

Office of Facilities Planning Newsletter #47 – January 2004

Get to Know us Better:

Dan Westbrook is our second new engineer who joined us in November.

Originally from the Albany area, Dan graduated from HVCC in 1992 and RPI in 1995. He worked at a manufacturing facility in the Albany area before moving to work at a facility in Oklahoma. Dan returned to the Albany area in 1999, to be closer to family and friends, and worked for local engineering consulting firms since then.

Dan lives in Averill Park. He enjoys skiing and travel.

Face-to-Face Review Appointments:

The Face-to-Face review announcement is on our website. We still have had very few requests. Please check the announcement at https://www.p12.nysed.gov/facplan/project_review.html. Scroll down and make your appointment if your project is qualified. Continue to check the announcement. We will be moving the limiting review number every few weeks. It is presently set at review number 03-0250.

Factory Manufactured Buildings:

The requirements of the Building Code of New York State include a major change that we have not brought to the attention of A/E's and school districts submitting Factory Manufactured buildings for our approval. Section 101.4.8 requires Manufactured buildings have the Insignia of Approval issued by the Secretary of State that certifies that the structure or component is in compliance with the building code. We would prefer to require the Insignia of Approval during review except the requirements for publicly bidding the project prevent us. Instead we are requiring a copy of the Insignia of Approval be sent to Facilities Planning with the Certificate of Substantial Completion prior to issuing a certificate of occupancy.

The Insignia of Approval can be attained through the Department of State (DOS) Division of Code Enforcement. The applications can be found on the DOS website under division of code enforcement at <http://www.dos.state.ny.us/code/forms.htm>. The turnaround time for an approval is currently 3 weeks from receipt of application. Insignia's are granted for each individual building at \$135 per building. A manufacturer's line or model can get approved so they can build as many of that model as they want, but they still have to pay \$135 for an insignia for each unit. Please be sure that buildings submitted for approval to DOS are compliant with requirements of the SED Manual of Planning Standards (MPS) and the documents approved by Facilities Planning. DOS will not be looking for this when they provide the Insignia of Approval. As in the past compliance with the MPS is still required.

Existing units that are relocated from one site to another do not need the Insignia of Approval but must be relocated in accordance with the provisions of Appendix K of the Building Code of New York State.

AHERA 2004

The Federal Asbestos Hazard Emergency Response Act (AHERA), 40 CFR 763.85(b), and the Environmental Protection Agency (EPA) require **all** public and nonpublic elementary and secondary schools to reinspect previously identified asbestos-containing building materials (ACBM) in all facilities every three years. This pertains to all buildings that are owned, leased, or otherwise used as a school building. The 2004 AHERA triennial reinspection process must be completed no later than July 9, 2004.

NOTE: If a building has never been inspected for asbestos, a new AHERA inspection must be completed as soon as possible. Pursuant to AHERA Section 763.85(a), any building leased or acquired on or after October 12, 1988, that is to be used as a school building shall be inspected for asbestos prior to use as a school building. In the event that emergency use of an uninspected building as a school building is necessitated, such buildings shall be inspected for asbestos within 30 days after commencement of such use.

The reinspection process may only be performed by an individual currently certified by the State Department of Labor as an asbestos inspector. The reinspection does not necessitate a new AHERA management plan, however it does require a new section in the school's existing management plan document that reflects the reinspection process, results, and recommendations. This new section must be developed by an individual currently certified by the State Department of Labor as an asbestos management planner. The AHERA triennial reinspection process also provides an appropriate opportunity to review the school's overall asbestos management plan. This process is the ultimate responsibility of the school's asbestos designee.

In conjunction with the AHERA triennial reinspection cycle, New York State schools must submit an asbestos reporting form to the Commissioner of Education on a triennial basis (§3602-a of Chapter 53 of the Laws of 1990). The **2004 Asbestos Hazard Emergency Response Act (AHERA) Triennial Reinspection Report** process will be done electronically. This process is currently being developed.

To assist you in complying with the AHERA requirements, the EPA has posted information on asbestos in schools at the following web sites:

http://www.epa.gov/asbestos/asbestos_in_schools.html

<http://www.epa.gov/asbestos/aherarequirements.pdf>

<http://www.epa.gov/asbestos/abcsfinal.pdf>

An Index of our Newsletters is available on our web site at <https://www.p12.nysed.gov/facplan/NewsLetters.htm>.

If you would like to have this Newsletter sent directly to you by e-mail, please send your e-mail address to Joe Levy at jlevy@mail.nysed.gov

Please continue to send in your comments and requests. If you have a subject you would like addressed, feedback on the material you read, input or general comments we are happy to hear from you.