**SECTION 02 61 00**

**REMOVAL, TRANSPORT AND DISPOSAL OF CONTAMINATED SOIL**

**PART 1 GENERAL**

**1.01 SCOPE OF WORK**

1. This Project will include the excavation, handling, stockpiling, temporary on-site storage, transportation and disposal of soils generated during construction activities that will not be reused on-site at **XXX** (Name of facility, building ID(s), address, DASNY Project name and number).Soils eligible for reuse at the Site are discussed under Section 1.02 Special Job Conditions.
2. The work shall include but not be limited to the removal of the following materials:

|  |  |  |  |
| --- | --- | --- | --- |
| Excavation Area | Description of Soil to be Removed  (Category of waste/type of contaminant) | Depth of Soil Removal | Approximate Quantity  (cubic yards and tons) |
|  |  |  |  |
|  |  |  |  |
| Total | | |  |

1. Preliminary waste characterization sampling was completed by **[XXXXX** on **DATE]** (see Appendix A). A brief description of soil boring locations and sampling scheme is provided below.
   1. **Provide details of soil boring locations and sample results, as compared to current New York State Department of Environmental Conservation (NYSDEC) Soil Cleanup Objectives (SCOs) or current guidance.**
   2. The results of the laboratory analyses were compared to [6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs), Residential Use SCOs, Restricted Residential Use SCOs, Commercial Use SCOs and Industrial Use SCOs] or current guidance. A summary of the contaminants and levels exceeding any of the SCOs listed above in section 1.01 B. is presented below in section 1.01 C. 3. **[XXXXX’s]** complete Soil Report is provided in Appendix A of this Section.
   3. Soil sample results of contaminants and levels exceeding any of the SCOs: **[Describe type of contaminant (SVOCs, VOCs, PAHs, Chlorinated Solvents, Metals, etc.) and have Contractor refer back to lab report. ]**
2. The Contractor shall be aware of all conditions of the Project and is responsible for verifying quantities and locations of all Work to be performed. Failure to do so shall not relieve the Contractor of their obligation to furnish all labor and materials necessary to perform the Work.
3. All Work shall be performed in strict accordance with the Project Documents and all governing codes, rules, and regulations. Where conflicts occur between the Project Documents and applicable codes, rules, and regulations, the more stringent shall apply.
4. Working hours shall be as required and approved by the Owner. Soil excavation activities including, but not limited to, pre-work area preparation, excavation activities, stockpiling, waste removal, etc. may need to be performed during ‘off-hours’ (including nights and weekends). In addition, multiple mobilizations may be required to perform the work identified in this Project. The Contractor shall coordinate and schedule all Work with the facility and Owner’s representative.
5. The Contractor shall provide labor, materials, equipment and incidentals required for the excavation, transportation and disposal of materials generated during construction activities that are deemed unsuitable for reuse.

**1.02 SPECIAL JOB CONDITIONS**

1. Any special job conditions are described below.
   1. Add special job coditions here or indicate there are no special job conditions. **Special job conditions may include the indication of soil that is eligible to be reused onsite.** **General excavation, site water control and storm sewer discharge specification sections as necessary shall be referenced here.**

**1.03 STANDARDS AND REFERENCES**

The Contractor shall comply with the following codes and standards, except where more stringent requirements are shown or specified:

1. Federal Regulations:
   * 1. 42 USC §6901 et. Seq.
     2. 15 USC §2601
     3. 29 CFR 1910.1200, "Hazard Communication" (OSHA)
     4. 29 CFR 1926, "Construction Industry" (OSHA)
     5. 29 CFR 1926 Subpart P “Excavations”
     6. 29 CFR 1926.500 "Guardrails, Handrails and Covers" (OSHA)
     7. 49 CFR 171-172, Transportation Standards (DOT)
     8. 29 CFR 1910.146 Confined Space
     9. 29 CFR 1926.21 Safety Training and Education
2. New York State Regulations:
   * 1. 6 NYCRR, Parts 360, 364, Disposal and Transportation (NYSDEC)
     2. 6 NYCRR Parts 370-374
     3. 6 NYCRR Parts 610-614
     4. Latest version of the New York State Uniform Fire Prevention and Building Code.
     5. Latest version of American Society for Testing and Materials (ASTM) standards.
     6. ACI-318 latest edition-Building Code Requirements. (NYC ONLY)
        1. All work shall comply with requirements of the New York City Building Code (NYCBC), requirements of the New York State Department of Labor, requirements of United States Department of Labor Occupational Safety and Health Administration (OSHA), requirements of New York State Department of Health (NYSDOH), requirements of the New York State Department of Environmental Conservation (NYSDEC), requirements of the New York City Department of Environmental Protection (NYCDEP), requirements of the New York State Department of Transportation (NYSDOT), requirements of New York City Department of Transportation (NYCDOT), the requirements of the New York City Transit Authority (NYCTA), the requirements of United States Environmental Protection Agency (USEPA), requirements under the Resource Conservation and Recovery Act (RCRA), applicable requirements under 6 NYCRR Parts 360, 364, and 370 through 375 and with applicable requirements of all other authorities having jurisdiction.

**1.04 PERMITS AND COMPLIANCE**

1. The Contractor shall assume full responsibility and liability for compliance with all applicable Federal, State, and Local laws, rules, and regulations pertaining to Work practices, protection of Workers, authorized visitors to the Site, persons, and property adjacent to the Work.
2. Obtain all required permits and notifications for removals (excavation/dewatering), on-site storage, transportation and disposal of contamnated wastes, including sanitary sewer discharge.
3. Perform contaminated soil excavation related Work in accordance with NYS DEC Division of Environmental Remediation (DER)-10 Technical Guidance for Site Investigation and Remediation. Where more stringent requirements are specified, adhere to the more stringent requirements. See Section 1.01 E.
4. The Contractor shall comply with all applicable regulations of the OSHA in performance of the work and take all required precautions to ensure the safety and health of personnel. The Contractor has been provided with information on current Site conditions for the Contractor to prepare a Site Health and Safety Plan (HASP) for the execution of the work.
5. The Contractor shall be responsible for compliance with The New York State Uniform Fire Prevention and Building Code, or its successor during all Work at the Site.
6. Contractor shall be responsible for notification to the Environmental Consultant for the collection and sampling of wastewater (for permit compliance or disposal facility requirements). Contractor is responsible for treatment (if necessary), and disposal of generated waste water. Waste water disposal may be permitted for sanitary sewer discharge or taken off-site for disposal at a licensed facility.

**1.05 SUBMITTALS**

1. Pre-Work Submittals: Within seven (7) days prior to the pre-construction conference, the Contractor shall submit an electronic copy of the documents listed below to the DASNY Project Manager, the DASNY Code Compliance Unit and the Environmental Consultant for review and approval prior to the commencement of removal/excavation activities:
   * 1. The Contractor shall submit a schedule, arranged in chronological order, by dates required by the construction schedule.
     2. The Contractor shall prepare and submit to the Owner a Health and Safety Plan (HASP) for work associated with any potential contaminated soils at the Site, as defined in Section 1.07. This plan shall address all of the activities which the Contractor will perform in fulfillment of the contract, and shall comply in all aspects with OSHA regulations for solid and hazardous waste operations (29 CFR 1910.120). The Contractor shall make the HASP available to authorized personnel who require access to any contaminated area or exclusion zone. The health and safety of the Contractor's employees remains solely the responsibility of the Contractor.
     3. The Contractor shall perform excavation markouts and contact Dig Safely New York (DSNY) as required by law. Contractor shall provide valid DSNY ticket number along with associated documentation.
     4. An Excavated Soils Management Plan including re-use and disposal options prepared in accordance with Section 4.01 B. of this Specification.
        1. Work Plan requirements should include a site plan showing stock pile locations and protection methods, soil grid, equipment decon locations, excavation methods, dewatering, wasterwater storage, and traffic direction at the site for trucks.
     5. The Contractor shall prepare and maintain all material shipment records required by applicable Federal, State, and Local laws and regulations. These records shall include but not be limited to: scale tickets, bill of ladings, and manifests. The Contractor shall provide copies of all documentation to the Owner/Owner’s Representative. Drafts of the following documents (as applicable) related to waste soil transport shall be submitted for prior review and approval:
        1. A draft shipping document.
        2. NYSDEC waste tracking document.
        3. NYSDEC Notification of Fill Material Reuse form.
        4. NYSDEC Use of Predetermined Beneficial Use Determination form.

Copies of these forms are provided in Appendix B.

* + 1. Transfer Facility Permit (if applicable) and letter of acknowledgement from the Transfer Facility stating they intend to accept the material.
    2. Treatment Facility Permit (if applicable) and letter of acknowledgement from the Treatment Facility stating they intend to accept the material.
    3. Disposal Facility Permit for material disposed of at an off-site facility (if applicable) and letter of acknowledgement from the Disposal Facility stating they intend to accept the material.
    4. Copy of a valid NYSDEC Waste Transporter Permit and permits for any other State(s) the material will travel through to reach the disposal facility.
    5. Valid US DOT permit for hauler, if applicable.

**Note: If contaminated water is expected to be encountered, Designer shall include a requirement for a Spills Management Plan and a Spills Kit to be accessible on-site.**

1. On-Site Submittals: The following documentation shall be maintained on-site by the Contractor during site activities at a location approved by the Project Manager.
   1. Copy of the Approved Pre-Work Submittal, as described in Section 1.05 A.
   2. Health and Safety Plan (HASP) for work associated with any potential contaminated soils at the Site. This plan shall address all of the activities which the Contractor will perform in fulfillment of the contract and shall comply with all aspects of applicable OSHA regulations for solid and hazardous waste operations (29 CFR 1910.120).
   3. Copy of DSNY ticket documentation.
   4. Proof of worker training in accordance with OSHA 29 CFR 1910.120 for all workers with the potential to come in contact with contaminated soils and hazardous materials.
   5. Soil Management Plan (SMP). This plan should include, at a minimum: equipment specifications; methods of excavation, waste water management plan for dewatering, waste water storage, on-site drainage, and decontamination of equipment; procedures for management of soil designated for off-site disposal; methods for documenting tracking of contaminated soil/material from the origin to disposal; methods for removal, loading and transport of the contaminated soil; certification of clean fill in accordance with NYSDEC if applicable; contractor health and safety procedures including personnel certifications; and identification of licensed transporter(s) and disposal facility or facilities to be used by the Contractor.
2. Close-Out Submittals
   1. Within two (2) business days of receipt from the facility, the Contractor shall submit copies of all receipts and other paperwork from disposal/treatment facilities which indicate the actual quantity of waste received.
   2. Within 30 days of the completion of the project, the Contractor shall submit 1 electronic copy of the documents listed below to DASNY and the Environmental Consultant for review and approval prior to Contractor’s final payment. Once DASNY Code Compliance approves the electronic close-out submittal, the Contractor shall provide 3 hard copy sets of the approved close-out documents (double-sided and bound) to DASNY Project Management, including 1 set to be distributed to the facility.
3. All Waste Shipment Records, Forms, and Waste Shipment Record Logs.
4. Completed waste tracking documents, as applicable.
5. Daily progress log.
6. Transfer/Treatment/Disposal Site/Landfill Permits from applicable regulatory agency.
7. Copy of NYSDEC Waste Transporter Permit and permits for any other State(s) the material traveled through to reach the disposal facility.

**1.06 PRE‑CONSTRUCTION CONFERENCE**

A. Prior to start of preparatory Work under this Contract, the Contractor shall attend a pre-construction conference attended by the Owner, Facility Personnel, and Environmental Consultant.

B. Agenda for this conference shall include but not necessarily be limited to:

* + - 1. Contractor's scope of Work, Work plan, and schedule.
      2. Contractor's safety and health precautions including protective clothing, equipment, and decontamination procedures.
      3. OSHA excavation and trenching requirements if applicable (> 4 feet and > 5 feet in depth, respectively)
      4. Environmental Consultant's duties, functions, and authority.
      5. Contractor's Work procedures including:
      6. Methods of job site preparation and removal methods.
      7. Contacting Dig Safely New York for Utility Clearance (if necessary).
      8. Equipment and process of initial clearing of vegetation (if necessary).
      9. Process of clearing the construction areas, excavation pathways for subgrade materials, stockping soil, separating waste from earthen materials, etc.
      10. Truck loading procedure near active roadway/traffic controls/safety.
      11. Disposal procedures.
      12. Cleanup procedures.
      13. Emergency procedures.
      14. Contractor’s required pre-work and on-site submittals, and documentation.
      15. Contractor's plan for 24-hour Project security both for prevention of theft and for barring entry of unauthorized personnel into work areas.
      16. Waste disposal requirements and procedures.

C. In conjunction with the conference, the Contractor shall accompany the Owner and Environmental Consultant on a pre-construction walk-through documenting work to be completed at the Site.

**1.07 DEFINITIONS**

1. Wherever the word “excavating”, “excavate”, “excavation”, “carried down”, or “remove” are used, they shall be understood to include the removal of all existing work, including brick work, rubble work, former foundation remnants, rubbish, and earth as well as rock, boulders, steel grillages, concrete and all other materials and obstructions encountered. They shall also be understood to include all sheet piling, bracing, pumping, operations and items needed for the proper execution of the work. Excavation is considered unclassified.
2. Rough grading consists of cutting or filling to the elevation established on the Contract Drawings.
3. Material Definitions
   1. Non-Hazardous Excavated Contaminated Soil:

Soil that may include or contain mixtures of the following: soil (including, but not limited to, natural undisturbed soil), Clean (below SCOs), and Contaminated (above SCOs). This material includes material that will exceed 6 NYCRR 375-6 Restricted Residential Use Soil Cleanup Objectives and NYSDEC CP-51: Soil Cleanup Guidance Supplemental Soil Cleanup Objectives.

* 1. Non-Hazardous Excavated Soil (Clean Fill):

Soil that is at or below the SCOs for unrestricted use. This material includes material defined in Title 6 NYCRR 375-6.3 and does not exceed NYSDEC CP-51: Soil Cleanup Guidance Supplemental Soil Cleanup Objectives.

* 1. Petroleum-Contaminated Soil:

Material (soil, concrete, sediment, UST contents, fill, debris, etc.) that meets the NYSDEC STARS Memo #1 definition of petroleum-contaminated material from known source areas. Petroleum-contaminated material shall be evidenced by the following observations and be from a known source area: producing higher than background responses on a portable vapor meter such as a photo ionization detector or flame ionization detector, petroleum-like odor, visual impacts (e.g., staining or discoloration), proximity to known releases from existing or historic petroleum storage tanks or systems, and exceed the soil cleanup levels for gasoline and/or fuel oil contaminated soil provided in the NYSDEC CP-51: Soil Cleanup Guidance. The determination as to whether the excavated material is petroleum-contaminated or is non-petroleum contaminated material will be made by analytical testing of representative material samples. The Environmental Constulant shall perform all required testing. The Environmental Consultant shall make the final determination as to whether or not the material is petroleum-contaminated and the appropriate disposal.

* 1. Hazardous Waste:

Material meeting the definition of a Resource Conservation and Recovery Act (RCRA) hazardous waste as defined in 40 CFR Part 261, New York State ECL Section 27-09 or 6 NYCRR Part 371.

**1.08 PROJECT CONDITIONS**

1. Preliminary waste characterization sampling was completed (see Appendix A). Any additional waste characterization sampling required to complete the excavation and disposal of material generated during the project will be directed by the Contractor and, upon concurrence with the Architect/Owner, will be performed by DASNY’s on-site Environmental Consultant.
2. The Contractor, by careful examination, shall inform themselves as to the nature and location of the work; the conformation of the ground; the nature of the subsurface conditions; the locations of the groundwater table; the character, quality and quantity of the materials to be encountered; the character of the equipment and facilities needed preliminary to and during the execution of the work; and all other matters which can in any way affect the work.
3. The Contractor shall have visited the site and familiarized themselves with the existing conditions of adjoining properties, utilities and buildings.
4. The Contractor shall investigate the conditions of public thoroughfares and roads as to availability, clearances, loads, limits, restrictions, and other limitations affecting transportation to, ingress and egress of the site of the work. The Contractor shall conform to all Federal, State and Local regulations in regard to the transportation of materials to and from and at the job site and shall secure in advance such permits as may be required.
5. Existing Utilities: The Contractor shall locate existing underground utilities in and beyond the areas of work. This shall include, at a minimum, notification to Dig Safely New York (DSNY) as required by law. The Contractor shall mark out the project areas and allot 3 business days for the ticket request to be completed; such off-set time shall be included in the proposed schedule. The DSNY ticket number shall be recorded for inclusion in project record documentation. If utilities are indicated to remain in place, provide adequate means of support and protection during the work.
   1. Should uncharted, or incorrectly charted, piping or other utilities be encountered during excavation, immediately cease excavation activities and consult with the utility owner for directions. Cooperate with Owner and utility companies in keeping respective services and facilities in operation. Repair damaged utilities to satisfaction of utility owner or compensate repair of same at Contractor’s cost.
   2. Do not interrupt existing utilities serving facilities occupied by Owner or others, during occupied hours, except when permitted in writing by the Construction Manager and then only after acceptable temporary utility services have been provided. Provide minimum of 48-hour notice to the Construction Manager, and receive written notice to proceed before interrupting any utility.
6. The Contractor shall examine drawings to determine sequence of operations, and relation to work of other trades. Start of work will signify acceptance of field conditions and will acknowledge coordination with other trades.
7. The Contractor shall comply with the Work Plan and associated documentation in the Approved Pre-Work Submittal, all Federal, State and Local environmental regulations, and health and safety regulations, including but not limited to OSHA.

**1.09 PROTECTION**

1. The work shall be executed so that no damage or injury will occur to the existing public and adjoining or adjacent structures, streets, paving, sewers, gas, water, electric or any other pipes. Should any damage or injury be caused by the Contractor, or anyone in the Contractor’s employ, or by the work under this Contract occur, the Contractor shall repair such damage and shall assume all responsibility for such injury and costs.
2. The above shall also include the protection of all existing utilities (including but not limited to sewers, water lines, electrical lines and telecommunication lines) to remain in use within and adjacent to the area affected by the work of this project.
3. Monuments, bench marks and other reference features on streets bounding this project, shall be protected. Should these be disturbed in any manner, the Contractor shall have them replaced.
4. Excavation sides of any pits within the site and adjacent structure foundations shall be protected by means of adequate bracing, shoring and anchoring at all times in accordance with applicable OSHA regulations. No site excavation shall proceed until adequate support for excavation sides is provided. The Contractor is solely responsible for the stability, safety and protection of excavation sides.
5. The Contractor shall provide barricades, warning lights, and barriers to prevent accidents, and to prevent all hazards to protect the public and property at all times, including Saturdays, Sundays, and Holidays.
6. It is the Contractor's responsibility to ensure that contaminated materials will not be spilled, placed, or otherwise discharged into areas other than those specified in the Contract Documents. Any unauthorized placement, spill, or discharge of contaminated material by the Contractor will be completely and properly removed by the Contractor at their own expense.
7. It is the Contractor’s responsibility to ensure that adequate erosion control and stockpile protection measures are put in place and maintained at the Site.
8. Any unauthorized placement, spill, or discharge of contaminated material by the Contractor must be reported immediately to DASNY, the Construction Manager, and the Owner's Engineer.
9. All costs associated with repairing any damage will be the Contractor's sole responsibility, and such repairs will be made to the satisfaction of the respective Owner(s).

**1.10 ERRORS IN DEPTH**

1. In the event that any part of the excavation is carried, through error, beyond the depth and the dimensions indicated on the drawings or called for in the specifications, then the Contractor, at his own expense, shall furnish and install certified clean fill, gravel, stone, or structural concrete with which to backfill to the required level at all locations, subject to approval of the Owner and Geotechnical Engineer.

**1.11 SUBSURFACE STRUCTURES AND UTILITIES**

1. The Contractor shall become acquainted with the existence and location of all surface and subsurface structures and utilities within the project area and beneath the surrounding streets. The Contractor shall not damage any of those utilities that are to remain and shall leave them accessible and make the necessary provision by sheeting, hanging, supporting or other means necessary to obtain this result, subject to the approval of the New York City Building Department (NYC only), the New York State Department of Transportation, and the utility companies involved.
   1. **PROJECT SUPERVISOR**
2. The Contractor shall designate a full-time Project Supervisor who shall meet the following qualifications:
3. If excavated soils are determined by sample analysis to be contaminated, the Project Supervisor shall be an OSHA competent person for excavation. The OSHA Construction Standard defines a competent person as someone who is: capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.
4. The Project Supervisor shall have a minimum of one year experience as a supervisor.
5. The Project Supervisor must be able to read and write English fluently, as well as communicate in the primary language of the Workers.
6. If the Project Supervisor is not on-site at any time whatsoever, all Work shall be stopped. The Project Supervisor shall remain on-site until the Project is complete. The Project Supervisor cannot be removed from the Project without the written consent of the Owner and the Environmental Consultant. The Project Supervisor shall be removed from the Project if so requested by the Owner or DASNY.
7. The Project Supervisor shall maintain a bound Daily Project Log that includes a Waste Shipment Record Log included in Appendix C.
8. The Project Supervisor shall be responsible for the performance of the Work and shall represent the Contractor in all respects at the Project site. The Supervisor shall be the Contractor primary point of contact for the Environmental Consultant.
9. As required by applicable regulations, prior to assignment of work, instruct each employee with regard to the hazards of the generated waste, safety and health precautions, and the use and requirements of protective clothing and equipment, as well as the Contractor’s HASP.

**PART 2 EXECUTION**

**2.01 PREPARATION OF PROJECT SITE**

1. Obtain all necessary permits to perform the work from the appropriate authorities and agencies prior to start of such work. Obey all applicable Federal, State, and Local work safety rules and regulations. Ensure DSNY markings indicative of utilities are maintained and visible in areas not impacted by the work.
2. Install all necessary protection equipment and structures such as fences, signs, scaffolding, etc. prior to start of work.
3. Remove all existing structures, utilities, and pavement in accordance with the Contract Documents.
4. Protect all utility lines, which are not to be disturbed or abandoned. Contractor shall be solely responsible for any damage to utilities that may occur.
5. Protective Clothing.
6. Provide personnel utilized during the Project with disposable protective whole body clothing, head coverings, and foot coverings. Provide appropriate disposable gloves suitable to protect hands and prevent skin contact.
7. Eye protection and hard hats shall be provided and made available for all personnel entering any Work Area.
8. Authorized visitors shall be provided with suitable protective clothing, headgear, eye protection, and footwear whenever they enter the Area, if necessary.
9. Provide ladders as required by the Environmental Consultant for the purposes of performing required inspections.

**2.02 DAILY PROJECT LOG**

A. Provide a Daily Project Log. The log shall contain on the title page the DASNY Project name and number; the name, address and phone number of the Owner; the name, address and phone number of the Environmental Consultant; the name, address and phone number of the Contractor; and emergency numbers including, but not limited to, local Fire/Rescue department. The log shall also include the DSNY Ticket number along with a summary of the utilities in the vicinity of the work.

B. All entries into the log shall be made in non-washable, permanent ink and such pen shall be strung to or otherwise attached to the log to prevent removal from the log-in area. Under no circumstances shall pencil entries be permitted.

C. The Project Supervisor shall document all Work performed daily and note all inspections.

**2.03 GENERAL EXCAVATION**

A. General

1. Contractor shall perform all excavation required to complete the Work as shown and specified. All material excavated shall be non-classified. It shall include all materials such as but not limited to earth, sand, clay, gravel, hardpan, boulders, organic materials, rock, miscellaneous fill and debris.
2. Excavations shall be open type, sheeted, shored and braced or sloped where necessary to prevent injury to workmen and to new and existing structures or pipelines.
3. All excavations shall be made in dry material.
4. All equipment shall be decontaminated and free from debris, caked soil, contamination, and any other foreign materials prior to mobilization to the site. Equipment utilized during the excavating of contaminated materials shall be decontaminated in accordance with project decontamination requirements.
5. The bottom of excavations shall be leveled off and graded to receive foundations, slabs, pits, trenches and grade beams.
6. All excavation work must also adhere to the Construction Health and Safety Plan.

**PART 3 HANDLING AND MANAGEMENT OF CONTAMINATED MATERIALS**

**3.01 GENERAL INSTRUCTIONS**

1. This Section is a description of responsibilities for proper handling and management of contaminated materials on Site. The requirements of the Contract Documents, including Scope of Work, will apply to the Work in this Section.
2. The Contractor will be required to handle environmentally contaminated materials at the Site in compliance with all Federal, State and Local regulations. Contractor's Work will include handling of these contaminated materials.
   1. For the purpose of this Specification, contaminant levels shall be compared to NYSDEC USCOs and RSCOs (NYSDEC Regulation 6 NYCRR Subpart 375-6) and the approved disposal facility acceptance criteria.
3. The Environmental Consultant shall create and implement a Community Air Monitoring Plan (CAMP), if required by DASNY Project Management, to manage real-time monitoring for particulates at the upwind and downwind perimeters and adjacent to the nearest structure within the work area when particulate-generating activities are in progress at the Site. Particulate monitoring must be employed during the handling of waste or contaminated soil or when activities on-site may generate fugitive dust from exposed waste or contaminated soil.
4. Engineering Inspections and Observations:
   1. The Owner's Engineer will inspect the movement and handling of all contaminated materials. Contractor will notify Construction Manager and Owner's Engineer a minimum of 72 hours prior to start of Work involving handling of contaminated materials.
   2. Owner's Engineer will observe the contaminated material removal procedures and methods and will notify the Contractor, Construction Manager, and Owner of any part of the Work of this Section not in compliance with these specifications. Such notification will not relieve the Contractor from the responsibility of properly implementing, performing, and maintaining contaminated material removal as specified herein and as required by the Work.
   3. Contractor will cooperate with the Construction Manager and Owner's Engineer to facilitate the progress of the Work.
   4. Contractor will provide at least one supervisory person who must be present at all times during execution of the Work and who is thoroughly familiar with the type of work being performed and its best methods for completion. This person will have the authority to act on behalf of Contractor.

**PART 4 SOIL CHARACTERIZATION, MANAGEMENT AND DISPOSAL**

**4.01 SOIL CHARACTERIZATION**

1. Soil Characterization
   1. The Contractor shall confirm with the disposal facility that a sufficient quantity of soil samples was obtained to fully characterize the site soils scheduled for disposal prior to removing any soils from the site. The contractor shall notify the DASNY on-site representative if additional waste characterization samples are needed to satisfy targeted disposal facility requirements. Any additional samples that are required will be collected by DASNY’s on-site Environmental Consultant. The results of all waste characterization analyses shall be submitted to DASNY Code Compliance prior to removal of soils from Site.
   2. In-situ soil characterization should be completed in accordance with the sampling procedures in the Soil Management Plan (SMP), described in Section 4.02 B. of this Specification. Sampling should be biased to soil encountered that exhibits staining, free product and/or elevated photo-ionization detector (PID) readings.
   3. Soils proposed for reuse on-Site will be managed as directed by the Environmental Consultant.
2. Uncontaminated, non-hazardous soil (i.e. soil meeting NYSDEC’s Unrestricted Use Soil Cleanup Objectives cited in 6 NYCRR Part 375-6.3) is not subject to approval from NYSDEC’s Division of Hazardous Materials Management. If the material is stockpiled on-Site, it must follow the stockpiling procedures set forth in the SMP.
3. The Contractor shall protect and maintain excavation areas until completion of the work and

acceptance by the Environmental Consultant. Excavated contaminated soil designated for off-site management may be containerized in roll-off containers at designated area(s), as directed by the Environmental Consultant.

**4.02 TRANSPORTATION AND DISPOSAL OF EXCAVATED MATERIAL**

1. Description of Work
   1. Non-Hazardous Excavated Material, as defined in Section 1.07, that has been excavated as part of the construction project and slated for disposal shall be transported to an off-site disposal facility meeting the requirements of 6 NYCRR Part 360, or equivalent out-of-state facility, approved by the appropriate regulatory agency of that State with a permit to receive non-hazardous excavated material. This facility shall be identified and approved in the Pre-Work Submittal referenced in Section 1.05 A. prior to the start of work.
   2. Clean Fill for reuse, as defined by NYSDEC under 6 NYRR Part 360 Article 12 Beneficial Use as material that is not considered Solid Waste when a Pre-determined Beneficial Use or a Case-specific Beneficial Use is determined for the excavated material.
   3. All petroleum-contaminated material, as defined in 6 NYCRR Part 360 Article 1.5, if discovered, shall be transported to an off-site disposal facility permitted to receive petroleum-contaminated material from known source areas. All hazardous waste, as defined in Article 1.5, if discovered, shall be transported to an off-site disposal facility meeting the requirements of 40 CFR Part 265 and 6 NYCRR Part 373, or equivalent out-of-state facility, approved by the appropriate regulatory agency of that State with a permit to receive hazardous waste. This facility shall be identified and approved in the Pre-Work Submittal referenced in Section 1.05 A. prior to the start of work.
   4. Soils may be reused on-site, if the criteria are met for pre-determined (SCO).
   5. The Contractor must inform the Owner a minimum of one week prior to the start of excavation activities. Excavation and disposal activities must be supervised by the Owner or Owner’s representative.
2. Excavated Soil Management Plan

An Excavated Soil Management Plan (SMP) shall be prepared by the Contractor and approved by the Owner for non-hazardous excavated material a minimum of 7 days prior to the start of excavation. A separate Excavated Material Disposal Plan for any additional categories of material (petroleum-contaminated or hazardous), as defined in Section 1.07 C. 3. and 1.07 C. 4., if encountered during excavation, shall be prepared by the Contractor and approved by the Owner prior to removing the material off-site. Soil may be re-used on-site in accordance with NYSDEC Beneficial Use Determination (BUD) regulation. There are 28 predetermined BUDs listed in 6 NYCRR Part 360.12(c). Refer to Section 1.04 for submittal requirements. In the Excavated Soil Management Plan, the Contractor shall, at a minimum:

1. Indicate how buried utilities (e.g. electric, gas, water, sewers, telephone, etc.) will be located and provide copies of the resulting information to the Owner.
2. Provide a to-scale figure indicating the excavation areas, the estimated depths of excavation, and estimated quantities of excavated material.
3. Provide a listing, including company name, name of owner contact, phone number, and address of facility, of the off-site disposal facility(ies) meeting the requirements listed in Item A above, for each specific material to be disposed and a copy of each facility’s permit (NYSDEC or equivalent out of state).
4. Provide a listing, including company contact name, phone number and address, of proposed waste haulers. Provide a copy of the valid 6 NYCRR 364 Waste Transporter Permit for each proposed waste hauler.
5. Provide a certification from the proposed waste disposal facility(ies) that material from the site is acceptable for disposal. This letter must be on the disposal facility letterhead and must be received prior to removal of excavation material from the site.
6. Provide a plan for re-use of uncontaminated soil on-site, dependent upon the appropriate SCO determination, prior to excavation.
7. All excess material, including earth, rock, and fill, shall be removed from site and legally disposed of by the Contractor.
8. All lumber, forms and metal work shall be removed immediately after completion of local areas. The Contractor shall be responsible for removal of all debris produced by work to this section from the site.
9. Sidewalk and streets adjoining the property shall be broom cleaned and free of debris, rubbish, trash and obstructions of any kind caused by the work of this Section by the Contractor.
10. The Contractor must confirm characterizing for disposal has been performed on all material prior to removing material from the Site. DASNY’s on-site Environmental Consultant will collect additional waste characterization samples, if needed, to satisfy targeted disposal facility requirements. The results of all waste characterization analyses shall be submitted to the Owner prior to removal of waste from the Site.
11. The Contractor shall be responsible for handling and transporting contaminated materials removed from the Site to a permitted disposal/treatment facility licensed to accept such waste soil. Materials removed from the Site shall only be transported to facilities which have received prior approval of the Owner and which have provided written approvals indicating they are permitted to accept such materials.
12. No materials shall be added to or removed from transport vehicles between their time of departure from the Site and their time of arrival at the approved facility for their disposal.
13. The Contractor shall use only properly permitted Owner-approved waste transporters. All vehicles and drivers shall be permitted and licensed in accordance with all applicable Federal, State and Local laws and regulations including the laws and regulations of governing agencies which have jurisdiction over areas through which the waste will be transported.
14. Vehicles shall be designed, equipped, operated and maintained to prevent leakage, spillage or airborne emissions of waste during transport. Appropriate controls shall be used to contain odors during loading and shipping of waste. Only safe, suitable and well-maintained vehicles, which are properly labeled/placarded, manned, permitted and registered to perform the required transportation services shall be used. All vehicles shall be decontaminated as necessary, including truck tires and undercarriages, prior to leaving the Site. The Contractor shall be responsible for supplying all labor, materials, equipment and supplies for decontaminating the vehicles used and shall be responsible for the off-site disposal of wastes resulting from any decontamination.
15. Certified weight scale tickets showing the weight of the vehicle at the time of arrival and departure from the disposal facility shall be provided for all waste material transported off-site. The weight tickets shall be signed and dated by a representative of the Contractor certifying the accuracy of all measurements, the date and time of arrival and departure of each vehicle, the disposal location and the vehicle identification number.
16. The Contractor shall continuously monitor the regulatory compliance status of all waste transporters and disposal facilities used and proposed for use. If, at any time, the Contractor becomes aware of a potential or actual change in the regulatory compliance status of any waste transporters or disposal facilities used or proposed for use, the Contractor shall immediately notify the Architect, Owner or Owner’s Representative of such potential or actual change and, in consultation with the Owner, make arrangements to divert waste to alternate approved transporters and disposal facilities.
17. The Contractor shall complete all required manifest forms and bills of lading as required by applicable laws and regulations for transportation and disposal of materials off-site. The Contractor shall provide completed copies of all required manifests and bills of lading to the Owner along with all requested backup documentation. DASNY’s on-site Environmental Consultant shall sign manifests and bills of lading. The Contractor shall be responsible for assuring that all notifications, labeling, documentation, sampling, analysis, transportation and disposal requirements of the disposal facility, and Federal, State and Local governments are complied with and properly documented.
18. The Contractor's Hauler and Disposal Site shall be approved by the Owner.
19. The Contractor shall give 24-hour notification prior to removing any waste from the site. Waste shall be removed from the site only during normal working hours unless otherwise specified. No waste may be taken from the site unless the Contractor and Environmental Consultant are present and the Environmental Consultant authorizes the release of the waste as described herein.
20. The Environmental Consultant shall verify the landfill to be used for waste disposal with the waste transporter (driver) and Contractor prior to the waste storage trailer/dumpster leaving the site. The Environmental Consultant shall confirm the waste transporter firm and landfill are listed on the regulatory notifications for the Project and the waste transport vehicle license number is listed on the current NYS DEC Waste Transporter permit.
21. Payment for disposal of contaminated soils will not be made until a signed copy of all required manifests and bills of lading from the treatment or disposal facility certifying the amount of contaminated soils delivered is returned for each load removed from the site. This original manifest and bill of lading documentation as well as the waste disposal log originals must be provided to the Owner or appropriate state if applicable, and copies provided to DASNY Code compliance.

END OF SECTION 02 61 00

APPENDIX A

SOIL REPORT

APPENDIX B

SOIL TRANSPORT FORMS



*(08/18)*Division of Materials Management

**NOTIFICATION OF FILL MATERIAL REUSE**

|  |  |  |  |
| --- | --- | --- | --- |
| OFFICIAL USE ONLY | | | 6 NYCRR Part 360.13 requires notification to the Department for the use of fill material in the following cases:   * At least five days in advance of transfers of general fill, restricted-use fill and limited-use fill generated in, imported to, or relocated within the City of New York in amounts greater than 10 cubic yards. * At least five days in advance of delivery of restricted-use fill and limited-use fill in amounts greater than 10 cubic yards anywhere in the State of New York.   Notification to the Department is not required when the destination is a facility authorized under 6 NYCRR Part 361-5; however, the facility may request information required by this form as part of its waste control plan. |
| DATE RECEIVED | | |
|  |  |  |
| GENERATOR NUMBER | | |
| DESTINATION NUMBER | | |
| STAFF INITIALS | | |
| 1. Generating Site Location and Contact | | | |

**Project Name: Location of**

**Generating**

**Site:**

*Street Address City/Town*

*County Zip Code*

**Contact:**

*Last First M.I.*

**Office Phone:** ( ) **Mobile Phone:** ( )

**E-mail**

**Company**

**Name:**

**Company**

**Address:**

*Street Address*

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*City State Zip*

2. Fill Material Generated at Remediation Sites

1. **Is the fill material generated from a site being remediated pursuant to a program**

**administered by the Department or EPA?** Yes No

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1. **If Yes to question 2a, do you have approval from the Department or EPA to**

**reuse this material at the proposed destination?**

Yes No

**If No to question 2b, contact the Department prior to transporting fill material to the destination site.**

3. Generating Site Information

1. **Overall quantity of fill material this project will generate**
2. **Indicate fill material classifications found on the site:**

☐

Cubic yards

General Fill

☐

Limited use fill

Restricted use fill

Other

1. **Quantity of fill material covered under this notification** Cubic yards
2. **Indicate fill material classifications proposed to be reused under this notification:**

General Fill Limited use fill Restricted use fill ☐ Other

☐

1. **Have other notifications for this project been submitted to the Department?** Yes No

**If yes, indicate destination region(s).**

1. **Will additional notifications be sent in the future?** Yes No
2. **Estimated start date and end date of overall project:**

*(Start Date) (End Date)*

1. **Estimated start and end date of fill transfer for reuse**

**under this notification:**

*(Start Date) (End Date)*

|  |  |  |
| --- | --- | --- |
| 4. Fill Material Physical Characteristics | | |
| **Describe Fill Material** |  |  |

*Provide a description of the fill material, including estimated composition by percent volume of soil, rock, concrete, brick, ash, cinders, slag, etc.). If more space is needed, attach an additional sheet.*

5. Qualified Environmental Professional

**Contact:**

*Last First M.I.*

**Office Phone:** ( ) **Mobile Phone:** ( )

**E-mail: Company Name:**

**Company Address:**

*Street Address*

\_

*City State Zip*

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6. Destination Site Location and Contact

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Project Name:** |  | | | | | |
| **Location of Destination Site:** |  | | | | | |
| *Street Address* |  |  | *City/Town* | | |
|  | | | | | | |
|  | *County* |  |  |  | | *Zip Code* |
| **Contact:** |  | | | | | |
|  | *Last* |  | *First* |  | | *M.I.* |
| **Phone:** | ( ) | **Mobile Phone:** | | ( ) |  | |
| **E-mail:** |  | | | | | |
| **Company Name:** |  | | | | | |
| **Company Address:** |  | | | | | |
|  | *Street Address* |  |  |  | |  |
|  | | | | | | |
|  | *City State* | | |  | | *Zip* |
| 7. Destination Site Information | | | | | | |
| **a. Quantity of fill material required for this project?** | | |  | | | **Cubic Yards** |
| **b. Type(s) of fill material to be used (check all that apply):**  General Fill Limited use fill ☐ Restricted use fill | | | | * Other |  | |
| **c. For restricted- and limited-use fill, has a local building permit or other municipal authorization been issued for this project that includes need for fill?** | | | | | | Yes No |
| **d. Are additional fill material notifications to be submitted for this project?** | | | | | | * Yes No |
| **e. Describe the area(s) on the site where this fill material is to be used:** | | | | | | |
|  | | | | | | |
| **Please note that both the generator and the receiver of the fill material must retain records of fill material quantities, with analytical data, for a minimum of three years after fill material is removed or received, as applicable. To demonstrate compliance with applicable requirements of this notification, a log of all loads of fill material and corresponding tracking documents should be maintained as part of these records. The Department reserves the right to inspect any site of generation or placement of fill material.**  **Transport of fill material that originates in the City of New York, or limited-use fill and restricted-use fill generated outside of New York City, is also subject to the requirements of Part 364.** | | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
|  | | | |
| 8. Certification by Qualified Environmental Professional | | | |
| I certify, under penalty of law that the data and other information provided in this notification have been prepared under my direction and supervision in compliance with the system designed to ensure that qualified personnel properly and accurately gather and evaluate this information. I am aware that any false statement I make in this notification is punishable pursuant to Section 71-2703(2) of the Environmental Conservation Law and Section 210.45 of the Penal Law. | | | |
| **Name:** |  | | |
|  | *Last Name* | *First Name* | *M.I.* |
| **Signature:** |  | |  |
|  | *Date* | |  |
| **License Information:** |  |  |  |
|  | *Number* | *State* |  |
| **Profession:** | Engineer Geologist Other | (see 6 NYCRR 360.2(b)(213)) |  |
| *(Engineer or Geologist seal above)*  In the event the Qualified Environmental Professional identified in Item 5 above is not a Professional Engineer or Geologist licensed in New York State, the QEP's basis for credential must be attached to this form. | | | |

**All notifications must be sent to the Regional Office of the Department in which the destination is located (see**

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[**http://www.dec.ny.gov/about/558.html).**](http://www.dec.ny.gov/about/558.html))

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|  |  |
| --- | --- |
| ***Pursuant to 6 NYCRR Subdivision 360.13(g), all notifications must be made on forms and in a manner acceptable to the Department. Before submitting this notification, please ensure this form is complete and all supporting documentation is formatted in a manner acceptable to the Department as recommended in the checklist below.*** | |
|  | **Completed Form.** All fields of the application are complete, including the certification. |
|  | **Analytical Data Comparison.** Analytical data is compared with the following, for the respective fill material type for the receiving site, and exceedances clearly identified as follows (see also 6 NYCRR Part 360.13(f)):   * General Fill: protection of groundwater and residential soil cleanup objectives found in 6 NYCRR Part 375,   Section 375-6.8.   * Restricted-Use Fill: In addition to general fill requirements, benzo (a) pyrene equivalent. * Limited-Use Fill: In addition to restricted use requirements, commercial soil cleanup objectives for metals found in 6 NYCRR Part 375, Section 375-6.8. |
|  | **Summary Table - Recommended Formatting.** Summary tables are attached that show standards and analytes on the left; sample IDs, depths and locations on the top; and detection limits are indicated for those constituents that are listed as ‘non- detects’. The summary table should list all analytes. All data for the generating site should be provided, even if not to be transported, as part of this notification. |

**Part 360 Series Waste Tracking Document - Construction & Demolition Debris**

This form may be used to satisfy the tracking document requirements of

both section 361-5.6 and section 364-5.1 for the transport of C&D Debris

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|  |  |
| --- | --- |
| **TYPE OF C&D DEBRIS:** | Limited-Use Fill Restricted-Use Fill Contaminated Fill Fill Material - Unknown  General Fill Residue Construction Waste Demolition Waste  Other (specify): |
| **WASTE QUANTITY:** | Tons Cubic Yards Check box to indicate quantity is estimated: |
| **LOCATION WHERE WASTE WAS PICKED UP:** | Source Name:  Address: City: \_ State: Zip Code: |
| **GENERATOR:** Name: DEC Permit/Reg. No. (if applicable): Address: City: State: Zip: Authorized Representative of Generator: Phone:  Transporter Name: Receiving Facility Name: Chosen by Transporter Address: City: State: Zip:  I have completed this tracking document describing the waste and identifying the transporter and receiving facility. I certify, under penalty of law, that the information provided in this waste tracking document has been prepared under my direction and supervision and further certify that the information contained herein is true and accurate. I am aware that any false statement made on this document is punishable pursuant to Section 210.45 of the Penal Law.  Signature: Date: | |
| **TRANSPORTER:** *To be completed by Transporter* DEC Permit/Registration No.: Transporter Company Name:  Describe all Discrepancies in type or quantity of waste:  Driver Name (print): Phone: Plate No.: Signature: Date: \_ | |
| **RECEIVING FACILITY:** *To be completed by Receiving site* DEC Permit/Reg. No. (if applicable): Name: \_ Address: City: State: Zip: Put [X] for: interim processor, or final site  Describe all Discrepancies in type or quantity of waste:  I certify, under penalty of law, that the information contained herein is true and accurate.  I am aware that any false statement made on this document is punishable pursuant to Section 210.45 of the Penal Law.  Print Name: Phone: Signature: Date:  **The completed tracking document for all waste types must be returned to the Generator within two weeks of receipt of the waste**.  Statewide for restricted-use fill, limited-use fill and contaminated fill, and for all waste types, except residue, generated in the City of New York, a copy of the completed tracking document **must also be provided to NYS DEC within 15 days** of waste delivery to the receiving facility.  [ref: 6 NYCRR 364-5.1(b)(5)] | |

Rev: May2018, Ver 1

**Return completed forms to NYS DEC by e-mail to** [**transport@dec.ny.gov**](mailto:transport@dec.ny.gov) **OR fax to 518-402-9034 OR mail to 625 Broadway, 9th Floor, Albany, NY 12233-7251.**



New York State Department of Environmental Conservation Division of Materials Management

**USE OF PREDETERMINED BENEFICIAL USE DETERMINATION**

Pursuant to 6 NYCRR 360.12(c)

|  |  |  |  |
| --- | --- | --- | --- |
| COMPANY NAME: | | | |
| COMPANY ADDRESS: | | | |
| LOCATION/ADDRESS OF SITE OF REUSE: | | | |
| This material is being used in compliance with the pre-determined beneficial use determination described at 6 NYCRR 360.12(c)(1)(ii):  *“The following cease to be waste when used as described in this paragraph….* ***(ii) fill material generated outside of New York City with no evidence of historical impacts such as reported spill events, or visual or other indication (odors, etc.) of chemical or physical contamination****.”*  Transportation of this material **does not** require a Part 364 Waste Transporter permit or registration. | | | |
| CONTACT NAME: | | TITLE: | |
| COMPANY NAME: | | | |
| PHONE: | EMAIL: | | |
| SIGNATURE: | | | DATE: |

With any questions, please contact (518) 402-8678 or [benuse@dec.ny.gov.](mailto:benuse@dec.ny.gov)

APPENDIX C

WASTE SHIPMENT RECORD LOG

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DORMITORY AUTHORITY STATE OF NEW YORK** | | | | | | | | | | | | | | | | |  | |
| **WASTE SHIPMENT RECORD LOG** | | | | | | | | | | | | | | | | |  | |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Facility Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | |  |  |  |  | **Building Name/Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | |  | |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Project Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | |  |  |  | **DASNY Project Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | |  | |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Abatement/Remediation Contractor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | |  |  |  | **Project Monitor: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | | | | | | |  | |
|  |  |  |  |  |  |  |  |  |  |  |  |  | | | | |  |
| **Load No.** |  | **Hauler Name** |  | **NYSDEC #** |  | **License Plate No.** |  | **Size of Container** |  | **Disposal Facility Name** |  | **Date Depart from Site** |  | **Date Received at Disposal Site** |  | **Date Shipment Record Returned** |  |
|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
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| **Comments:** | | | | | | | | | | | | | | | | |  | |
| **Page \_\_\_\_\_\_ of \_\_\_\_\_\_** | | | | | | | | | | | | | | | | |  | |