances containing refrigerants decontaminated as discussed earlier is permitted.

III. Houses Down by Storm

Waste from houses that are “down by the storm” is classified as construction and demolition waste, type ID 13C. However, due to possible asbestos concerns, the Department is requiring debris to be wetted to prevent air emissions during waste handling and be managed as if it were asbestos containing in regards to keeping the waste wetted at the site and wrapping it to prevent air emissions during transportation in accordance with the N.J.A.C. 7:26-3.5(d)1, 3 and 5. In addition, the waste shall only be shipped directly to a landfill authorized to accept ID 13C. The waste shall not be shipped to a transfer station, materials recovery facility, incinerator or be processed in any way after leaving the site. No recycling or segregation of material, except for appliances containing refrigerants decontaminated as discussed earlier is permitted.

APPENDIX 4.3:
NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

Demolition Requirements: New Jersey Uniform Construction Code (UCC)

The UCC is enforced by State-licensed, municipally employed code enforcement officials. A list of municipal code enforcement officials may be found at:

http://www.nj.gov/dca/divisions/codes/publications/pdf_ora/muniroster.pdf

The Uniform Construction Code permit application may be found at:

http://www.nj.gov/dca/divisions/codes/forms/pdf_ucc_stdforms/ucc_f100_cpa.pdf

Notice of Unsafe Structure: The Uniform Construction Code (UCC) requires that when an unsafe condition is found in a building, a written notice shall be served on the building owner. The unsafe structure notice must specify a time by which the deficiencies must be corrected or a time by which the building will be demolished, as applicable. The owner has 15 days to appeal the notice. (N.J.A.C. 5:23-2.32(a))

Notice of Imminent Hazard: The Uniform Construction Code (UCC) provides that when, in the opinion of the construction official and appropriate subcode officials, a building is in danger of failure or collapse, a notice shall be posted declaring the building unsafe and not available for occupancy. In this case, the construction official may order temporary safeguards, which may include the demolition of those parts of the building that constitute a danger to human life; the demolition may take place not sooner than 24 hours after the building has been posted. (N.J.A.C. 5:23-2.32(b))

Uniform Construction Code (UCC) Permit: A building that is already down does not require a Uniform Construction Code (UCC) demolition permit. A Uniform Construction Code permit is required for the actual demolition of a building or structure. At N.J.A.C. 5:23-2.17, the Uniform Construction Code requires that before a construction permit may be issued, the following conditions must have been met:

- Utility Connections: All utility connections within the structure must have been disconnected. These include gas, electric, and sewer. Each utility service provider must submit a notice to the local construction code enforcing agency stating that their service connections and equipment have been removed or disabled.
- Abandoned Well: If there is a well on the property, a certification from a well driller certified by the Department of Environmental Protection (DEP) must be submitted to the local construction code enforcing agency stating that the well has been properly abandoned. In the absence of such a certification, the local enforcing agency shall notify the Bureau of Water Allocation, DEP.

- Notice to Adjoining Owners: Prior to issuing the construction permit, notice must be issued to the owners of adjoining properties.
- Asbestos Abatement: A permit to demolish the structure shall not be issued until the owner or agent notifies the local code official that all friable asbestos or asbestos-containing material that will become friable during demolition or removal has been or will be properly removed prior to demolition. (See Bulletin 94-5, Renovations and Demolitions involving Asbestos:
http://www.nj.gov/dca/divisions/codes/publications/pdf_bulletins/b_93-5.pdf)
- Lot Regulation: Following demolition, the property shall be maintained free from unsafe or hazardous conditions, including restoration of established grades and the erection of the necessary retaining walls and fences.

Soil Conservation: In addition, for a project covered by the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-39), when there is to be a disturbance of at least 5,000 square feet of soil, a construction code permit may not be issued unless a soil disturbance plan has been certified by the local soil conservation district. See Bulletin 91-2, Compliance with requirements of the Soil Erosion and Sediment Control Act;

www.nj.gov/dca/divisions/codes/publications/pdf_bulletins/b91_2.pdf

Questions about these conditions for issuing a UCC demolition permit may be directed to the Department of Community Affairs, Division of Codes and Standards, Code Assistance Unit, (609) 984-7609.

APPENDIX 4.4:
NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

Division of Wage & Hour Compliance
Public Contracts/Contractor Registration

The contractor doing the work must comply, as applicable, with the New Jersey Prevailing Wage Act (NJPWA) and its implementing regulations (N.J.S.A. 34:11-56.25 et seq., and N.J.A.C. 12:60) and the New Jersey Public Works Contractor Registration Act (NJPWCRA) and its implementing regulations (N.J.S.A. 34:11-56.48 et seq., and N.J.A.C. 12:62). Relative to NJPWA and NJPWCRA coverage, the threshold question is whether the work being performed is “public work” as that term is defined within the NJPWA and the NJPWCRA. The answer to this threshold question turns on whether the work is construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, and whether the work is either being performed pursuant to a contract to which a public body is a party, or is being performed on property owned by a public body or leased or to be leased by a public body. Thus, if the work being performed is not construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating, then neither the NJPWA, nor the NJPWCRA apply. Similarly, if the work is not being performed either pursuant to a contract to which a public body is a party or on property owned by a public body or leased or to be leased by a public body, then neither the NJPWA, nor the NJPWCRA apply.

Incidentally, in addition to the NJPWA, there are a series of laws in New Jersey which extend the obligation to pay the prevailing wage rate to contractors engaged in construction work undertaken in connection with financial assistance approved, provided, authorized, facilitated or administered by certain entities, including the Economic Development Authority, N.J.S.A. 34:1B-5.1 et seq., the Casino Reinvestment Development Authority, N.J.S.A. 5:12-161.3 et seq., the New Jersey Educational Facilities Authority, N.J.S.A. 18A:72A-5.1 et seq., the New Jersey Health Care Facilities Financing Authority, N.J.S.A. 26:2I-5.3 et seq., County Improvement Authorities, N.J.S.A. 40:37A-552 et seq., the New Jersey Commerce Commission, N.J.S.A. 52:27C-73.1, the New Jersey Housing and Mortgage Finance Agency, N.J.S.A. 55:14K-42, the New Jersey Redevelopment Authority, N.J.S.A. 55:19-38, and the Board of Public Utilities, N.J.S.A. 48:2-29.47. Finally, N.J.S.A. 34:13B-2.1 extends the obligation to pay the prevailing wage rate to contractors engaged in construction work on a public utility. It is not anticipated that these laws will come into play relative to the sort of work being addressed by this guidance document, but it is important to be mindful of their existence.

Authority:

The New Jersey Prevailing Wage Act (N.J.S.A. 34:11-56.25 et seq.) requires the payment of Prevailing Wage for “public work” contracts. The threshold amount for municipal public work projects is \$14,187.00. The threshold amount for all other governmental agencies is \$2,000.00. N.J.S.A. 34:11-56.26 (5)

In addition to the Prevailing Wage requirements, all construction firms performing public work must comply with” The Public Works Contractor Registration Act” (N.J.S.A. 34:11-56.48 et seq.).

Procedure:

Prevailing Wage Determination- The contractor awarded a public contract must comply with the wage determination package in effect at the time the contract is awarded by the Public Body. The Public Body is required to obtain and provide a copy of the applicable wage package. If a wage package is not provided the contractor can go to the following web site to obtain a wage package for the award date of the contract:

http://lwd.dol.state.nj.us/labor/wagehour/wagerate/prevailing_wage_determinations.html

Public Work Contractor Registration Certificate – All contractors bidding on Public Work must obtain a valid Certificate prior to submitting a bid. The contractor can obtain an application by going to the following site. http://lwd.dol.state.nj.us/labor/forms_pdfs/lse/lse-2.pdf

Payroll Requirements- The contractor and all subcontractors are required to complete certified payrolls reports for each week they work on site. They are required to submit those reports to the Public Body within 10 days of the payment of wages to the workers. A certified payroll form can be obtained from the following web site page:

http://lwd.dol.state.nj.us/labor/forms_pdfs/lse/payrollcert.pdf

Record Keeping:

Every contractor and subcontractor shall keep an accurate record showing the name, craft or trade, and actual hourly rate of wages paid to each worker employed by him in connection with a public work and such records shall be preserved for two years from date of payment. The record shall be open at all reasonable hours to the inspection of the public body awarding the contract, to any other party to the lease or agreement to lease pursuant to which the public work is done, and to the commissioner. (N.J.S.A. 34:11-56.29)

Inspections:

The public works contractors and subcontractors shall submit to the public body or lessor which contracted for the public works project the following in a form satisfactory to the Commissioner.

1. A certified payroll record on each public works project.
 - i. Such record shall be submitted each payroll period within 10 days of the payment of wages.
 - ii. The public body shall receive, file, store and make available for inspection at its normal place of business and during normal business hours the certified payroll records. (N.J.A.C. 12:60-5.1)

NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

**Division of Public Safety and Occupational Safety & Health
Office of Asbestos Control & Licensing**

Authority:

The New Jersey Asbestos Control and Licensing Act (N.J.S.A. 34:5A-32 et seq.) requires the licensing of an employer who directly or indirectly performs the functions of application, enclosure, removal or encapsulation of asbestos in any structure or who enters into a contract with the owner or owner's representative for such work. See N.J.S.A. 34:5A-36. The Act also requires that every employee performing the functions of application, enclosure, repair, removal or encapsulation of asbestos obtains a performance permit from LWD. See N.J.S.A. 34:5A-37. Asbestos-containing material is any material containing more than 1% asbestos by weight. See N.J.S.A. 34:5A-34b.

Procedure:

Determination of need for licensed asbestos contractor:

There must be a determination as to whether a licensed contractor is required to conduct asbestos abatement work. LWD regulations apply to any person or business having a contractual relationship with an owner of a building, structure or equipment for asbestos work and to any building, structure or equipment on which asbestos work is performed (N.J.A.C. 12:120-1.4(a)5 and 6) provided that:

- such work involves any material containing more than 1% asbestos by weight (N.J.S.A. 34:5A-34b and N.J.A.C. 12:120-2.1); and
- such work involves more than 3 linear or 3 square feet of asbestos materials (N.J.A.C. 12:120-1.4(b)1, 2 and 3).

LWD regulations do **not** apply under the following circumstances:

- (1) the asbestos work involves asbestos-containing roofing and exterior siding in renovation or remodeling projects (N.J.A.C. 12:120-1.4(b)5);
- (2) the employer is a private employer subject to OSHA (29 U.S.C. 651 et seq.) who is using his own employees to perform asbestos work at his own facility (N.J.S.A. 34:5A-36 and N.J.A.C. 12:120-1.4(b)6 and 7); or

- (3) the asbestos abatement work **is exempted** from LWD licensing requirements by Department of Health (N.J.S.A. 34:5A-43b and N.J.A.C. 12:120-4.2). See DOH procedures for information pertaining to exemptions contained herein.

If required, a licensed contractor must be hired to perform the asbestos abatement work.

Proper Notification: Prior to commencing the asbestos abatement work, a licensed contractor must submit the proper notification to LWD and other involved agencies. See N.J.A.C. 12:120-7.2.

Abatement Work: The licensed contractor must ensure that asbestos abatement work complies with all applicable regulations and standards. See N.J.A.C. 12:120-4.7. The licensed contractor must remove asbestos-containing material prior to demolition. If the asbestos-containing material is not removed prior to demolition, then the licensed contractor must be on site to work in conjunction with the demolition company to remove the asbestos-containing material.

APPENDIX 4.5:
NEW JERSEY DEPARTMENT OF HEALTH

Exemption Review and Approvals

The Commissioner of Health may exempt from the license requirements those designated asbestos-related activities based on sufficient data which indicates that no significant exposure exists to perform such activity. Such data and notification must be submitted to the Commissioner of Health for review at least 10 calendar days prior to the beginning of such work. These exempted activities involve non-friable asbestos containing material that is not rendered friable by the activity.

When building demolition projects are submitted to the DOH for an exemption approval, the DOH will review the plan and control measures to ensure that no significant exposure will exist while performing the work. The DOH will work with municipalities and contractors to ensure that the plan contains controlled demolition procedures so that the remaining non-friable asbestos materials do not become friable. The DOH will also ensure that plan contains an air monitoring work plan to evaluate dust emissions being generated by the demolition activity. The monitoring plan must contain an asbestos fiber monitoring plan as well as a total dust monitoring work plan. In accordance with N.J.A.C. 8:60-4.2, the DOH may issue an approval of the exemption request for the work practices as outlined in the controlled demolition and monitoring work plans.

The DOH can provide an exemption approval to municipalities for PPDR projects. The DOH can provide assistance to municipalities when requesting a PPDR exemption approval to ensure that the project contains similar structures and will incorporate similar demolition work practices. Given the nature and scope of demolition projects, there is the potential for a significant amount of dust to be generated which may impact the surrounding areas as well as offsite locations. The work practices to control dust emissions outlined in the work plan must be maintained and evaluated on a daily basis to ensure their continued operation and effectiveness. The collection of asbestos fiber and dust air monitoring data must be conducted to ensure public safety. The conditions under which the demolition is being approved must remain in place to ensure the dust emissions are controlled over the entire scope of work for each PPDR project.

The DOH is aware that the conditions under which an exemption project has been approved could change. If any work site conditions change causing any deviation from the approved monitoring and work plans or if there is a concern that non-friable asbestos may have become friable, the demolition must stop and DOH notified immediately. The DOH can then assist the municipality to identify any alternative work practices that may need to be implemented.

Air Monitoring Protocol

- Perimeter air monitoring for respirable dust and asbestos fibers must be performed at locations up wind and downwind surrounding the work site, at a minimum, while the demolition work is ongoing. The number of asbestos air sampling locations must be sufficient to monitor the entire area where demolition work is ongoing.
- Asbestos air monitoring will follow NIOSH 7400 (Phase Contrast Microscopy—PCM) sampling method.
- Asbestos air samples will be analyzed daily with results being made available to the NJDOH by the following work day no later than 4:00 PM.
- If asbestos air sample results indicate any airborne asbestos at or above 0.010 fibers per cubic centimeter (f/cc) the work shall temporarily cease. The contractor must evaluate the work practices to determine the cause of the elevated readings and implement corrective measures to reduce the fiber levels. Corrective measures may include but not limited to, increased wetting or altering demolition procedures.
- Any asbestos air sampling results from PCM exceeding the action level of 0.010 f/cc for total fibers shall be analyzed by transmission electron microscopy (TEM) using NIOSH 7402 sampling method and made available to the NJDOH by the second day after collection of the sample(s) no later than 4:00 PM. If it is determined that the elevated readings are in fact due to the excessive levels of asbestos fibers leaving the perimeter of the work site, more aggressive suppression measures must be implemented. Corrective measures may include but not limited to, increased wetting or altering demolition procedures.
- A copy of the asbestos air sampling results will be forwarded daily to the DOH.
- In addition to the air fiber monitoring, aerosol dust monitors must be installed around the demolition and debris handling work area to measure total particulates.
- The number of total dust monitoring locations must be sufficient to monitor the entire area where demolition and debris handling work is ongoing.
- The aerosol dust monitor(s) utilized shall be alarmed and capable of data logging
- The action level for the perimeter dust monitoring is background particulate concentration plus 150 ug/m³.
- If during demolition activities the action level is exceeded for two consecutive readings or 10 minutes, demolition activities shall be halted and work practices re-evaluated. Corrective

measures, including increased wetting or altering demolition procedures, must be implemented to immediately reduce the total dust levels to below the action level.

- A copy of the total dust monitoring results will be forwarded daily to the DOH.
- See Assessing Asbestos Emissions and Dust at Demolition Sites in Sandy Response Quality Assurance Project Plan for additional information in Appendix 4.1

APPENDIX 4.6:
NEW JERSEY DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION
PROGRAM

Procedure:

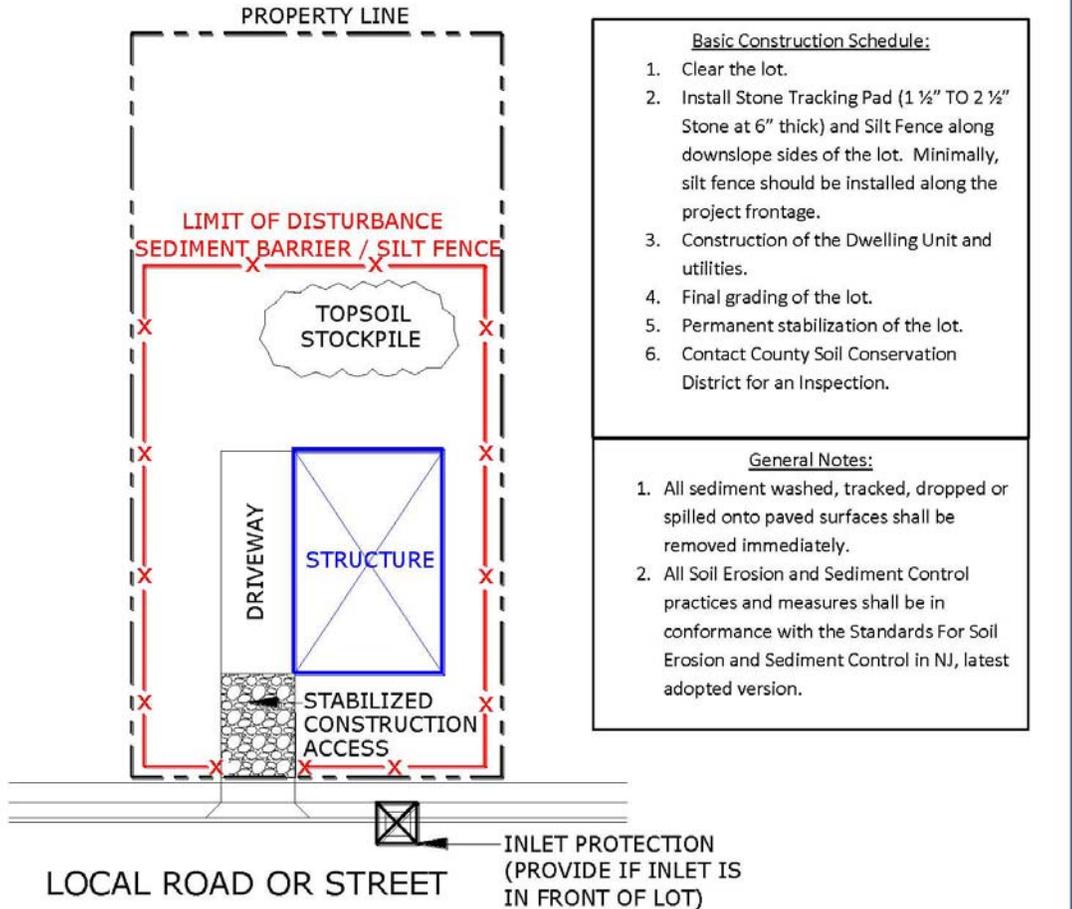
No Soil Disturbance – For either a demolition of structure or structure down by storm involving no soil disturbance in excess of 5,000 square feet, the Soil Erosion and Sediment Control Act would not apply.

Demolition Permit required - Demolition activities with accompanied soil disturbance of 5,000 square feet or greater requires soil erosion and sediment control plan certification by the local soil conservation district prior to the issuance of a demolition permit by the local construction code official. Certification may either be through the proposed, expedited process (attached) when applicable or through the standard certification process. At the conclusion of debris removal, the property should be stabilized in accordance with the Standards for Soil Erosion and Sediment Control and a Report of Compliance inspection scheduled with the local District.

No Demolition Permit required - Demolition or structure down by storm activities with an accompanied soil disturbance of 5,000 square feet or greater requires soil erosion and sediment control plan certification prior to any land disturbing activities. Certification may either be through the proposed, expedited process (attached) when applicable or through the standard certification process. At the conclusion of debris removal, the property should be stabilized in accordance with the Standards for Soil Erosion and Sediment Control and a Report of Compliance inspection scheduled with the local District. Close coordination between the local municipal officials and soil conservation district staff is essential to identify potential activities which may fall into this category.

New Jersey Department of Agriculture – State Soil Conservation Committee

**Single Lot Streamlined Application for Soil Erosion and Sediment Control
Hurricane Sandy Damage Relief**

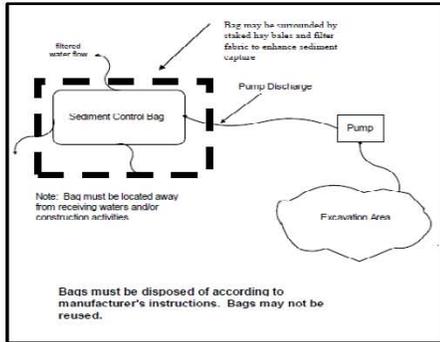


- Basic Construction Schedule:
1. Clear the lot.
 2. Install Stone Tracking Pad (1 ½" TO 2 ½" Stone at 6" thick) and Silt Fence along downslope sides of the lot. Minimally, silt fence should be installed along the project frontage.
 3. Construction of the Dwelling Unit and utilities.
 4. Final grading of the lot.
 5. Permanent stabilization of the lot.
 6. Contact County Soil Conservation District for an Inspection.

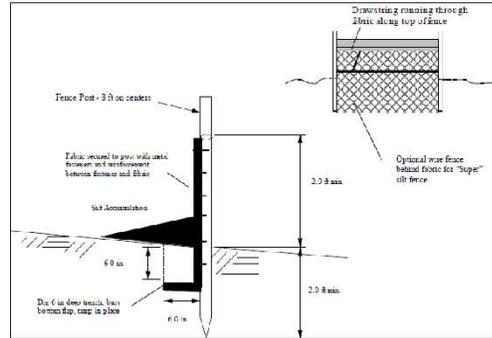
- General Notes:
1. All sediment washed, tracked, dropped or spilled onto paved surfaces shall be removed immediately.
 2. All Soil Erosion and Sediment Control practices and measures shall be in conformance with the Standards For Soil Erosion and Sediment Control in NJ, latest adopted version.

- *Stabilization Specifications:
1. Apply 5" of Topsoil. Rake out topsoil.
 2. *Apply 90 pounds of limestone.
 3. *Apply 11 pounds of 10-20-10 fertilizer.
 4. Apply seed per the seeding
 5. Remove the temporary sediment control measures.
 6. *Apply 90 pounds of straw mulch Properly tack down (anchor) the straw mulch.
*Application rates are per 1,000 square feet.

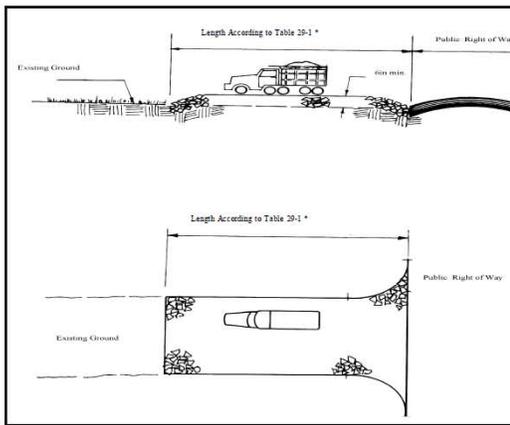
- Seeding Mixtures for Maintained Turf Lawns:
- Mix #1:
Turf Type Tall Fescue @ 6.5 pounds per 1,000 square feet.
Perennial Ryegrass @ 0.5 pounds per 1,000 square feet.
Kentucky Bluegrass @ 0.5 pounds per 1,000 square feet.
- Mix # 2:
Turf Type Tall Fescue @ 2.0 pounds per 1,000 square feet.
Creeping Red Fescue @ 1.0 pounds per 1,000 square feet.
Chewings Fescue @ 1.0 pounds per 1,000 square feet.
Perennial Ryegrass @ 0.5 pounds per 1,000 square feet



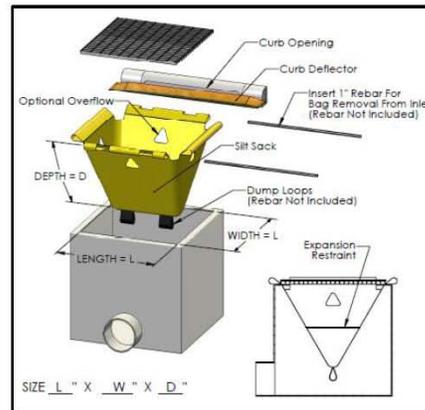
Typical Dewatering Detail



Typical Silt Fence Detail



Typical Stabilized Construction Access Detail



Typical Inlet Filter Protection Detail

(The stone access pad should be as long as the site logistics reasonably dictate, up to a maximum of 50 ft.)

*TYPICAL SINGLE LOT
SOIL EROSION AND SEDIMENT CONTROL PLAN*

Block _____, Lot _____

Address _____

Municipality _____

County _____

Date _____ Scale Not to Scale

Owner Name _____

Fee: \$200.00

Paid _____ Date: _____ Check No. _____

For local SCD Use Only:

Date: _____

District: _____

Plan Certified: Yes No

District Official: _____

Certification Number: _____

APPENDIX 5:
CONTACT INFORMATION

USEPA

James Daloia, Chief
Response Section
Response & Prevention Branch
Emergency & Remedial Response Division
732-906-6907
daloia.james@epa.gov

**New Jersey Department of Environmental Protection
Solid and Hazardous Waste Management**

P O Box 420
Mail Code: 401-02C
401 East State Street
2nd Floor, West Wing
Trenton, NJ 08625-0420
Phone: (609) 292-9880
Fax: (609) 633-9839

**New Jersey Department of Community Affairs
Division of Codes and Standards**

Code Assistance Unit
(609) 984-7609 for questions about UCC demolition permits.

**New Jersey Department of Labor & Workforce Development
Division of Wage & Hour Compliance**

P.O. Box 389
Trenton, New Jersey 08625-0389
609-292-2259 (Phone) 609-695-1174 (Fax)
Email: david.biglin@dol.state.nj.us

**New Jersey Department of Labor & Workforce Development
Office of Asbestos Control & Licensing**

PO Box 949

Trenton, New Jersey 08625-0949

609-633-3760 or 609-633-2159

**New Jersey Department of Health
Consumer, Environmental and Occupational Health Service**

P.O. Box 369

135 East State Street

Trenton, NJ 08625-0369

Phone: (609) 826-4950

Fax: (609) 826-4975

Website: www.nj.gov/health/iep

**New Jersey Department of Agriculture
Soil Conservation Program**

State Soil Conservation Committee

PO Box 330, Trenton, NJ 08625

609-292-5540 (phone) 609-633-7229 (fax)

Email: frank.minch@ag.state.nj.us

Cape-Atlantic Conservation District

Atlantic County Office Building

6260 Old Harding Highway

609-625-3144 (phone)

609-625-7360 (fax)

Email: capeatlanticscd@comcast.net

Freehold Soil Conservation District (Monmouth & Middlesex)

4000 Kozloski Road, P O box 5033

Freehold, NJ 07728-5033

732-683-8500 (phone)

732-683-9140 (fax)

Email: info@freeholdscd.org

Ocean County Soil Conservation District

714 Lacey Road

Forked River, NJ 08731

609-971-7002 (phone) 609-971-3391 (fax)

Email: craabe@soildistrict.org

APPENDIX 6:
FORMS

USEPA NESHAP notification form

USEPA Waste Shipment Record

NJDEP O & D form

NJDOH

Soil Conservation Program (2 forms)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - REGION 2
 Division of Enforcement & Compliance Assistance - Air Compliance Branch (DECA-ACB)
 290 Broadway - 21st Floor
 New York, NY 10007-1866

NOTIFICATION OF DEMOLITION AND RENOVATION

| | | | |
|---|----------|---------------|-------------------------------|
| Operator Project # | Postmark | Date Received | Notification |
| I. TYPE OF NOTIFICATION (O = Original / R = Revised / E = Emergency/C = Cancelled) : | | | |
| II. FACILITY INFORMATION (Identify owner, removal contractor, and other operator) | | | |
| OWNER NAME: | | | |
| Address: | | | |
| City: | State: | ZIP: | |
| Contact: | | | Tel: |
| REMOVAL CONTRACTOR: | | | |
| Address: | | | |
| City: | State: | ZIP: | |
| Contact: | | | Tel: |
| OTHER OPERATOR: | | | |
| Address: | | | |
| City: | State: | ZIP: | |
| Contact: | | | Tel: |
| III. TYPE OF OPERATION (D = Demolition / O = Ordered Demolition/R = Renovation/E = Emergency) : | | | |
| IV. IS ASBESTOS PRESENT? (Yes/No): | | | |
| V. FACILITY DESCRIPTION (include building name, number and floor or room number): | | | |
| Building Name: | | | |
| Address: | | | |
| City | State: | County: | |
| Site Location: | | | |
| Building Size: | SqMeter: | SqFt: | # of Floors: Age in Years: |
| Present Use: | | Prior Use: | |
| VI. PROCEDURE, INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL: | | | |

| | | | | |
|---|--------------------|---|------------------------------------|-----------------|
| VII. APPROXIMATE OF RACM TO BE REMOVED AND NON-FRIABLE ASBESTOS MATERIAL THAT WILL NOT BE REMOVED. SPECIFY THE AMOUNT OF ASBESTOS BELOW: 1. Regulated ACM to be removed 2. Category I ACM not removed 3. Category II ACM not removed | RACM to be removed | Non-friable Asbestos Material not to be removed | Indicate Unit of Measurement below | |
| | | Cat I | Cat II | UNIT |
| Pipes - Linear Feet | | | | Ln Ft: Ln M: |
| Surface Area - Square Feet | | | | Sq Ft: Sq M: |
| Volume RACM off Facility Component | | | | Cu Ft: Cu M: |
| VIII. SCHEDULED DATES OF ASBESTOS REMOVAL: (MM/DD/YY) Start: | | Completion: | | |
| IX. SCHEDULED DATES OF DEMOLITION/RENOVATION: (MM/DD/YY) Start: | | Completion: | | |

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NOTIFICATION OF DEMOLITION AND RENOVATION (continued)

| | | |
|--|------------------------------------|------|
| X. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED: | | |
| XI. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION AND RENOVATION SITE: | | |
| | | |
| <u>XII. WASTE TRANSPORTER #1</u> | | |
| Name: | | |
| Address: | | |
| City: | State: | ZIP: |
| Contact Person: | Telephone: | |
| <u>XIII. WASTE TRANSPORTER #2</u> | | |
| Name: | | |
| Address: | | |
| City: | State: | ZIP: |
| Contact Person: | Telephone: | |
| <u>XIV. WASTE DISPOSAL SITE</u> | | |
| Name: | | |
| Address: | | |
| City: | State: | ZIP: |
| Telephone: | | |
| <u>XV. IF DEMOLITION IS ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW</u> | | |
| Name: | Title: | |
| Authority: | | |
| Date if Order (MM/DD/YY): | Date Ordered to Begin (MM/DD/YY) : | |
| <u>XVI. FOR EMERGENCY RENOVATIONS</u> | | |
| Date and Hour of Emergency (MM/DD/YY): | | |
| Description of the Sudden, Unexpected Event: | | |
| Explanation of How the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden: | | |
| XVII. DESCRIPTION OF PROCEDURE TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NON-FRIABLE ASBESTOS BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER: | | |
| XVII. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THE REGULATION (40CFR PART 61 SUBPART M) WILL BE ON-SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS. (Required 1 year after promulgation). | | |
| Signature of Owner/Operator | Date | |
| XVIII. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT. | | |
| Signature of Owner/Operator | Date | |

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| | | | | |
|---------------------------|--|--|------------------------|---|
| Generator | 1. Work site name and mailing address | | Owner's name | Owner's telephone no. |
| | 2. Operator's name and address | | | Operator's telephone no. |
| | 3. Waste disposal site (WDS) name, mailing address, and physical site location | | | WDS phone no. |
| | 4. Name, and address of responsible agency | | | |
| | 5. Description of materials | | 6. Containers No. Type | 7. Total quantity m ³ (yd ³) |
| | 8. Special handling instructions and additional information | | | |
| | 9. OPERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and government regulations. | | | |
| | Printed/typed name & title | | Signature | Month Day Year |
| | 10. Transporter 1 (Acknowledgment of receipt of materials) | | | |
| Transporter | Printed/typed name & title | | Signature | Month Day Year |
| | Address and telephone no. | | | |
| | 11. Transporter 2 (Acknowledgment of receipt of materials) | | | |
| | Printed/typed name & title | | Signature | Month Day Year |
| Address and telephone no. | | | | |
| Disposal Site | 12. Discrepancy indication space | | | |
| | 13. Waste disposal site owner or operator: Certification of receipt of asbestos materials covered by this manifest except as noted in item 12. | | | |
| | Printed/typed name & title | | Signature | Month Day Year |

(Continued)

Figure 4. Waste Shipment Record

INSTRUCTIONS

Waste Generator Section (Items 1-9)

1. Enter the name of the facility at which asbestos waste is generated and the address where the facility is located. In the appropriate spaces, also enter the name of the owner of the facility and the owner's phone number.
2. If a demolition or renovation, enter the name and address of the company and authorized agent responsible for performing the asbestos removal. In the appropriate spaces, also enter the phone number of the operator.
3. Enter the name, address, and physical site location of the waste disposal site (WDS) that will be receiving the asbestos materials. In the appropriate spaces, also enter the phone number of the WDS. Enter "on-site" if the waste will be disposed of on the generator's property.
4. Provide the name and address of the local, State, or EPA Regional office responsible for administering the asbestos NESHAP program.
5. Indicate the types of asbestos waste materials generated. If from a demolition or renovation, indicate the amount of asbestos that is
 - Friable asbestos material
 - Nonfriable asbestos material
6. Enter the number of containers used to transport the asbestos materials listed in item 5. Also enter one of the following container codes used in transporting each type of asbestos material (specify any other type of container used if not listed below):
 - DM - Metal drums, barrels
 - DP - Plastic drums, barrels
 - BA - 6 mil plastic bags or wrapping
7. Enter the quantities of each type of asbestos material removed in units of cubic meters (cubic yards).
8. Use this space to indicate special transportation, treatment, storage or disposal or Bill of Lading information. If an alternate waste disposal site is designated, note it here. Emergency response telephone numbers or similar information may be included here.
9. The authorized agent of the waste generator must read and then sign and date this certification. The date is the date of receipt by transporter.

NOTE: The waste generator must retain a copy of this form.

(continued)

Figure 4. Waste Shipment Record

Transporter Section (Items 10 & 11)

10. & 11. Enter name, address, and telephone number of each transporter used, if applicable. Print or type the full name and title of person accepting responsibility and acknowledging receipt of materials as listed on this waste shipment record for transport. Enter date of receipt and signature.

NOTE: The transporter must retain a copy of this form.

Disposal Site Section (Items 12 & 13)

12. The authorized representative of the WDS must note in this space any discrepancy between waste described on this manifest and waste actually received as well as any improperly enclosed or contained waste. Any rejected materials should be listed and destination of those materials provided. A site that converts asbestos-containing waste material to nonasbestos material is considered a WDS.
13. The signature (by hand) of the authorized WDS agent indicates acceptance and agreement with statements on this manifest except as noted in item 12. The date is the date of signature and receipt of shipment.

NOTE: The WDS must retain a completed copy of this form. The WDS must also send a completed copy to the operator listed in item 2.

Figure 4. Waste Shipment Record

SOLID WASTE ORIGIN AND DISPOSAL FORM

A. Transporter Section (To be completed by the Transporter prior to transport to the disposal site)

1. Name of Registered Transporter: _____ Phone No. _____ 2. NJDEP Registration No.: _____
 A-901 Licensed Registered self-generator Registration Exempt 4. Waste Self-Generated: (Check One) YES NO

5. Name of LESSOR if the solid waste vehicle is leased: _____
 Type _____ License Plate No. _____ Capacity _____ Leased — Yes or No _____

6. Decal No. _____
 Cab or Single Unit _____ Container _____ N/A _____
 Trailer _____
 Transporter to complete waste origin information. _____ State _____ % of Total Load _____
 Municipality (ies) _____ County(ies) _____

7. A. Waste Types (Please circle)
 ID 10 ID 13 ID 13C ID 23
 ID 25 ID 27 ID 27A ID 27I
 Other: _____
 B. Source Separated Recyclables: (Please circle)
 Paper / Corrugated / Glass / Metal / Plastics
 Concrete / Asphalt / Wood / Yard Material
 Other: _____

* Sending Facility: (If solid waste is transported from a solid waste intermodal, transfer, or material recovery facility, list the facility name in the Municipality column, ID # in the County column and the State in which the sending facility is located in the State column.)

9. Date Waste Collected: _____

10. Transporter's Certification: I CERTIFY THAT THE INFORMATION PROVIDED ON THIS FORM IS TRUE TO THE BEST OF MY KNOWLEDGE.

PRINT DRIVER'S NAME _____ SIGNATURE _____ DATE _____

B. Disposal Destinations

11. Final Disposal Facility Name & State (Transporter Completes 11 & 12): _____

12. Non Hazardous Manifest # or Bill of Lading # or Pull Ticket #: _____

13. In State weigh location (Weigh master completes 13 through 16): _____

14. GROSS WT.: _____ NET WT. (IN STATE DISPOSAL ONLY): _____ 15. SCALE TICKET No. (IN STATE DISPOSAL ONLY): _____

16. Weigh master's Certification: I CERTIFY THAT THIS FORM HAS BEEN COMPLETED BY THE REGISTERED TRANSPORTER IDENTIFIED ABOVE, AND THAT THE GROSS WEIGHT FIGURE IS TRUE AND ACCURATE FOR LOADS GOING OUT OF STATE. SIGNATURE: _____ DATE: _____

C. In State Disposal Facility Section (To be completed by facility operator for loads disposed of in State only)

17. New Jersey Receiving Facility Operator Certification: I CERTIFY THAT THIS FORM HAS BEEN COMPLETED BY THE REGISTERED TRANSPORTER IDENTIFIED ABOVE, AND THAT THE WASTE AS IDENTIFIED BY THE TRANSPORTER IS PERMITTED TO BE DISPOSED OF AT THIS FACILITY.

Receiving Facility Permit or ID#: _____ DATE _____ TIME _____ OPERATOR'S STAMP OR SIGNATURE _____

Instructions for completing NJDEP Solid Waste Origin And Disposal Form

- Name of Registered Transporter and Phone Number:** The transporter must use the registered trade name of the transporter as identified on the NJDEP Solid Waste Transporter Registration along with the appropriate telephone number (including area code) of the company. Nicknames, aliases and abbreviations are not acceptable.
- NJDEP registration No.:** The correct NJDEP Solid Waste Transporter Registration Number must be filled out. This number appears on the registration certificate which must be carried with the vehicle.
- Type of Transporter Registration:** The appropriate box must be checked depending on whether the transporter is licensed, is a self generator exempted from licensing requirements, or the vehicle is not subject to NJDEP registration requirements.
- Waste Self Generated:** The appropriate box must be checked to disclose whether the waste was self generated by the entity performing the transportation.
- Name of LESSOR if the solid waste vehicle is leased:** The name of the lessor as indicated on the lease must be filled in if the vehicle is leased. The lease must be carried in the registered vehicle.
- Decal No., Type, License Plate No., Capacity, and Leased:** The decal number must be filled in for the appropriate type of registered equipment (i.e. container, trailer, cab, etc.). The License plate must also be filled in for the appropriate equipment along with the capacity (i.e. 30 cubic yard container). Yes or No must be filled in next to the appropriate type of equipment to indicate if it is leased.
- Waste Types and Source Separated Recyclables:** The transporter must indicate the type(s) of waste being transported by circling the appropriate waste types. An example of "other" would be non hazardous bulk liquid (type 72) for example. If a load consists of source separated recyclables the transporter must circle the appropriate material. If the load consists of more than one co-mingled type of recyclable, "co-mingled" must be indicated under the "Other" section along with the approximate percentages (i.e. co-mingled paper 25%, metal 50%, plastics 25%).
- Municipality, County State, % of Load:** The transporter must identify the waste origin by municipality, county, and state along with the respective percentage of each waste origin. In the event waste is transported from one solid waste facility to another (for example from a transfer station to a landfill for disposal) the transporter must indicate the sending facility's name in the municipality column, the facility permit # in the County column, and the State in which the sending facility is located in the State column, in addition to the waste origin(s). The percentage of waste sent from a single solid waste facility such as a transfer station should be recorded as 100%.
- Date Waste Collected:** The transporter must fill in the actual date the solid waste was collected.
- Transporter's Certification:** The driver representing the transporter must print and sign his/her name and date to certify the information in the Transporter Section was completed accurately.
- Final Disposal Facility Name & State:** The transporter must fill in the final disposal facility name and State in which the facility is located.
- Non Hazardous Manifest # or Bill of Lading # or Pull Ticket #:** The transporter must identify the appropriate manifest or bill of lading number for loads being transported for out of State disposal. The pull ticket number must be recorded for all loads where such a document is generated.
- In State weigh location:** The weigh master must complete the location of the weighing facility. For most instances of in State disposal this is the same location as the disposal facility, however in cases involving loads being transported out of State, the weigh location may be designated to be a location other than a disposal facility.
- Gross Wt. And Net Wt.:** The weigh master must complete the gross weight for all vehicles transporting waste and recyclables into solid waste facilities within this State. The gross weight must also be completed for all loads destined for out of State waste disposal facilities. The net weight must be recorded for all loads being disposed of in this State.
- Scale ticket #:** The weigh master must record the appropriate scale ticket # generated for loads received for disposal within this State.
- Weigh master's Certification:** The weigh master must certify the information he or she recorded is accurate.
- New Jersey Receiving Facility Operator Certification:** The person responsible for recording information for loads received at New Jersey solid waste facilities must fill in the facility number the date and time and stamp or sign the the form to certify the form was completed by the transporter and that the waste identified by the transporter is permitted to be accepted at the facility for disposal.

Failure to carefully follow these instructions in accurately completing the Solid Waste Origin and Disposal Form can lead to enforcement action including penalties.

- Waste Type ID 10 = municipal solid waste
- Waste Type ID 13 = bulky solid waste
- Waste Type ID 13C = construction & demolition debris
- Waste Type ID 23 = vegetative waste
- Waste Type ID 25 = animal and food processing waste
- Waste Type ID 27 = dry industrial waste
- Waste Type ID 27A = asbestos containing waste
- Waste Type ID 27I = incinerator ash

New Jersey Department of Health
Consumer, Environmental & Occupational Health Service
PO Box 369, Trenton, NJ 08625-0369
Telephone: 609-826-4950 Fax: 609-826-4975

NOTIFICATION OF NON-FRIABLE ASBESTOS WORK ACTIVITIES RELATED TO SUPERSTORM SANDY

Must be submitted 10 days prior to the beginning of work. Please type or print legibly.

I. Notification Information

Date of Notification: ____/____/____

Initial Amended Cancellation Emergency (must include justification)

Type of Work: Renovation Demolition

II. Building Information

Name of Building Owner/Operator: _____

Street Address: _____ City: _____ State: _____ Zip: _____

Name of Contact: _____ Telephone No.: _____

III. Facility Information

Name of Facility Where Work Activity is to Take Place: _____

Describe Facility Use: **Residence**

Street Address: _____ City: _____ State: _____ Zip: _____

County Name: _____ County Code (state use only): _____

Scheduled Start Date: ____/____/____ Scheduled Completion Date: ____/____/____

Occupancy Status During Activity (check only one):

Facility Closed/Vacated During Entire Activity

Activity Performed Outside Normal Facility Hours—Describe: _____

Other—Describe: _____

Scope of Work (check all that apply):

Floor Tile Square Footage: _____ Percentage Asbestos: _____ %

Mastic Square Footage: _____ Percentage Asbestos: _____ %

Transite Square Footage: _____ Percentage Asbestos: _____ %

Roofing Square Footage: _____ Percentage Asbestos: _____ %

Siding Square Footage: _____ Percentage Asbestos: _____ %

Other: _____ Square Footage: _____ Percentage Asbestos: _____ %

IV. Contractor Information

Company Name: _____ Telephone No.: _____

Street Address: _____ City: _____ State: _____ Zip: _____

New Jersey Asbestos License Number (if applicable): _____

Monitoring Firm (if applicable): _____ Telephone No.: _____

V. Signature

Completed By (type or print legibly): _____ Title: _____

Signature: _____ Date: _____



For District Use Only

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HURRICANE SANDY RECOVERY

APPLICATION FOR SOIL EROSION AND SEDIMENT CONTROL PLAN CERTIFICATION

The enclosed soil erosion and sediment control plan and supporting information are submitted for certification pursuant to the Soil Erosion and Sediment Control Act, Chapter 251, P.L. 1975 as amended (NJSA 4:24-39 et. seq.) and NJDA Administrative Order No. XXXXXX. An application for certification of a soil erosion and sediment control plan shall include the items listed on the reverse side of this form. **This application is to be used ONLY for projects resulting from damage due to Hurricane Sandy.**

| | | | |
|---|--|--------------------------------|-------------|
| Name of Project | | Project Location: Municipality | |
| Project Street Address | | Block | Lot |
| Project Owner(s) Name | | Phone # | Fax # |
| Project Owner(s) Street Address (No P.O. Box Numbers) | | City | State Zip |
| Total Area of Project (Acres) | Total Area or Land to be Disturbed (Acres) | No. Dwelling or other Units | Fee \$ |
| Hurricane Sandy Damage Verification: FEMA Documentation or Substantial Damage Determination from municipal floodplain administrator | | | |
| Plans Prepared by* | | Phone # | Fax # |
| Street Address | | City | State Zip |
| *(Engineering related items of the Soil Erosion and Sediment Control Plan MUST be prepared by or under the direction of and be sealed by a Professional Engineer or Architect licensed in the State of New Jersey, in accordance with NJAC 13:27-6.1 et. seq.) | | | |
| Agent Responsible During Construction | | | |
| Street Address | | | |
| City | State | Zip | Phone Fax # |

The applicant hereby certifies that all soil erosion and sediment control measures are designed in accordance with current **Standards for Soil Erosion and Sediment Control In New Jersey** and will be installed in accordance with those Standards and the plan as approved by the Soil Conservation District and agrees as follows:

1. To notify the District in writing at least 48 hours in advance of any land disturbance activity. Failure to provide such notification may result in additional inspection fees.
2. To notify the District upon completion of the Project (Note: No certificate of occupancy can be granted until a report of compliance is issued by the District).
3. To maintain a copy of the certified plan on the project site during construction.
4. To allow District agents to go upon project lands for inspection.
5. That any conveyance of this project or portion thereof prior to its completion will transfer full responsibility for compliance with the certified plan to any subsequent owners
6. To comply with all terms and conditions of this application and certified plan including payment of all fees prescribed by NJDA Administrative Order No. XXXXXX

The applicant hereby acknowledges that structural measures contained in the Soil Erosion and Sediment Control Plan are reviewed for adequacy to reduce offsite soil erosion and sedimentation and not for adequacy of structural design. The applicant shall retain full responsibility for any damages which may result from any construction activity notwithstanding district certification of the subject soil erosion and sediment control plan. It is understood that approval of the plan submitted with this application shall be valid only for the duration of the initial project approval granted by the municipality. All municipal renewals of this project will require submission and approval by the district. In no case shall the approval extend beyond three and one half years at which time resubmission and certification will be required. Soil Erosion and Sediment Control Plan certification is limited to the controls specified in the plan. It is not authorization to engage in the proposed land use unless such use has been previously approved by the municipality or other controlling agency. It is further understood that all documents, site plans, design reports etc. submitted to the district shall be made available to the public (upon request) pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

| | |
|------------------------------|--|
| 1. Applicant Certification* | 3. Plan determined complete (receipt of forms, plot plan, hurricane damage certification, proper fee): |
| Signature _____ Date _____ | Signature of District Official _____ Date _____ |
| Applicant Name (Print) _____ | |

*If other than project owner, written authorization of owner must be attached.

SSCC251 SANDY APPLICATION 3/2013

Requirements for Hurricane Sandy
Soil Erosion and Sediment Control Plan Certification

1. Completed Hurricane Sandy Recovery Application
2. Documentation of Hurricane related damage (FEMA or municipal verification)
3. Completed Typical Detail Plan with Notes
4. 1 copy of proposed plot plan
5. 1 copy of current tax map showing location of property with block and lot clearly marked
6. Check for \$200.00 made out to the local soil conservation district.