

SECTION 01 41 00 - REGULATORY REQUIREMENTS

PART 1 - GENERAL

1.1 RELATED DOCUMENTS

- A. The Contract Drawings and other Contract Documents, including the General Conditions, Supplementary Conditions, and other Division 01 Specification Sections, apply to the Work of this Section.

1.2 RELATED SECTIONS

- A. Section 01 81 13 - Sustainable Design Requirements.
- B. Section 01 31 00 - Project Management and Coordination.
- C. Section 01 33 00 - Submittal Procedures.

1.3 SUMMARY

- A. This Section specifies regulatory requirements for:
 - 1. Town of North Salem permits, inspections, and approvals.
 - 2. Construction Management Meeting.
 - 3. Storm Water Pollution Prevention Plan (SWPPP).
 - 4. Construction Management Plan.
 - 5. Temporary Construction Permit.
 - 6. Town of North Salem Building Permit.
 - 7. Electrical Permit and Certificate of Inspection.
 - 8. Erosion Control Plan.
 - 9. Demolition Permit.
 - 10. Flammable and Combustible Liquids Permits.
 - 11. Encroachment approvals.
 - 12. Sprayed Insulation Permit.
 - 13. Certificate of Use and Occupancy.
 - 14. Air Pollution Control Ordinance permits and certificates.
 - 15. Licensed tradesmen.
 - 16. Excavation and grading bonds.
- B. State of New York permits, inspections, and approvals.
 - 1. Storm Water Management Program.
 - 2. Hazardous air pollution control.
 - 3. Lead abatement.
 - 4. "Green and Clean" State buildings.
- C. United States Government permits, inspections, and approvals.
 - 1. Periodic OSHA compliance inspections.
 - 2. Controlling toxic substances and hazardous materials.

- D. Obtaining legal agreements for patented devices, materials, and processes.

1.4 REFERENCES

A. Abbreviations and Acronyms:

1. ACM: Asbestos containing material.
2. ADA: Americans with Disabilities Act.
3. ADAAG: Americans with Disabilities Act Accessibility Guidelines.
4. AHERA: Asbestos Hazard Emergency Response Act.
5. ACM: Asbestos containing material.
6. BMPs: Best management practices.
7. CFR: Code of Federal Regulations.
8. EPA: Environmental Protection Agency.
9. IBC: ICC International Building Code
10. ICC: International Code Council.
11. NESHAPs: National Emission Standards for Hazardous Air Pollutants.
12. NPDES: National Pollutant Discharge Elimination System.
13. OSHA: Occupational Safety and Health Administration.
14. PACM: Presumed asbestos containing material.
15. PCBs: Polychlorinated Biphenyls.
16. RACM: Regulated asbestos containing material.
17. RCRA: Resource Conservation and Recovery Act.
18. ROW: Right-of Way.
19. SWPPP: Storm Water Pollution Prevention Plan.
20. U.S.C.: United States Code.
21. VOC: Volatile organic compounds.

B. Definitions:

1. Asbestos: The asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, anthophyllite, and actinolite- tremolite.
2. Asbestos Containing Material (ACM):
 - a. Category I Nonfriable Asbestos-Containing Material: Asbestos- containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the Polarized Light Microscopy method specified in Appendix E of 40 CFR 63.
 - b. Category II Nonfriable Asbestos-Containing Material: Any material, excluding Category I nonfriable asbestos-containing material, containing more than 1 percent asbestos as determined using the Polarized Light Microscopy method specified in Appendix E of 40 CFR 63, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.
3. Authority Having Jurisdiction (AHJ): Building Code officials, zoning officials, inspectors, and government and regulatory agencies given the authority to protect the public's health, safety, and welfare.
4. Friable: Material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.
5. Friable Asbestos Material: Material containing more than 1 percent asbestos as determined using the Polarized Light Microscopy method specified in Appendix E of 40 CFR 63.
6. Operating Engineer: A person who works for a company that occupies all or the major part of a building in the Town of North Salem and is responsible for the operation high pressure steam or hot water boiler(s) or engine(s) in which the safety valve(s) are set higher than 15

psi and the developed equipment rating is more than 30 HP, or refrigeration or equipment generating chilled water of over 50 tons capacity, or air compressor(s) rated at more than 75 HP.

7. Polychlorinated Biphenyls (PCBs): Any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance, including, but are not limited to: dielectric fluids; solvents; oils; waste oils; heat transfer fluids; hydraulic fluids; paints or coatings; sludges; slurries; sediments; dredge spoils; soils; materials containing PCBs as a result of spills; and other chemical substances or combinations of substances, including impurities and byproducts and any byproduct, intermediate, or impurity manufactured at any point in a process.
8. Regulated Asbestos Containing Material (RACM): Any of the following categories of asbestos:
 - a. Friable asbestos material.
 - b. Category I nonfriable asbestos containing material (ACM) that has become friable.
 - c. Category I nonfriable asbestos containing material (ACM) that will be or has been subjected to sanding, grinding, cutting, or abrading.
 - d. Category II nonfriable asbestos containing material (ACM) that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on it during regulated demolition or renovation operations.
9. Right-of Way: Land expressly reserved for vehicle/pedestrian traffic or utilities.
10. Volatile Organic Compounds (VOC): Generally meant to refer to organic chemical compounds that have high enough vapor pressures under normal conditions to significantly vaporize and enter the atmosphere.
 - a. The U.S. Environmental Protection Agency has composed the following definition for regulatory, not necessarily scientific, purposes: "VOC means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions (and then lists several other exemptions)."

C. Reference Standards:

1. Town of North Salem:
 - a. Town of North Salem Construction Management Protocol.
 - b. Department of Public Works:
 - 1) Standard Construction Details.
 - 2) Town of North /th Salem Specifications.
 - c. Municipal Code of the Town of North Salem, New York;
<http://localbuildingcode.com/PurdysNewYorkBuildingCode>
 - d. The Town of North Salem Supplemental Building Code,
 - 1) The Town of North Salem Building Code – Administration and Enforcement.
 - 2) The Town of North Salem General Construction Code.
 - 3) The Town of North Salem Mechanical Code.
 - 4) The Town of North Salem Electrical Code.
 - 5) The Town of North Salem Fire Code.
 - 6) The Town of North Salem Smoke Control Code.
 - 7) The Town of North Salem Property Maintenance Code.
 - e. Phase II Storm Water Management Program.
 - f. Traffic Ordinance of the Town of North Salem.
 - g. Zoning Ordinance of the Town of North Salem.
2. Illuminating Engineering Society of North America's (IES):
 - a. The Lighting Handbook.
3. State of New York:

- a. New York State Department of Environmental Conservation (NYSDEC):
 - 1) Regulations. <http://www.dec.ny.gov/regulations/regulations.html>
 - a) State Pollution Discharge Elimination System (SPDES):
 - (1) Permit No. GP-0-10-001 - SPDES General Permit for Stormwater Discharges from Construction Activity.
 - (2) Permit No. GP-0-10-002 - SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s).
 - b. New York State Department of State:
 - 1) Division of Code Enforcement and Administration, <http://publiccodes.cyberregs.com/st/ny/st/index.htm>:
 - a) Building Code of New York State.
 - b) Residential Code of New York State.
 - c) Existing Building Code of New York State.
 - d) Fire Code of New York State.
 - e) Mechanical Code of New York State.
 - f) Energy Conservation Construction Code of New York State.
 - g) Property Maintenance Code of New York State.
 - c. New York State Department of Transportation (NYSDOT):
 - 1) NYSDOT Standard Specifications (U.S. Customary Units). <https://www.dot.ny.gov/main/business-center/engineering/specifications>.
 - 2) New York State Standard Sheets (U.S. Customary Units). <https://www.dot.ny.gov/main/business-center/engineering/cadd-info/drawings/standard-sheets-us>.
 - 3) New York State Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways (2009 Edition). <https://www.dot.ny.gov/divisions/operating/oom/transportation-systems/traffic-operations-section/mutcd>.
 - d. New York State Energy Research and Development Authority (NYSERDA):
 - 1) New York State Executive Order No. 111 – “Green and Clean” State Buildings and Vehicles Guidelines.
 - e. Official Compilation of the Rules and Regulations of the State of New York (NYCRR).
 - 1) The New York State Department of Environmental Conservation (NYSDEC):
 - a) 6 NYCRR Part 201 General Provisions.
 - b) 6 NYCRR Part 203 Indirect Sources Of Air Contamination.
 - c) 6 NYCRR Part 231 Implementation Guidance.
 - 2) The New York State Department of Health (NYSDOH):
 - a) 10 NYCRR Part 67 - NYS Regulations for Lead Poisoning Prevention and Control.
 - 3) The New York State Department of Labor (NYSDOL):
 - a) 12 NYCRR Part 23 - Protection in Construction, Demolition and Excavation Operations.
 - b) 12 NYCRR Part 56 – Asbestos.
 - 4) The New York State Department of Public Service (NYSDPS):
 - a) 16 NYCRR Part 753 - Protection of Underground Facilities.
4. United States Government:
 - a. Department of Justice:
 - 1) 2010 ADA Standards for Accessible Design,
 - 2) 28 CFR 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services

- 3) 28 CFR 36 – Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities.
- b. Environmental Protection Agency (EPA):
 - 1) 40 CFR 123 and 124 - National Pollutant Discharge Elimination System Permit Application Regulations for Storm Water Discharges; Final Rule.
 - 2) 40 CFR 9, 122, 123, and 124 - National Pollutant Discharge Elimination System—Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges; Final Rule
 - 3) 40 CFR 61 National Emission Standards for Hazardous Air Pollutants.
 - 4) 40 CFR 763 Asbestos-Containing Materials in Schools; Final Rule and Notice.
- c. Federal Highway Administration (FHWA):
 - 1) Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) with New York State Supplement.
- d. Federal Transit Administration (FTA):
 - 1) 49 CFR 661 Buy America Requirements.
- e. Occupational Safety and Health Administration (OSHA):
 - 1) 29 CFR 1910 Occupational Health and Safety Standards.
 - 2) 29 CFR 1926 Safety and Health Regulations for Construction.
- f. United States Code:
 - 1) 15 U.S.C. Section 2601 et seq.
 - a) Federal Toxic Substances Control Act [P.L. 94-469, P.L. 99- 519, as amended].
 - b) Asbestos Hazard Emergency Response Act (AHERA).
 - 2) 33 U.S.C. Section 1251 et seq.
 - a) Water Quality Act of 1987 [P.L. 100-4].
 - b) Clean Water Act of 1977 [P.L. 95-217].
 - c) Federal Water Pollution Control Act Amendments of 1972 [P.L. 95-500].
 - 3) 42 U.S.C. Section 2000e et seq.
 - a) Equal Employment Opportunity:
 - (1) Civil Rights Act of 1964 [P.L. 88-352 (Title VII - Equal Employment Opportunity)], as amended.
 - 4) 42 U.S.C. Section 6901 et seq.
 - a) Resource Conservation and Recovery Act (RCRA) [P.L. 94- 580].
 - 5) 42 U.S.C. Section 7401 et seq.
 - a) Air Pollution Prevention and Control.
 - (1) Clean Air Act [P.L. 95–95], as amended.
 - 6) 42 U.S.C. Sections 12101–12213.
 - a) Equal Opportunity for Individuals with Disabilities.
 - (1) Americans with Disabilities Act of 1990 (ADA)[P.L. 101-336].
 - (2) ADA Amendments Act of 2008 [P.L. 110–325].
 - 7) 47 U.S.C. Section 225.
 - a) Telecommunications Services for Hearing Impaired and Speech-impaired Individuals.
 - (1) ADA Amendments Act of 2008 [P.L. 110–325, P.L. 104– 104, Pub. L. 111–260]
 - 8) 47 U.S.C. Section 611.
 - a) Closed-captioning of Public Service Announcements.
 - (1) Americans with Disabilities Act (ADA) [P.L. 98-549, P.L. 101– 336].
 - 9) 49 U.S.C. Section 5323(j).
 - a) Buy America Act [P.L. 103–429].

- 10) 49 U.S.C. Section 5333(b).
- a) Federal Transit Act

1.5 ADMINISTRATIVE REQUIREMENTS

- A. Town of North Salem Construction Management Meeting:
 1. Before the Town of North Salem will issue building or excavation permits the Contractor must meet with the Town of North Salem Commissioners of Building, Public Safety, Public Works, Traffic, and Planning; and the Environmental Officer, to review the Construction Management Plan for the Project described in the Town of North Salem Construction Management Protocol.
- B. Preconstruction Conference:
 1. At the Preconstruction Conference specified in Section 01 31 00 Project Management and Coordination, regulatory requirements will be discussed, including but not limited to:
 - a. Equal Employment Opportunity (EEO) and affirmative action requirements.
 - b. Requirements of labor provisions stipulated by the U.S. Department of Transportation (DOT) as required.
 - c. Laws, codes, traffic regulations, permit requirements, and other public agencies' regulations.
 - 1) Buy America Act requirements.
 - 2) New York State Executive Order No. 111.
 - 3) Other laws, codes, regulations, and requirements.

1.6 QUALITY ASSURANCE

- A. Regulatory Agency Sustainability Approvals:
 1. Obtain, pay for, and comply with all necessary local, State, and Federal permits, licenses, and inspections.
 2. Metro-North:
 - a. Certificate of Use and Occupancy:
 - 1) New buildings in the properties of Metro-North may not be used or occupied in whole or in part until a Certificate of Use and Occupancy has been issued by Metro-North.
 - a) This certificate will certify legal use and occupancy and the purpose(s) for which the building or structure may be used.
 - b) The Certificate of Use and Occupancy will specify the use group, the fire grading, the maximum live load on all floors, the occupancy load in the building and all parts thereof, and any special stipulations and conditions of the building permit.
 3. Town of North Salem Permits, Inspections, and Approvals:
 - a. Storm Water Pollution Prevention Plan (SWPPP):
 - 1) Each Contractor and Subcontractor identified in the SWPPP who will be involved in soil disturbance and/or storm water management practice installation must sign and date a copy of the following certification statement before undertaking any land development or redevelopment activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Storm Water Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

- 2) The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address or other identifying description of the site; and the date the certification is made.
 - 3) Keep a copy of the SWPPP at the Site during construction from the date of initiation of construction activities to the date of final stabilization and submit a copy to the Engineer for information.
- b. Construction Management Plan:
- 1) This Project is subject to the Town of North Salem Construction Management Protocol, which requires a Construction Management Plan for development that involves exterior site disturbance and construction, and this Plan must include strict controls for the following:
 - a) Construction related impacts to adjacent properties such as hours of operation of construction vehicles and construction work on the site, hours of deliveries to the site, location of deliveries, requirements for loading/unloading and storage of materials on the Site.
 - b) Length of time public street travel lanes will be encumbered, and public sidewalk closings or pedestrian diversions to ensure the safety of pedestrians.
 - c) Controls on the impact of run-off from the site on the City and County storm drainage system and adjacent properties, such as from the wash down of delivery vehicles departing the Site.
 - (1) Delivery vehicles departing the Site must be cleaned on pads located on the Site, and the wash-down water drainage must be properly filtered.
 - d) Noise.
 - e) Pest control.
 - f) Street cleaning and control of "fugitive dust" air pollution.
 - g) Site security.
 - h) Scheduling of periodic meetings with residents and City staff to coordinate project construction and keep residents advised.
 - 2) Include as part of the Construction Management Plan, a Parking Plan for construction workers prepared in coordination with the Town of North Salem.
 - 3) Include as part of the Construction Management Plan, a Fugitive Dust Plan for protecting adjacent properties.
 - 4) Coordinate the hours permitted for construction with the Town of North Salem Commissioners of Building, Public Safety, and Public Works.
 - 5) Submit the Construction Management Plan to the Town of North Salem Commissioners of Building, Public Safety, Public Works, Traffic, and Planning; and to the Environmental Officer for approval and send a copy of the approved Construction Management Plan to the Engineer for information.
- c. Temporary Construction Permit:
- 1) In accordance with The Town of North Salem General Construction Code, prior to commencing construction operations, submit plans and specifications indicating the design and construction of sidewalk sheds, truck runways, foot bridges, guard fences, and similar temporary devices required by the operation to the Town of North Salem Building Department as required by the Town of North Salem General Construction Code for approval.
 - 2) Do not commence operations until the approval of the plans and specifications by the Town of North Salem Building Commissioner is received and submit a copy of the plans and specifications and their approval to the Engineer for information.

- a) Town of North Salem Building Permit:
 - (1) In accordance with The Town of North Salem Supplemental Building Code, work associated with underpinning including excavation, construction, addition, repair, alteration, removal or demolition cannot be commenced; topsoil, earth, gravel, or other substance cannot be removed from or added to the premises; the location, occupancy, use or maintenance of any wall, building, or structure cannot be changed; and installation, repairs or alterations regulated by the Code cannot be made to any plumbing, gas piping, electric wiring, elevators, refrigeration, air conditioning, ductwork, or fire- suppression equipment until a permit for this work has been applied for and obtained from the Town of North Salem Building Commissioner.
 - b) It is unlawful to use such equipment on City property until accepted and authorized for such use by the Town of North Salem Building Commissioner.
- 3) The Town of North Salem Building Commissioner will receive applications, including copies of plans and specifications, and issue permits for the erection and alteration of adjacent buildings and structures, including underpinning, examine the premises for which such permits have been issued, and enforce compliance with the provisions of The Town of North Salem Supplemental Building Code.
 - a) Posting of Permit and Site Plans:
 - (1) Keep a copy of the building permit open to public inspection on the site of operations during the entire time of prosecution of the work and until completion of the work and submit a copy of the Building Permit to the Engineer for information.
 - (2) If separate permits are required for mechanical, plumbing, or electrical work, copies of such permits must also be kept open to public inspection on the site of operations until final authorization is obtained.
 - b) Notice of Start:
 - (1) At least 24 hours prior to the start of work under a building permit give notice to the Town of North Salem Building Commissioner.
- 4) Submit a copy of the Building Permit to the Engineer for information.
- d. Fire Suppression Permits:
 - 1) Apply for a Fire Suppression Permit to the Commissioner on notarized forms and pay the associated fees at no increase in the Contract Price.
 - a) Submit plans and specifications for the installation, extension, modification, alteration or removal from service of automatic fire, alarm and detection systems to the Division of Fire Prevention and the Department of Building prior to the commencement of the work.
 - 2) Submit copies of the Fire Suppression Permit to the Engineer for information.
- e. Erosion Control Plan:
 - 1) Furnish storm water management and erosion control conforming to the requirements of the Town of North Salem Phase II Storm Water Management Program.
 - 2) Prior to commencing construction work involving disturbance of land on the Site, submit an Erosion Control Plan complying with the requirements specified in the Town of North Salem General Construction Code to the Town of North

- Salem Building Department for approval, and submit a copy of the Erosion Control Plan and its approval to the Engineer for information.
- f. Flammable and Combustible Liquids Permit:
 - 1) In accordance with The Town of North Salem Fire Code, a permit is required for storing or handling of more than 55 gallons of corrosive liquids; or more than 500 pounds of oxidizing materials; or more than 500 millicuries of radioactive material; or more than 2000 cubic feet of flammable compressed gas; or 10 pounds or more of organic peroxides; or 500 pounds or more of ammonium nitrate; or any amount of highly toxic material or poisonous gas.
 - 2) Apply for a Flammable and Combustible Liquids Permit from the Town of North Salem Commissioner of Public Safety, and pay the fees associated with the Permit at no increase in the Contract Price.
 - 3) Submit a copy of the Flammable and Combustible Liquids Permit to the Engineer for information.
 - g. Encroachment Approvals:
 - 1) In accordance with The Town of North Salem General Construction Code, sidewalk sheds, underpinning, and other temporary protective guards and devices may only project beyond the interior and street lot lines if approval is obtained from the Town of North Salem Building Commissioner, and if necessary the approval of the affected adjacent property owner.
 - 2) Do not encroach beyond the interior and street lot lines until the approval by the Town of North Salem Building Commissioner and affected property owners is received and submit a copy of the approvals to the Engineer for information.
 - 3) A permit from the Town of North Salem is required by Metro-North for underpinning activities outside of the properties of Metro-North.
 - h. Air Pollution Control Ordinance Permits and Certificates:
 - 1) Comply with the Town of North Salem Air Pollution Control Ordinance appearing in Municipal Code of the Town of North Salem, New York, which requires maintaining a reasonable degree of purity of the air resources of the City consistent with applicable Federal, State and City law.
 - 2) Permits, operating certificates, registration certificates, or certificates of instruction required by the Town of North Salem Air Pollution Control Ordinance must be displayed in a clean, transparent cover and posted in a prominent place in the vicinity of the equipment on the premises designated in the permit or certificate, or in the vicinity of the equipment which will be operated or supervised.
4. State of New York Permits, Inspections, and Approvals:
- a. The United States Environmental Protection Agency has delegated authority to the New York State Department of Environmental Conservation (NYSDEC) to issue permits for many sources subject to New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS) in accordance with Part 201 of the NYSDEC Regulations.
 - b. Storm Water Management Program:
 - 1) In compliance with the NYSDEC regulations, the Town of North Salem has established a Phase II Storm Water Management Program.
 - 2) Connections to the Town of North Salem' municipal separate storm sewer system (MS4), and the regulation of non-storm water discharges to the MS4 to the maximum extent practicable, are regulated by the Municipal Code of the Town of North Salem, New York as required by federal and state law.

- 3) Methods for controlling the introduction of pollutants into the MS4 have been established in order to comply with requirements of the New York State Department of Environmental Conservation's (NYSDEC) SPDES General Permit (GP-02-02) for municipal separate storm sewer systems.
 - 4) Persons subject to a construction activity SPDES storm water discharge permit must comply with the provisions of the permit, and proof of compliance with the permit may be required in a form acceptable to the city engineer prior to the allowing of discharges to the MS4.
- c. Hazardous Air Pollution Control:
- 1) The United States Environmental Protection Agency (EPA) has delegated implementation and enforcement of the National Emission Standards for Hazardous Air Pollutants (NESHAPs) codified in 40 CFR 61 and 40 CFR 63 to the New York State Department of Environmental Conservation (NYSDEC).
 - 2) Asbestos Abatement:
 - a) For work involving the removal, encapsulation, enclosure, repair, or disturbance of friable or non-friable asbestos, or handling of asbestos material that may result in the release of asbestos fibers, comply with the requirements of 12 NYCRR Part 56.
 - (1) Comply with the OSHA asbestos regulations that protect private sector workers, and public employees in States with OSHA-approved State plans.
 - b) At least 10 calendar days prior to commencement of regulated asbestos abatement operations to prepare work areas and construct enclosures, notify the Asbestos Control Bureau and occupants in writing or using the online form, unless waived in writing by the Commissioner or his or her duly authorized representative.
 - (1) Pay applicable fees.
 - (2) Only asbestos Contractors licensed for the particular task can legally perform the work.
 - c) If the station building or structure to be demolished or renovated has not been inspected during the past year by a building inspector certified in accordance with the requirements specified in the Asbestos Hazard Emergency Response Act (AHERA) Model Accreditation Plan (MAP), have a currently AHERA-certified building inspector inspect the building or structure to be demolished or renovated and prepare a Phase I asbestos survey.
 - (1) In either case, obtain a copy of the inspection survey report to determine if asbestos is present; and, if so, to determine the amount of friable asbestos containing material (ACM) present.
 - (2) Submit a copy of the Asbestos Inspection Report prepared by the currently AHERA-certified building inspector to the Engineer for information.
 - d) If the asbestos survey determines the building/structure that is to be demolished, renovated, remodeled, or have repair work contains ACM, presumed asbestos containing material (PACM), suspect miscellaneous ACM assumed to be ACM, or asbestos material impacted by the work, have a licensed asbestos abatement Contractor remove the asbestos.
 - (1) Remove regulated asbestos containing material (RACM) before demolition or renovation activity begins that would break up, dislodge, or similarly disturb the material or preclude access to the material for subsequent removal.

- (2) RACM does not need to be removed before demolition if:
 - a. It is Category I nonfriable ACM that is not in poor condition and is not friable.
 - b. It is on a facility component that is encased in concrete or other similarly hard material and is adequately wet whenever exposed during demolition.
 - c. 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.
 - d. They are Category II non-friable ACM and the probability is low that the materials will become crumbled, pulverized, or reduced to powder during demolition.
 - (3) When a component that contains, is covered with, or is coated with RACM, is being removed as a unit or in sections:
 - a. Adequately wet the RACM exposed during cutting or disjoining operations; and
 - b. Carefully lower each unit or section to the floor and to ground level, not dropping, throwing, sliding, or otherwise damaging or disturbing the RACM.
 - (4) When RACM is stripped from a facility component while it remains in place in the facility, adequately wet the RACM during the stripping operation unless the following conditions exist:
 - a. The owner or operator has obtained prior written approval from the Administrator based on a written application that wetting would unavoidably damage equipment or present a safety hazard; and
 - b. The owner or operator uses a local exhaust ventilation and collection system designed and operated to capture and remove the particulate asbestos material produced by the stripping, and it exhibits no visible emissions to the outside air.
- d. Lead Abatement:
 - 1) For work involving the assessment and abatement of conditions conducive to lead poisoning, or handling of lead material, comply with the requirements of 10 NYCRR Part 67.
 - 2) Have an approved laboratory examine paint and any other environmental samples according to generally accepted scientific methods specified by the Commissioner and report the results of the lead analyses to the designated representative in whose jurisdiction the samples were collected and submit a copy to the Engineer for information.
 - 3) Do not commence lead paint abatement in any designated area of high risk prior to issuance of a written notice and demand for discontinuance of conditions conducive to lead poisoning.
 - 4) Risk reduction efforts may proceed prior to receipt of a notice and demand.
 - 5) Upon receipt of a notice and demand for discontinuance of conditions conducive to lead poisoning, such conditions must be abated.

- a) The extent of abatement and method(s) used will be determined by the Commissioner or his designated representative, in accordance with applicable laws or rules and regulations.
 - 5. United States Government Permits, Inspections, and Approvals:
 - a. Perform the Work of this Contract to at all times be in compliance with OSHA regulations in order to pass OSHA inspections which may be performed.
- B. Qualifications:
 - 1. Licensed Tradesmen:
 - a. Certain work may only be performed by licensed tradesmen who hold a valid County of Westchester license.
 - 1) Plumbing:
 - a) A Master Plumber licensed by the Westchester County Board of Plumbing Examiners and registered with the Commissioner is required for any work requiring water piping, waste, vent and drain systems, and gas piping and gas appliance installations.
 - b) An automatic sprinkler system may be installed without a plumbing permit and by other than a licensed MasterPlumber.
 - 2) Electrical:
 - a) A licensed Master Electrician is required for any work involving electrical wiring, fixtures and appliances (more than 50 volts).
 - b. Certain work may only be performed by licensed tradesmen who hold a valid Town of North Salem license.
 - 1) Hoisting:
 - a) In accordance with The Town of North Salem Building Code – Administration and Enforcement, persons or corporations engaged in the business of hoisting are required to hold a valid Town of North Salem license.
 - 2) Operating Engineers:
 - a) In accordance with The Town of North Salem Building Code – Administration and Enforcement, operating engineers are required to be tested, pass inspection, and hold a valid Town of North Salem license issued solely by the Operating Engineer/Refrigeration Operator Examining Board of The Town of North Salem.

1.7 SUBMITTALS

- A. Informational Submittals:
 - 1. Submit the following to the Engineer for information in accordance with the requirements of Section 01 33 00, Submittal Procedures:
 - a. Test and Evaluation Reports:
 - 1) Paint and any other environmental samples test report.
 - b. Special Procedure Submittals as required:
 - 1) Storm Water Pollution Prevention Plan (SWPPP).
 - 2) Construction Management Plan.
 - a) Parking Plan.
 - b) Fugitive Dust Plan.
 - 3) Approved Temporary Construction Permit plans and specifications.
 - 4) Building Permit.
 - 5) Electrical Permit.

- 6) Mechanical Permit.
- 7) Fire Suppression Permit.
- 8) Approved Erosion Control Plan.
- 9) Demolition Permit.
- 10) Flammable and Combustible Liquids Permit.
- 11) Encroachment approvals.
- 12) Sprayed Insulation Permit.
- 13) Asbestos Inspection Report.
- 14) Copies of excavation and grading bonds.
- 15) Certificate of Inspection of Heating Equipment.

1.8 DELIVERY, STORAGE, AND HANDLING

A. Storage and Handling Requirements:

1. Hazardous Materials:
 - a. Do not handle or store hazardous materials without notifying the Fire and Police Departments.
2. Readily Combustible Materials:
 - a. In accordance with the requirements of The Town of North Salem Fire Code, store readily combustible materials in a compact and orderly manner.
 - b. Do not store combustible materials closer than 2 feet to electric motors.
 - c. Do not pile or store combustible material against smoke pipes, flues furnaces, steam pipes, or similar hot items.
 - d. Store oily waste, rags, or greasy material in metal cans with metal covers.
 - e. Store painters' drop cloths, linseed oil, turpentine, thinners, open cans of paint, paint brushes soaking in any flammable liquid, and similar combustible coating materials in an approved paint locker or approved storage room.
 - f. Do not fill, store, or transport Class I or II flammable liquids in glass bottles, jugs, or containers.

B. Packaging Waste Management:

1. Readily Combustible Materials:
 - a. At the close of each day, bale and stack shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, and combustible waste materials; and remove them from the building, or orderly store them in suitable vaults, or in metal or metal-lined, covered, receptacles or bins in accordance with the requirements of The Town of North Salem Fire Code.
 - 1) Within buildings, do not store readily combustible materials within 2 feet of the ceiling, sprinkler head, or girder, whichever may be lowest; or where exit from the building could be endangered.
 - 2) In the open, do not store readily combustible materials more than 20 feet high, or less than 50 feet from the nearest building.

1.9 WARRANTY/BONDS

A. Bonds:

1. Excavation and Grading Bonds.
 - a. Before a local Building Permit will be issued for excavation, other than for construction of walls, buildings, and parts of buildings; or before a Building Permit will be issued for the removal of any topsoil, sand, gravel, rock, earth, or other

- substance; the Contractor must obtain a performance and indemnity bond for the Permit issued by a surety company or surety, executed, and filed with the City Clerk of the various municipality holding jurisdiction over that individual station as required in a sum required; approved by all required stakeholders.
- b. Submit copies of the excavation and grading bonds to the Engineer for information.

PART 2 - PRODUCTS

2.1 DESCRIPTION

A. Regulatory Requirements:

1. Metro-North:
 - a. Explosives and Blasting:
 - 1) Explosives and blasting are not allowed by Metro-North in the performance of the Work of this Project.
2. Town of North Salem:
 - a. Comply with the Codes, regulations, and ordinances of the Town of North Salem, including but not limited to:
 - 1) Town of North Salem Construction Management Protocol.
 - 2) Municipal Code of the Town of North Salem, New York.
 - 3) The Town of North Salem Supplemental Building Code.
 - 4) Traffic Ordinance of the Town of North Salem.
 - 5) Zoning Ordinance of the Town of North Salem.
 - b. The Town of North Salem Standard Construction Details and Specifications supersede other conflicting details or specifications in the Contract Documents.
3. State of New York:
 - a. Comply with the applicable Codes, regulations, and ordinances of the State of New York, including but not limited to:
 - 1) Department of State's Codes.
 - 2) New York State Department of Transportation (NYSDOT) Standard Specifications, Standard Sheets, and Supplement to the Manual on Uniform Traffic Control Devices for Streets and Highways.
 - 3) Applicable Rules and Regulations of the State of New York (NYCRR).
4. United States Government:
 - a. ~~Buy America Act:~~
 - 1) ~~Except for those products which are exempt under the specific statutory waivers stipulated in 49 CFR 661, all other products supplied under this Section must comply with the requirements of the Buy America Act.~~
 - b. Equal Employment Opportunity (EEO) and Affirmative Action Requirements.
 - 1) In compliance with the Civil Rights Act of 1964, do not engage in workplace employment discrimination on the basis of race, color, religion, sex, national origin, status as a qualified individual with a disability, or protected veteran.
 - c. Toxic Substances:
 - 1) Control toxic substances, hazardous materials, and harmful nuclear and x-ray radiation at the Site.
 - 2) Comply with the Toxic Substance Control Act (TSCA).
 - a) Do not use toxic chemical substances, mixtures, equipment, containers, sealants, coatings, or dust-control agents except in accordance with the provisions of the Toxic Substances Control Act (TSCA) as interpreted

- by the rules and regulations of 40 CFR 761 for polychlorinated biphenyls (PCBs).
 - b) Immediately report in writing any toxic chemical substance, mixture, equipment, container, sealant, coating, or dust- control agent found stored within the Project area and stop work in the area until arrangements for the removal of the toxic materials have been made, after which the Contractor may continue to work in the area.
5. Patented Devices, Materials, and Processes:
- a. If designs, devices, materials, or processes covered by patents or copyrights are employed to perform the Work, provide for their use by arranging suitable legal agreements with the patentee or owner of the items.
 - b. Defend and hold harmless the Metro-North, and any affected third party from any and all claims for infringement by reason of the use of any such patented designs, devices, materials, or processes, or any trademark or copyright; and indemnify Metro-North (METRO-NORTH) for any costs, expenses, and damages which it may be obliged to pay by reason of any infringement at any time during the prosecution or after completion of the Work.
- B. Sustainability Requirements:
1. New York State Executive Order No. 111:
- a. The Metropolitan Transit Authority (MTA), of which Metro-North is a part, is required to comply with New York State Executive Order No. 111 “Green and Clean” State Buildings and Vehicles Guidelines.
 - b. The specific requirements for compliance with New York State Executive Order No. 111 are specified in Section 01 18 13, Sustainable Design Requirements, and in general require the following:
 - 1) Achieving at least a 20 percent improvement in energy efficiency performance compared to the levels required by the Energy Conservation Construction Code of New York State, as amended.
 - 2) Designing and constructing new facilities so the building complies with the criteria for a United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED[®]) certification rating, although official application for LEED[®] certification is not required.
 - 3) Complying with the criteria specified in New York State Tax Law Section 19 Green Building Tax Credit and 6 NYCRR Part 638, including the following sections:
 - a) Section 638.7(d)(1) - Indoor Air Quality Testing.
 - b) Section 638.7(d)(2) - Indoor Air Quality Management Plan During Construction.
 - c) Section 638.7(d)(3) – Operations and Maintenance Management Plan.
 - d) Section 638.8 – Commissioning.

PART 3 - EXECUTION

3.1 PREPARATION

A. Protection of In-Place Conditions:

1. In accordance with the various municipality Construction Code requirements for each station, protect existing and adjacent public and private property from damage incidental to construction operations.

B. Demolition / Removal:

1. Service Connections:

- a. In accordance with the various municipality Building Code requirements for each station, before demolishing or removing a building notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections.
- b. The Demolition Permit to demolish or remove a building will not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

3.2 ERECTION, INSTALLATION, AND APPLICATION

A. Comply with all local, State, and Federal laws, codes, rules, and regulations applicable during construction activities.

1. Comply with the applicable OSHA workplace regulations and requirements.

2. Excavation:

- a. Comply with applicable requirements of OSHA; the State of New York statutes, especially 12 NYCRR Part 23 regarding excavation and NYCRR 16 Part 753 regarding underground utilities; and the Town of North Salem General Construction Code.

3. Illumination:

- a. Provide and maintain exterior lighting furnishing adequate illumination of driveways and lanes.
 - 1) Minimize glare and light spillage onto adjacent properties.
 - 2) Provide illumination foot candle levels prescribed by the Illuminating Engineering Society of North America's (IES) The Lighting Handbook for the particular application.
 - 3) Illumination is not required for parking areas fenced and barricaded and not used between sunset and sunrise.

4. Snow Removal:

- a. Clean snow, ice, dirt, debris, and other foreign matter from sidewalks in front of or abutting or adjoining any public street, alley, park, or place within the city; and keep them free from these materials.
 - 1) If the snowfall ceases or the foreign matter ceases to be deposited in the daytime, and the abutting or adjoining lot or premises is a place of business, or is within a "B," "BR," "CB," "UR," "OR," "CO" or "LI" District of the zoning ordinance, complete the removal within the 2 hours after the fall or deposit
 - 2) If the snowfall ceases or the foreign matter ceases to be deposited in the daytime, and the abutting or adjoining lot or premises is within any other district of the zoning ordinance, complete the removal within 10 hours.
 - 3) If the snowfall ceases or the foreign matter ceases to be deposited in the nighttime, and the abutting or adjoining lot or premises is a place of business, or is within a "B," "BR," "CB," "UR," "OR," "CO" or "LI" District of the zoning ordinance, complete the removal before 10:00 the next morning,

- 4) If the snowfall ceases or the foreign matter ceases to be deposited in the nighttime, and the abutting or adjoining lot or premises is within any other district of the zoning ordinance, complete the removal before 12:00 noon.
- b. If the snow and ice on the sidewalk is frozen so hard that it cannot be removed without injury to the sidewalk, distribute ashes, sand, or some other approved abrasive material onto the sidewalk, and as soon as the weather permits, thoroughly clean the sidewalk.
- c. Only place the fallen snow that has been removed from the sidewalk area in the gutter.

3.3 SITE QUALITY CONTROL

A. Site Inspections:

1. Periodic Inspection:

- a. In accordance with the various municipality Building Codes, a building official may periodically inspect existing work areas for compliance with the law with respect to posting.
 - 1) Alternatively, an inspection report from an authorized licensed professional engineer or architect may be accepted if the inspection and report specify violations of the requirements of the Code with respect to the posting of floor load, fire grading, occupancy load, and use group of the building.
- b. Periodic OSHA compliance inspections may be performed.
 - 1) If an OSHA area compliance officer arrives at the Site and requests to see the person in charge to get permission to perform an inspection and evaluation of work place conditions, cooperate with and assist the OSHA area compliance officer.

2. Mandatory Inspections:

- a. In accordance with the various municipality Building Codes, a building official will perform the following minimum quantity of inspections:
 - 1) Foundation Inspection: Made after footing trenches are excavated and the necessary forms erected.
 - 2) Mechanical, Plumbing, Fire Protection, and Electrical Inspection: Made after all pipes, ducts, and wiring are in place.
 - 3) Frame and Masonry Inspection: Made after all framing, masonry walls, electrical, mechanical, firestopping, and bracing is in place.
 - 4) Final Inspection: Upon completion of the building, structure, or facility, but before issuance of the Certificate of Use and Occupancy, a final inspection will be made.

B. Non-Conforming Work:

1. Stop-Work Order:

- a. Upon notice by Stop-Work Order from Metro-North or any various municipality managers that work on any station that is being prosecuted contrary to the provisions of various Building Code, or in an unsafe and dangerous manner, immediately stop work.
- b. The stop-work order will be in writing and will be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and will state the conditions under which work may be resumed.

END OF SECTION