ITEM NO. 0202315A - DISPOSAL OF CONTROLLED MATERIALS

Description:

Work under this item shall consist of the loading, transportation and final off-site disposal/ recycling/treatment of controlled materials (excluding dewatering fluids) that have been generated from various excavations within the AOECs, brought to the WSA and determined to be contaminated with regulated substances at non-hazardous levels. This contamination is documented in the reports listed in the “Notice to Contractor – Environmental Investigations.” The results contained in the environmental investigation reports listed in the “Notice to Contractor – Environmental Investigations” show levels of various contaminants that the Contractor may encounter during construction. Actual levels found during construction may vary and such variations will not be considered a change in condition provided the material can still be disposed as non-hazardous at one or more of the disposal facilities listed herein. The controlled materials, after proper characterization by the Engineer, shall be taken from the WSA, loaded, transported to and treated/recycled/disposed of at a permitted treatment/recycle/disposal facility listed herein.

The Contractor must use one or more of the following Department-approved treatment/recycle/ disposal facilities for the disposal of non-hazardous materials:

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| Advanced Disposal Services Greentree Landfill635 Toby RoadKersey, PA 15846(814) 265-1744; Tony LaBenne | Allied Waste Niagara Falls Landfill, LLC5600 Niagara Falls BoulevardNiagara, NY 14304(716) 285-3344; David Hanson |
| Clean Earth of Carteret24 Middlesex AvenueCarteret, NJ 07008(732) 541-8909; Cheryl Coffee | Clean Earth of Connecticut (Formerly Phoenix Soil, LLC)58 North Washington StreetPlainville, CT 06062(860) 747-8888; Dave Green |
| Clean Earth of Southeast Pennsylvania, Inc.7 Steel RoadMorrisville, PA 19067(215) 428-1700; Joe Siravo | Clean Earth of Philadelphia, Inc.3201 S. 61 StreetPhiladelphia, PA 19153(215) 724-5520; Mike Kelly |
| Clinton Landfill242 Church StreetClinton, MA 01510(978) 365-4110; Chris McGown | Colonie LandfillWaste Connections, Inc.1319 Louden RoadCohoes, NY 12047(518) 786-7331; Eric Morales |
| Dudley Reclamation Project123 Oxford AvenueDudley, MA(978) 663-2623; Jarrett Everton | ESMI of New York, LLC304 Towpath RoadFort Edward, NY 12828(518) 747-5500; Peter Hansen 58 Industrial RoadChicopee, MA 01020(413) 592-2081; Alan Desrosiers |
| ESMI of New Hampshire, LLC67 International DriveLouden, NH 03307(603) 783-0228; Stephen Raper | Hazelton Creek Properties, LLC\*280 South Church StreetHazelton, PA 18201(570) 207-2000; Allen Swantek |
| Manchester Landfill311 Olcott StreetManchester, CT 06040(860) 647-3248; Brooks Parker | Ontario County Landfill3555 Post Farm RoadStanley, NY 14561(603) 235-3597; Scott Sampson |
| Red Technologies Soil232 Airline AvenuePortland, CT 06980(860) 342-1022; Christopher Wingdale | Republic Services Conestoga Landfill420 Quarry RoadMorgantown, PA 19543 (717) 246-4640; James Kuhn  |
| Soil Safe, Inc.378 Route 130Logan TownshipBridgeport, NJ 08085(410) 872-3990 XT. 1123; Mike Kozak | The Southbridge Recycling and Disposal Park165 Barefoot RoadSouthbridge, MA 01550(508) 765-9723; Tracey Markham |
| Ted Ondrick Company, LLC58 Industrial RoadChicopee, MA 01020(413) 592-2565; Alan Desrosiers  | Tunnel Hill Reclamation2500 Township Road205 Route 2New Lexington, OH 43764(914) 713-0203; William Gay |
| Waste Management of NH; TLR III Refuse Disposal Facility90 Rochester Neck RoadP.O. Box 7065Rochester, NY 03839(603) 330-2170; Ellen Bellio | Waste ManagementRCI Fitchburg LandfillFitchburg Princeton RoadWestminster, MA 01473(974) 355-6821; Frank Sepiol |

\* Note: each bin will require an additional 10 days (or more) for PADEP to review analytical data and approve material for disposal prior to facility acceptance of material. This is in addition to all other restrictions and wait periods defined below.

The above list contains treatment/recycle/disposal facilities which can accept the waste stream generated by the project in quantities that may be limited by their permits and their operations restrictions. It is the responsibility of the contractor to verify that a facility will be available and capable of handling the volume as well as the chemical and physical characteristics of material generated by the project.

Construction Methods:

A. Material Disposal

The Engineer will sample materials stored at the WSA at a frequency established by the selected treatment/recycling/disposal facilities. The Contractor shall designate to the Engineer which facility it intends to use, as well as the facility acceptance criteria and sampling frequency, prior to samples being taken. The Contractor is hereby notified that laboratory turnaround time is expected to be fifteen (15) working days. Turnaround time is the period of time beginning when the Contractor notifies the Engineer which facility it intends to use and that the bin within the WSA is full and ready for sampling and ending with the Contractor’s receipt of the laboratory analytical results. Any change of intended treatment/recycling/disposal facility may prompt the need to resample and will therefore restart the time required for laboratory turnaround. The laboratory will furnish such results to the Engineer. Upon receipt, the Engineer will make available to the Contractor the results of the final waste characterization determinations. **No delay claim will be considered based upon the Contractor’s failure to accommodate the laboratory turnaround time as identified above.**

The Contractor shall obtain and complete all paperwork necessary to arrange for material disposal (such as disposal facility waste profile sheets). It is solely the Contractor’s responsibility to co-ordinate the disposal of controlled materials with its selected treatment/recycling/disposal facility(s). Upon receipt of the final approval from the facility, the Contractor shall arrange for the loading, transport and treatment/recycling/disposal of the materials in accordance with all Federal and State regulations. **No claim will be considered based on the failure of the Contractor’s selected disposal facility(s) to meet the Contractor’s production rate or for the Contractor’s failure to select sufficient facilities to meet its production rate.**

Any material processing (including but not limited to the removal of woody debris, scrap metal, pressure-treated and untreated wood timber, large stone, concrete, polyethylene sheeting or similar material) required by the Contractor’s selected facility will be completed by the Contractor prior to the material leaving the site. It is solely the Contractor’s responsibility to meet any such requirements of its facility. Any materials removed shall be disposed of or recycled in a manner acceptable to the Engineer at no additional cost. If creosote treated timbers are removed, they will be disposed of under the item “Disposal of Contaminated Timber Piles”, “Disposal of Contaminated Railroad Ties” or in accordance with Article 1.04.05 in the absence of such items.

All manifests or bills of lading utilized to accompany the transportation of the material shall be prepared by the Contractor and signed by an authorized Department representative, as Generator, for each truck load of material that leaves the site. The Contractor shall forward the appropriate original copies of all manifests or bills of lading to the Engineer the same day the material leaves the Project.

A load-specific certificate of treatment/recycling/disposal, signed by the authorized agent representing the disposal facility, shall be obtained by the Contractor and promptly delivered to the Engineer for each load.

B. Material Transportation

In addition to all pertinent Federal, State and local laws or regulatory agency polices, the Contractor shall adhere to the following precautions during the transport of controlled materials off-site:

1. Transported controlled materials are to be covered sufficiently to preclude the loss of material during transport prior to leaving the site and are to remain covered until the arrival at the selected treatment/recycling/disposal facility.
2. All vehicles departing the site are to be properly logged to show the vehicle identification, driver’s name, time of departure, destination, and approximate volume, and contents of materials carried.
3. No materials shall leave the site unless a treatment/recycling/disposal facility willing to accept all of the material being transported has agreed to accept the type and quantity of waste.

C. Equipment Decontamination

All equipment shall be provided to the work site free of gross contamination. The Engineer may prohibit from the site any equipment that in his opinion has not been thoroughly decontaminated prior to arrival. Any decontamination of the Contractor’s equipment prior to arrival at the site shall be at the expense of the Contractor. The Contractor is prohibited from decontaminating equipment on the Project that has not been thoroughly decontaminated prior to arrival.

The Contractor shall furnish labor, materials, tools and equipment for decontamination of all equipment and supplies that are used to handle Controlled Materials. Decontamination shall be conducted at an area designated by the Engineer and shall be required prior to equipment and supplies leaving the Project, between stages of the work, and between work in different AOECs.

The Contractor shall use dry decontamination procedures. Residuals from dry decontamination activities shall be collected and managed as Controlled Materials. If the results from dry methods are unsatisfactory to the Engineer, the Contractor shall modify decontamination procedures as required.

The Contractor shall be responsible for the collection and treatment/recycling/disposal of any liquid wastes that may be generated by its decontamination activities in accordance with applicable regulations.

Method of Measurement:

The work of “DISPOSAL OF CONTROLLED MATERIALS” will be measured for payment as the actual net weight in tons of material delivered to the treatment/recycling/disposal facility. Such determinations shall be made by measuring each hauling vehicle on the certified permanent scales at the treatment/recycling/disposal facility. Total weight will be the summation of weight bills issued by the facility specific to this Project. Excess excavations made by the Contractor beyond the payment limits specified in Specification Sections 2.02, 2.03, 2.06, and 2.86, or the Contract Special Provisions (as appropriate) will not be measured for payment and the Contractor assumes responsibility for all costs associated with the appropriate handling, management and disposal of this material.

The disposal of excavated materials, originally anticipated to be Controlled Materials, but determined by characterization sampling not to contain concentrations of regulated chemicals (non-polluted or “clean” materials) will not be measured for payment under this item but will be considered as surplus excavated materials and will be paid in accordance with Article 1.04.05.

Any materials stored in the WSA, and which are reused within Project limits, will not be measured for payment under this item. This material will be paid in accordance with Article 1.04.05.

Equipment decontamination, the collection of residuals, and the collection and disposal of liquids generated during equipment decontamination activities will not be measured separately for payment.

Any material processing required by the Contractor-selected disposal facility, including the proper disposal of all removed materials other than creosote treated wood, will not be measured for payment.

Basis of Payment:

This work will be paid for at the Contract unit price, which shall include the loading and transportation of controlled materials from the WSA to the treatment/recycling/disposal facility; the fees paid to the facility for treatment/recycling/disposal; the preparation of all related paperwork; and all equipment, materials, tools, and labor incidental to this work.

This price shall also include equipment decontamination; the collection of residuals generated during decontamination and placement of such material in the WSA; and the collection and disposal of liquids generated during equipment decontamination activities.

**This unit price will be applicable to all listed disposal facilities and will not change for the duration of the Project. Nothing herein shall prevent changes as outlined in Article 1.04.02.**

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Disposal of Controlled Materials Ton