

ATTACHMENT #3

SUPERSTORM SANDY: WATERWAY DEBRIS REMOVAL

PROTOCOL FOR REMOVAL OF HOUSES



APRIL 25, 2013

Superstorm Sandy: Waterway Debris Removal

Protocol for Removal of Houses from Waters of the State

April 25, 2013

This Protocol sets forth the requirements for removal of houses located in waterways as a result of Superstorm Sandy. This Protocol does not address FEMA eligibility issues.

1. Homeowner Notice of Removal

- a. Prior to removal of a house, the Department shall notify the homeowner in writing (certified mail, return receipt requested) of the anticipated date of removal of their house ("Homeowner Notice"). The Homeowner Notice shall state that the homeowner has 7 days from the date of the letter to advise the Department if he/she would like the opportunity to review salvageable contents of the house after removal from the water. A form of letter is attached hereto as Attachment 1.
- b. Upon receipt of the response to the Homeowner Notice or 8 days after the date of the Homeowner Notice (whichever is earlier), the Department shall notify the State Project Manager of the homeowner's decision or lack of response, as the case may be. The State Project Manager will then issue the Notice to Proceed to the debris removal contractor ("Contractor") and the debris monitor ("Debris Monitor"), with a copy to the Department.
- c. Within no less than 48 hours before the date that removal of the house will commence, the State Project Manager shall notify the homeowner (by phone, email or other means) of the date that the removal is expected to commence.

2. Removal of Houses

- a. Upon receipt of notice to proceed from the State Project Manager, the Contractor shall commence removal of the house consistent with the requirements of Paragraphs 3-5 of this Protocol.
- b. Hazardous materials other than asbestos shall be managed in accordance with the "Handling Protocol for Hazardous Substances in Waterway Debris Removal Operations", dated April 23, 2013 (on Sharepoint).

3. Debris Management Requirements

- a. To prevent visible emissions (dust), Contractor shall thoroughly wet the house prior to removal of any portion of the house, and shall keep all portions of the house wet throughout the removal operation.
- b. A New Jersey licensed Asbestos Contractor (N.J.A.C. 12:120-3.2(a)) shall observe all debris removal activities to identify any potential regulated asbestos.
- c. All regulated asbestos containing material (RACM) and potential RACM material shall be segregated for separate disposal and managed in accordance with N.J.A.C. 7:26-2.12(a). Compliance with 40 C.F.R. 61.145(a)3 is required. To the extent practicable, the Contractor shall transport and dispose material the same day as it is removal from the water, and in no event shall it be stored at the off-loading site for more than 24 hours.
- d. Household Contents to Be Inspected by Homeowner: If the homeowner has elected to review the contents of his/her house after removal from the water, the following procedures shall apply:
 - i. When RACM or potential RACM is identified in a house, the contents of the house shall be decontaminated by applying water to remove all visible dust and debris from the surfaces and segregated for later inspection by the homeowner. If decontamination is not feasible, then the contents shall be disposed of without inspection by the homeowner and the State Project Manager shall notify the homeowner.
 - ii. When no RACM or potential RACM is identified at a site, the contents of the house can be segregated for later inspection by the homeowner.
- e. Appliances containing refrigerants:
 - i. All appliances containing refrigerants removed from houses where RACM or potential RACM has been identified must be decontaminated. The appliances shall be decontaminated by applying water to remove all visible dust and debris from the surfaces, and refrigerants must be removed in accordance with 40 CFR 82, Subpart F. The appliance can then be recycled.

- ii. All appliances containing refrigerants removed from houses in which no RACM or potential RACM has been identified must have the refrigerants removed in accordance with 40 CFR 82, Subpart F. The appliance can then be recycled.
 - f. NJDEP asbestos handling/packaging/and transportation requirements for RACM at N.J.A.C. 7:26-2.12(a) and 3.5(d) shall apply to all debris generated from removal of houses, regardless of whether RACM or potential RACM has been identified.
 - g. RACM and potential RACM materials must be transported directly to a landfill permitted to accept RACM (in New Jersey known as ID 27A) and in accordance with any applicable county waste flow requirements. (N.J.A.C. 7:26- 3.4 (b), 3.4(m) and 3.5(d)). RACM and potential RACM shall not be transported to a transfer station or to any solid waste facility other than a landfill that is permitted to accept RACM. Compliance with 40 C.F.R. 61.150(a)1 and (b)1 is required.
 - h. All remaining debris must be transported directly to a landfill permitted to accept ID 13C waste and shall not be transported to a transfer station, materials recovery facility or to any solid waste facility other than a landfill, and in accordance with any applicable county waste flow requirements (N.J.A.C. 7:26 – 3.4(b), 3.4 (m), and 3.5(d)).
4. **Recycling:** With the exception of appliances that are the subject of Paragraph 3(e), no recycling of debris from the removal of houses will be permitted.
5. **Transportation:** New Jersey licensed and registered solid waste transporters are required in accordance with N.J.A.C. 7:26-3.2(a). Solid waste shipping papers are required in accordance with N.J.A.C. 7:26-2.12(a) and 3.5(h).

6. Household Contents Inspection

- a. If one or more homeowners within a Debris Removal Region elects to inspect his/her household contents, the debris removal contractor in the Debris Removal Region in which the house is located shall establish a location (subject to approval by the State Project Manager) for the homeowner's inspection of the contents. The inspection location shall

have an impermeable surface (e.g. be paved) and secured (fenced and locked at a minimum).

- b. The State Project Manager shall coordinate with the homeowner(s) to schedule time for the inspection and retrieval of household contents. The State Project Manager shall provide each homeowner with a reasonable period of time in which to inspect and retrieve contents, which period shall not exceed 3 days after the contents are placed at the inspection location. Household contents will be available for inspection 8:00 a.m. – 5:00 p.m., 7 days a week, unless otherwise specified by the operator/owner of the inspection location.
- c. Each homeowner shall advise the State Project Manager of the names of the persons who will be inspecting household contents. Each homeowner may only designate two other persons to inspect household contents at the inspection location. Prior to admitting them to the inspection location, the State Project Manager will obtain the names of each person and shall obtain from each person a written release of liability of the State of New Jersey and the Contractor operating the inspection site. No persons under 16 years of age shall be admitted to the inspection location.
- d. Once inspection date(s) is/are scheduled, the State Project Manager shall coordinate with the contractor to make the inspection facility available.
- e. Homeowners and their designees (collectively, the "Homeowner") shall wear hardhats, protective eyewear, boots, masks and safety vests at all times while at the inspection area. The State shall provide such equipment.
- f. The Homeowners are responsible for providing equipment and containers for removal of household contents (e.g., bags, shovels, boxes, hammers, screw drivers, etc.).
- g. Upon arrival at the inspection location, the Homeowners shall sign in with, and provide identification to, the State Project Manager. Upon presentation of proper identification, the State Project Manager shall accompany the Homeowners to the designated inspection location. The State Project Manager shall be present for the inspection at all times.
- h. The State Project Manager shall record household contents removed by the Homeowners ("Inventory Form" attached hereto as Attachment 2).

- i. Upon completion of the inspection of contents and removal of any contents, the Homeowners shall initial the Inventory Form, sign-out of the facility and return all personal protective wear to the State Project Manager. The State Project Manager is responsible for keeping track of personal protective wear provided by the State.
- j. Any household contents not claimed by the Homeowner shall be loaded into a duly licensed container or truck by the Contractor and transported to a disposal facility. All monitoring requirements shall apply to such loads.

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State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Mail Code 401-07F
P.O. Box 402
Trenton, NJ 08625-0402
Tel. # (609) 292-2885
Fax # (609) 292-7695

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

By Certified Mail
Return Receipt Requested

By email:

[NAME OF PROPERTY OWNER]
ADDRESS OF PROPERTY OWNER]

[DATE]

RE: Superstorm Sandy: Removal of Debris from Waterways

Dear [NAME]:

I am writing to advise that **the State of New Jersey intends to dismantle and remove the residence that was formerly located at [ADDRESS]**. The municipal tax records associated with this property indicate that you are the owner.

New Jersey is removing debris that was deposited in our waterways as a result of Superstorm Sandy. The scope of our project is described on our website: <http://www.nj.gov/dep/special/hurricane-sandy/wwdebris.htm> As part of this project, the State is removing houses that were displaced by the storm and are now located in our waterways. Your house is part of that work.

We are getting closer to commencing work on the house, and I need some information from you before we get that work started.

1. Other Arrangements to Remove the House

If you have made, or plan to make, other arrangements for the removal of this residence from these waters, it is imperative that you contact me at 609-292-2795 within **seven (7) days** of the date of this letter. Please be advised that you will be required to provide detailed information concerning your plans at that time.

2. Personal Items in the House

To facilitate our on-going work to cleanup from the storm, please provide the information on the attached form and return to me no later than **seven (7) days** from the date of this letter.

You may return the form by email to waterwaydebris@dep.state.nj.us , fax (609-777-1330), U.S. Mail or other means.

If you advise that you would like an opportunity to review/claim any items of personal property from the house that can be salvaged during removal of the house, we will ask our contractor (NAME) to make reasonable efforts to retrieve them.

PLEASE NOTE: The Contractors have advised me that it is unlikely that any contents of your house can be removed in any kind of salvageable condition because of the heavy construction equipment that will be used. Further, recovery of items from your house may not be possible due to safety considerations, operational issues, and the like.

In addition, some houses contain asbestos-containing materials (e.g., siding, floor tiles, insulation, and the like). If asbestos is identified in your house, the contractor must decontaminate any personal items retrieved from your house before you can inspect them. If decontamination is not feasible, the contractor is required to dispose of all materials from your house and, due to the health and safety risks of these hazardous materials, you will not be able to inspect them or claim them.

If the contractor is able to retrieve items from your house, then they will be placed at a secure location for your inspection. We will advise you of the location. You will have three days from the date that personal items are retrieved to inspect and claim items. We will provide further instruction before your visit to the inspection site.

The State understands you have sustained great losses as a result of Superstorm Sandy. We are sensitive to the fact that we may not be able to meet all the requests you may have for us as we work to clean up our waterways.

Thank you for your anticipated cooperation and patience. Please call me with any questions (609 292 2795).

Sincerely,

Jane Kozinski, Esq.
Assistant Commissioner
Environmental Management

Cc Chris Colletti, Dewberry

Best time to contact: _____