

ENVIRONMENTAL CONCERNS and REAL PROPERTY TAX SERVICES  
REAL PROPERTY TAX SERVICES AGENDA  
AUGUST 24, 2021

COMMITTEE MEMBERS: Supervisors Dickinson, Braymer, McDevitt, Smith and Shepler

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Action Agenda/New Business Items:
  1. Request: Appropriate funds from the Reserve Environmental Testing Fund A.893.00 to the Real Property Tax Services, Contracts code A.1355 470.  
Rationale: To pay for the Design Plan for the demolition of the Mosher's Garage located at 3485 State Route 8, Johnsburg and known as parcel 133.8-1-27.
- IV. Discussion Items:
  1. Mosher's Garage Johnsburg parcel 133.8-1-27 testing results.
  2. Ask the County Attorney's Office to proceed with the foreclosure on Johnsburg parcel 133.8-1-27. If the committee chooses to move forward with demolition, we need title first.
  3. Ask for committee approval for Lexie Delurey to execute the authorization for ATL to provide an Asbestos & Lead Abatement Design.
  - 4.
- V. Referrals/Pending Items: None.
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

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Attachments: Letter of Authorization  
Resolution request  
Limited Hazardous Materials Survey results

## **RESOLUTION REQUEST FORM NO. 20**

### **MISCELLANEOUS**

*\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.*

**DEPARTMENT NAME:** Real Property Tax Services

**DATE:** August 24, 2021

- (a) Purpose of Request:  
Appropriate funds from A.893 Reserve, Environmental Testing Fund to A.1355  
470 Real Property Tax Services, Contracts
  
- (b) Details:  
To pay Atlantic Testing Laboratories for a design plan for the asbestos and lead  
abatement of Johnsbury parcel 133.8-1-27, located at 3485 State Route 8,  
Johnsbury NY and known as the Mosher's Garage. Request amount is \$2,720.
  
- (c) Previous Resolution Number:
  
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and  
Amount:

**Sample: A.8021 470 Planning & Community Development – Contract**

\* as listed in budget and LOGOS



# ATLANTIC TESTING LABORATORIES

*WBE certified company*

Albany  
22 Corporate Drive  
Clifton Park, NY 12065  
518-383-9144 (T)  
atlantictesting.com

July 30, 2021

Warren County  
1340 State Route 9  
Lake George, New York 12845

Attn: Lexie Delurey

Re: Limited Hazardous Materials Survey  
Mosher's Garage  
3485 State Route 8  
Johnsburg, New York  
ATL Report No. AT5680CE-01-07-21

Ladies/Gentlemen:

Enclosed is a copy of the Limited Hazardous Materials Survey report prepared for the referenced site. This project was completed in accordance with the scope of work outlined in our contract (ATL No. AT5998-264-05-21), dated May 3, 2021, and authorized by Lexie Delurey on May 3, 2021.

Please contact our office should you have any questions, or if we may be of further assistance.

Sincerely,  
*ATLANTIC TESTING LABORATORIES, Limited*

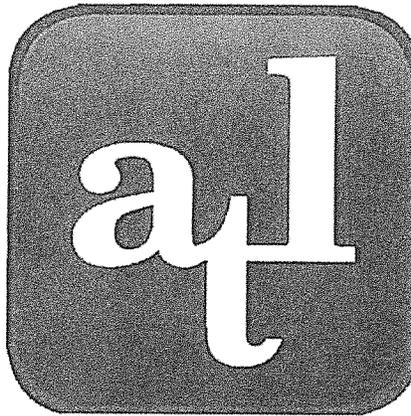
Michael D. Stewart  
Group Leader

MDS/JDG/ms

Enclosures

LIMITED HAZARDOUS MATERIALS SURVEY

MOSHER'S GARAGE  
3485 STATE ROUTE 8  
JOHNSBURG, NEW YORK



*WBE certified company*

PREPARED BY:

Atlantic Testing Laboratories, Limited  
22 Corporate Drive  
Clifton Park, New York 12065

PREPARED FOR:

Warren County  
1340 State Route 9  
Lake George, New York 12845

ATL Report No. AT5680CE-01-07-21

July 30, 2021

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## 1.0 INTRODUCTION

### 1.1 Purpose

Atlantic Testing Laboratories, Limited (ATL) was retained by Warren County, to perform a limited hazardous materials survey of designated areas within the abandoned garage building. The limited survey was performed on July 16, 2021. The purpose of the limited hazardous materials survey was to identify asbestos-containing materials (ACM) and lead-based paint (LBP) that are present on exposed surfaces within the subject areas, and may have a significant impact on planned demolition activities. The limited hazardous materials survey procedures and report format that follow are in general compliance with applicable local, state, and federal rules and regulations.

### 1.2 Project Team and Certifications

Members of the ATL project team included Michael D. Stewart, Group leader and Matthew A Clum, Project Manager. Certifications of ATL's field survey team members and a copy of applicable company licenses maintained by ATL are included in Appendix A.

## 2.0 SCOPE OF WORK

### 2.1 Project Description

The project site is located at 3485 State Route 8, Johnsburg, Warren County, New York.

The intent of the limited hazardous materials survey was to identify suspect ACM and LBP that are located within the structure and may be impacted during a proposed demolition project.

The limited hazardous materials survey was conducted for the subject building, as directed by Lexie Delurey, representing Warren County. The subject building was not occupied or operational at the time of the sampling event.

### 2.2 Inaccessible Areas

The extent of inaccessible areas is dependent upon the building type, construction materials, history of renovations and repairs, and project scope. Concealed materials may exist in areas that are not readily exposed to view. Although this limited hazardous materials survey was performed to identify ACM and LBP within the subject areas, potential ACM and/or LBP may have escaped detection that could be encountered during future building demolition and/or renovation activities. Wall, ceiling, floor, roofing, and/or other component systems may contain concealed suspect ACM and/or LBP. If any suspect ACM and LBP are encountered during demolition and/or renovation activities, the activities disturbing the suspect ACM and LBP must stop and the material must be sampled and laboratory analyzed in accordance with applicable regulations.

### 2.3 Document Review

No historical hazardous materials survey reports or sampling and analysis data were available for review at the time of the limited hazardous materials survey.

## 2.4 Limitations

This report has been prepared in accordance with the scope of work outlined in ATL's contract (ATL No. AT5998-264-05-21), dated May 3, 2021, and should not be used as abatement specifications or design documents. The findings, conclusions, and recommendations presented in this report are based on the field observations made by representatives of ATL and the information provided by representatives of Warren County.

Quantities and locations of sampled materials are approximate, and should be verified by the abatement contractor(s) prior to providing actual cost quotations and/or initiating abatement activities. Variations in reported quantities and locations for sampled materials, in addition to the discovery of suspect materials not identified in this report, is possible due to the presence of inaccessible areas, as described in Section 2.2 of this report.

The findings and opinions are relevant to the dates of our site work and should not be relied on to represent conditions at substantially later dates.

## 3.0 ASBESTOS

### 3.1 Methodology

A visual examination of the subject areas was conducted by an Asbestos Building Inspector to identify suspect ACM. Functional spaces were identified to assist while locating suspect ACM. A functional space is defined as a spatially distinct area within a building that contains identifiable populations of building occupants. A functional space may include a room, a group of rooms, or other defined area, and several functional spaces may comprise a single homogeneous sampling area. A homogeneous sampling area is defined as an area that is uniform by color, texture, construction/application, and general appearance. Each identified functional space was visually examined to determine the locations of suspect ACM. These materials were then delineated into homogeneous sampling areas.

Samples of each accessible homogeneous area were collected and placed in clean, labeled containers. The appropriate custody documentation was completed and the suspect ACM samples were submitted to AmeriSci New York (AmeriSci), located in New York, New York. The samples were laboratory analyzed by polarized light microscopy (PLM) and transmission electron microscopy (TEM) methodologies, as applicable. AmeriSci is a New York State Department of Health (NYSDOH) certified laboratory for PLM and TEM analysis under Environmental Laboratory Approval Program (ELAP) No. 11480. AmeriSci is also accredited by the National Institute of Standards and Technology (NIST), under the National Voluntary Laboratory Accreditation Program (NVLAP).

### 3.2 Regulatory Compliance

In New York State, there are multiple regulatory agencies that have jurisdiction over ACM in buildings. Asbestos survey requirements are primarily regulated or specified by the New York State Department of Labor (NYSDOL), the New York State Department of Health (NYSDOH), the Occupational Safety and Health Administration (OSHA), and the United States Environmental Protection Agency (EPA).

The NYSDOL established Part 56 of The Official Compilation of Codes, Rules, and Regulations (cited as 12 NYCRR, Part 56) to address the proper identification, handling, removal, and disposal of ACM in buildings. Asbestos survey requirements are specified in Subpart 56-5.1 "Asbestos Survey Requirements for Building/Structure Demolition, Renovation, Remodeling and Repair." The NYSDOL also works in conjunction with the NYSDOH to establish and maintain asbestos safety training program requirements, and enforce personnel certifications and licensing protocol for asbestos contractors.

The OSHA defines requirements for asbestos surveys and identification of ACM and presumed asbestos-containing materials (PACM) in 29 CFR 1926.1101 (k) "Communication of Hazards." Under this regulation, OSHA makes reference to conducting inspections according to 1926.1101 (k)(5)(ii)(B) and 1926.1101 (k)(5)(iii) or pursuant to the requirements of the Asbestos Hazard Emergency Response Act (AHERA) 40 CFR Part 763, Subpart E "Asbestos-Containing Materials in Schools." The AHERA is regulated by the EPA, and applies to primary and secondary schools only; however, the procedures mandated under AHERA are generally considered the industry standards for surveys, as these are typically the most stringent.

### 3.3 Summary of Findings

A total of 18 homogeneous areas of suspect ACM were identified during the visual examination, from which 47 bulk samples were collected and subsequently submitted to a NYSDOH approved laboratory for analysis. Approximate sample locations are depicted on the Sample Location Plan, contained in Appendix B. A copy of laboratory reports and sample custody documentation are contained in Appendix C. Table D-I contained in Appendix D, provides a summary of the identified suspect ACM and associated analytical results.

The EPA, NYSDOL, and other regulatory agencies define ACM as any material containing greater than 1% of asbestos. Materials listed in bold font in Table D-I of Appendix D were determined to be ACM.

Materials containing trace asbestos (i.e., less than 1%) are not considered ACM; however, the OSHA recognizes materials that contain trace amounts of asbestos, and requires these materials be handled in accordance with their standard interpretation letter titled "Requirements for demolition operations involving material containing <1% asbestos ", dated August 13, 1999. As shown in Table D-I of Appendix D, 1 material was determined to contain trace amounts of asbestos.

Other materials that were observed, but are not considered suspect ACM, include the following;

<ul style="list-style-type: none"><li>• Glass</li></ul>	<ul style="list-style-type: none"><li>• Nylon-Coated Wire Jacket</li></ul>
<ul style="list-style-type: none"><li>• Wood</li></ul>	<ul style="list-style-type: none"><li>• Metal</li></ul>
<ul style="list-style-type: none"><li>• Doors</li></ul>	

## 4.0 LEAD-BASED PAINT

### 4.1 Methodology

A visual examination of the subject building was conducted by a Lead Inspector to identify visible and accessible painted surfaces. The painted surfaces were categorized into homogeneous areas from which tests could be conducted. Each homogeneous area was tested using a Heuresis Pb200i XRF Analyzer. This equipment provides instantaneous measurements for lead concentration in mg/cm<sup>2</sup>, and displays readings that are positive or

negative indications for LBP. Calibration checks for the XRF equipment were performed in accordance with the manufacturer's recommendations.

#### 4.2 Regulatory Compliance

Although New York State has established Title X, Part 67 of The Official Compilation of Codes, Rules, and Regulations (cited as NYCRR Title X, Part 67) for "Lead Poisoning Prevention and Control," LBP inspections and risk assessments are generally subject to the requirements of federal regulations. The United States Department of Housing and Urban Development (HUD), EPA, and OSHA are the primary federal regulatory agencies responsible for the establishment and enforcement of such regulations. On a state level, the NYSDOH does require laboratories to be certified to perform lead analysis under the ELAP.

The HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" include details pertaining to sampling and analysis of suspect LBP, in addition to the identification and control of LBP hazards. The HUD guidelines pertain to federally owned or assisted housing; however, these are commonly referenced and made mandatory by other regulatory agencies. The EPA requirements for LBP activities, specified in 40 CFR Part 745, apply to targeted housing and child-occupied facilities, and are similar to HUD guideline requirements.

The OSHA Construction Standard for Lead (29 CFR 1926.62) applies to employees of an employer who may or will be exposed to occupational levels of lead. OSHA requires employees to maintain, at a minimum, awareness, respiratory protection, and hazard communication training.

#### 4.3 Summary of Findings

A total of 27 locations were tested using the XRF spectrometer. Approximate sample locations are depicted on the Sample Location Plans, contained in Appendix B. A summary of the XRF results and calibration checks are provided in Appendix E. The XRF results provided in Table E-I of Appendix E represent painted surfaces that were determined to be LCM, per HUD criteria. Table E-II of Appendix E identifies painted surfaces that contain detectable concentrations of lead, but are not considered LCM, as compared to HUD criteria. Painted surfaces that did not contain lead at a concentration above the method detection limits are summarized in Table E-III of Appendix E. Calibration checks for the XRF spectrometer are provided in Table E-IV of Appendix E.

### 5.0 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations are prepared from ATL's understanding that the subject building may be subject to demolition projects. Should the management of the building areas change, it is recommended that the findings be revisited to reflect appropriate operations and management practices for hazardous materials containing items.

#### 5.1 General

1. Concealed regulated hazardous materials may exist at the site that could be encountered during future building demolition activities. Wall, ceiling, floor, roofing, and/or other component systems may contain concealed suspect hazardous materials. If any suspect hazardous materials or hazardous materials-containing items are encountered during demolition activities, the activities disturbing the suspect material must stop and the material

must be sampled and laboratory analyzed or otherwise managed pursuant to in accordance with applicable regulations.

## 5.2 Asbestos-Containing Materials

1. The materials listed in bold in Table D-I of Appendix D were determined to be ACM. The referenced table also shows a material that contains trace concentrations of asbestos and is regulated under OSHA.
2. Subpart 56-5(h) of 12 NYCRR Part 56 requires that no demolition, renovation, remodeling, or repair work be commenced by any owner or the owner's agent prior to the completion of asbestos abatement. Asbestos abatement must be performed by an asbestos abatement contractor that maintains a current asbestos handling license, and employs NYSDOL certified asbestos handlers and supervisors. It is recommended that a 12 NYCRR 56 certified Project Monitor oversee abatement activities.
3. Subpart 56-5(g) of 12 NYCRR Part 56 specifies requirements for transmittal of asbestos survey information by the owner or owner's agent. One copy of the asbestos survey report shall be sent to the local government entity charged with issuing a permit for such demolition, renovation, remodeling, or repair work under applicable State or local laws. If controlled demolition or pre-demolition activities will be performed, one copy of the asbestos survey report shall be submitted to the appropriate Asbestos Control Bureau district office. One copy of the asbestos survey report must be kept on the construction site throughout the duration of the asbestos project and any associated demolition, renovation, remodeling, or repair project.

## 5.3 Lead-Containing Materials

1. The materials listed in Table E-I of Appendix E were determined to be LBP per HUD criteria. Table E-II of Appendix E lists materials that are not considered LBP per HUD criteria, but contain detectable concentrations of lead and are regulated under OSHA.
2. Identified LBP or paint with a detectable concentration of lead should be managed in accordance with applicable EPA and OSHA requirements prior to or during demolition, renovation, remodeling, or repair work.
3. Demolition/renovation contractors are required to conduct exposure monitoring or use historical objective data to ensure that employee exposures do not exceed the action level of  $30 \mu\text{g}/\text{m}^3$ .



# ATLANTIC TESTING LABORATORIES

**Albany**

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*WBE certified company*

August 19, 2021

Warren County  
1340 State Route 9  
Lake George, New York 12845

Re: Periodic Asbestos and Lead Consulting Services  
Warren County DPW WC 60-18  
Letter of Authorization No. 4  
ATL No. AT5998-264-05-21 Addendum 1

Ladies/Gentlemen:

Atlantic Testing Laboratories, Limited (ATL) is currently providing services for the referenced project, in accordance with ATL No. AT5998-264-05-21, dated May 3, 2021. In accordance with your request for additional services, the following items are attached:

- ♦ Scope of Services
- ♦ Fee Schedule

This addendum is subject to the terms of the original AGREEMENT.

The return of one executed copy of this letter will be ATL's authorization to provide the additional requested services.

Please contact our office should you have any questions, or if we may be of further assistance.

Sincerely,  
ATLANTIC TESTING LABORATORIES, Limited

Michael D. Stewart  
Group Leader

MDS/JDG/ads

Attachments

cc: ATL Contracts Department

The contract addendum described herein are hereby accepted and agreed upon.

**Warren County**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title  
Its Duly Authorized Representative

## **ASBESTOS ABATEMENT DESIGN - SCOPE OF SERVICES**

**Mosher's Garage, 3485 State Route 8, Johnsbury, Warren County, New York**

Based on information provided to ATL by Warren County, it is our understanding that the project consists of providing Asbestos Abatement Design Services. It is further understood the design services will consist of preparing specifications and drawings for the abatement of the asbestos containing material, as identified in the limited hazardous materials survey performed by Atlantic Testing Laboratories, (ATL Report No. AT5680CE-01-07-21, dated July 30, 2021). Access to the project site will be required throughout the duration of the PROJECT.

### **A. ATL will provide the following services:**

1. Provide a New York State Department of Labor certified Asbestos Designer (in accordance with 12 NYCRR 56 and USEPA 40 CFR 703 Regulations) to prepare abatement design documentation for ACM that was identified within the referenced building.
2. Provide a CAD Technician to prepare drawings with applicable notes and details for the abatement of ACM.
3. Consult with representatives of Warren County regarding the facility requirements for maintaining transportation, electrical, and water systems during the abatement activities. The abatement design may include alternative abatement procedures should site conditions and/or site-specific variances suggest alternative methods that may be more cost-effective while protecting the health and safety of abatement workers and the public.
4. If requested, prepare and submit a formal petition to the NYSDOL for a site-specific variance. A NYSDOL variance is utilized to relieve the abatement contractor of regulatory requirements that are unnecessary and burdensome to the abatement process. The NYSDOL generally requires 3 to 5 weeks to review and grant a variance request.
5. Prepare and submit a Draft Submittal Package of the abatement design. It is anticipated that up to one set of comments will be made on the Draft Submittal Package. ATL will incorporate comments, as warranted, on the Draft Submittal Package and prepare a Final Design Package, which will include drawings and specifications. Addenda to the specifications will be provided if additional information is required for clarification or to address modifications in the scope of work.

### **B. CLIENT will be responsible for the following:**

1. Provide safe access to the project site.

## **NOTES TO THE SCOPE OF SERVICES**

We require a minimum of two days advance notice prior to project initiation and one day advance notice for subsequent scheduling of field services. Cancellation of scheduled services must be received prior to personnel departure for the PROJECT site, or a minimum charge in accordance with the Fee Schedule will be applicable.

Prior to project initiation, CLIENT will provide ATL with copies of the PROJECT plans and specifications and all revisions and addenda, and other applicable documents.

FEE SCHEDULE

Service	Estimated Quantity	Unit Fee	Estimated Cost
<b>Atlantic Testing Laboratories</b>			
<b>Technical Personnel</b>			
Asbestos Project Designer	1	\$480.00 / Half Day	\$480.00
Asbestos Project Designer	1	\$960.00 / Day	\$960.00
CAD Operator	1	\$480.00 / Day	\$480.00
Principal / Project Manager	1	\$792.00 / Day	\$792.00
<b>Miscellaneous</b>			
Site-Specific Variance Preparation	-	\$2250.00 / Report	If Requested
<b>Estimated Cost</b>			<b>\$2,712.00</b>

NOTES TO THE FEE SCHEDULE

The fees listed in this addendum are supplemental to the AGREEMENT Fee Schedule. Services will be invoiced in accordance with the fees listed in the AGREEMENT Fee Schedule and this associated addendum, as applicable.