**SECTION 02 86 00**

**IDENTIFICATION AND DISPOSAL OF HAZARDOUS WASTE**

**PART 1 - GENERAL**

* + - * 1. Description Of Work

This specification covers the identification and disposal of hazardous waste, and related hazardous materials. Products shall be as follows or as directed by the Owner and or their representative. Installation procedures shall be in accordance with the product manufacturer's recommendations. Demolition and removal of materials shall be as required to support the work.

Special Wastes:

Asbestos-Containing Materials (ACM): ACM is regulated by EPA TSCA Rules, NY Code Rule 56 and OSHA standards, and is not Hazardous Waste.

PCB Bulk Waste and non-liquid PCB materials (NLPCB): Window caulk and other caulk may contain NLPCB; if so, when disposed these materials are EPA-regulated PCB Bulk Waste under TSCA, and are NYS hazardous waste. PCB light ballasts are also to be disposed of as NYS Hazardous Waste. PCB Caulk is governed under DASNY Specification 02084.

* + - * 1. Definition

Hazardous waste shall be any materials to be disposed that possess at least one of four characteristics, ignitability, corrosivity, reactivity or toxicity, as defined and regulated by the Resource Conservation and Recovery Act (RCRA) and applicable state and federal regulations, or a material specifically identified as hazardous waste by applicable Federal or State lists, in 40 CFR 261 or 6 NYCRR 371.

A Conditionally Exempt Small Quantity Generator (CESQG) of hazardous waste shall be a waste handler who generates no more than 100 kilograms per month of listed and/or characteristic hazardous waste, generates no more than 1 kilogram of acute hazardous waste in any calendar month, and stores no more than 1000 kilograms of listed and/or characteristic hazardous waste or more than 1 kilogram of acutely hazardous waste.

A Small Quantity Generator (SQG) of hazardous waste shall be a waste handler who generates no more than 1000 kilograms per month of listed and/or characteristic hazardous waste, generates no more than 1 kilogram of acute hazardous waste per month, and stores no more than 6000 kilograms of listed and/or characteristic hazardous waste or more than 1 kilogram of acutely hazardous waste.

Large Quantity Generator (LQG) of hazardous waste shall be a waste handler who generates more than 1000 kilograms per month of listed and/or characteristic hazardous waste, generates more than 1 kilogram of acute hazardous waste per month, or stores more than 6000 kilograms of hazardous waste or 1 kilogram of acutely hazardous waste.

The Owner’s Consultant: The Owner shall provide a third party consultant to provide pre-work assessments, project monitoring assessments for the construction procedures for the work area and surrounding areas and final clearance assessments. The Contractor shall be responsible for the worker protection requirements.

* + - * 1. Submittals

Before start of work: At the pre-construction meeting, the Contractor shall submit the following to the Owner’s Representative for review:

Copy of State or local license for hazardous waste hauler.

Certificate of at least one on-site supervisor which has satisfactorily completed the OSHA 40 hour Health and Safety course for handling hazardous waste and spills.\*

Certificates of workers, which have successfully completed the OSHA 40-Hour Health and Safety Course for Hazardous Waste and spills.\*

List of the employees scheduled to perform this work.

Schedule of start and finish times and dates for this work.

The name, address and EPA ID No. of the disposal facility where these waste materials are to be received. Include contact person, a copy of the facility permit and telephone number.

The facility permit must identify the waste material(s) to be received, and must be accompanied by a statement that the facility has the capacity and authority to accept the waste. Land Disposal Restriction (LDR) forms must also be provided.

Material Safety Data Sheet (MSDS) for all materials to be removed.

If the Contractor introduces any chemical into the work environment, a MSDS for that chemical must be presented to the Owner's Representative prior to use.

Transporter must have notified the EPA and/or other appropriate local government agency in advance of its intentions to transport hazardous materials and, if applicable, receive an identification number. The transporter shall submit a copy of the NYS DEC Part 364 Permit, for review.

Health and Safety/Contingency Plan for material handling and emergency procedures.

Certification for medical examinations.

Respiratory protection program.

Project Plan: Provide a description of the methods, procedures and materials to be used in performing the work and handling all hazardous wastes. Also provide a schedule identifying specific work areas and duration. The schedules will be utilized to schedule facility and third party consultant requirements.

Waste Sampling Plan: Provide a sampling plan that describes all samples to be taken and the parameters to be analyzed, as well as the laboratory providing the services; or provide another basis for identification of the waste, such as an MSDS.

Do not start work until submittals are returned with the Owner’s Representative stamp indicating that the submittal is returned for unrestricted use.

* + - * 1. Regulatory Requirements

All activities related to the work shall be conducted in compliance with all applicable laws, regulations, and requirements which may include, but not be limited to, the United States Environmental Protection Agency (US EPA), United States Department of Transportation (US DOT), Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCA), Occupational Safety and Health Administration (OSHA), New York State Department of Environmental Conservation (NYS DEC), New York City Department of Environmental Protection (NYC DEP), and New York City Fire Department.

The Contractor is required to secure and maintain all required regulatory permits necessary to perform all aspects of the work.

The Contractor shall containerize and store waste in accordance with all applicable regulations. All containers are to be appropriately marked/labeled.

**PART 2 PRODUCTS**

* + - * 1. Materials

Drums: Recovery or salvage drums acceptable for disposal of hazardous waste. Prior approval of drums is required. Drums or containers must meet the required OSHA, EPA (40 CFR Parts 260-264 and 300), and DOT Regulations (49 CFR Parts 171-178). Use of damaged containers shall not be allowed.

Labels: As required by the EPA and OSHA for handling, transportation, and disposal of hazardous waste.

Absorbent Material: Clay, soil or any commercially available absorbent used for the purpose of absorbing hazardous or potentially hazardous materials.

**PART 3 EXECUTION**

* + - * 1. All waste shall be stored, handled, transported and disposed of in accordance with all federal, state and local guidelines and regulations. The Contractor is to obtain all permits, licenses, etc., which are necessary for the storing, transporting and disposing of hazardous waste. The Contractor shall develop all applicable manifests, Profile Sheets, Land Ban Forms and any other documentation and co-ordinate with the Owner regarding proper signatures. The Contractor may be required to notify the EPA of the hazardous waste activities, and obtain an EPA identification number specifically for the project, if one is not available.
        2. The Contractor shall identify and classify the hazardous waste generated through the performance of the work as per the governing regulations, and in accordance with the Waste Sampling Plan submittal from Section 1.1 above. The Contractor shall conduct the required sampling and chemical analysis for handling, storing, transporting and disposing of the hazardous waste.
        3. The Contractor is responsible for securing appropriate treatment or disposal for the waste streams at a permitted TSDF, in compliance with all requirements, and for obtaining a copy of the waste manifest as executed by the TSDF. If the manifest is not returned within the required time, the contractor shall notify the Owner and the NYS DEC, and initiate an investigation as required.
        4. Transporters shall maintain waste manifest and shipment record forms. All transporters are required to obtain and maintain NYS DEC Part 364 Waste Transporter permit and, if applicable, a NYC Fire Department permit for transporting flammables. The Part 364 Permit shall have the license plate number of the vehicle, the expiration date of the permit, the type of waste the hauler can take and the treatment, storage and disposal (TSD) facility to which the hauler can take the waste. The transporter must also have all applicable, current waste transportation permits for states where proposed disposal facility is located.
        5. The Contractor shall supply all required placard and labeling, and shall have an appropriately trained individual to prepare and sign the hazardous waste manifest, as the DOT shipper.
        6. The Contractor shall furnish all certified copies of manifests (interim storage and final disposal) within regulatory requirements. Within 30 days from the acceptance of the waste by the disposal facility, the Contractor shall provide the Owner with Certificate of Disposal documents, as a requirement for final payment.
        7. Unless directed otherwise, the Contractor shall file the annual report and fee report if applicable for the hazardous waste shipped, and provide closure notification to EPA and DEC immediately upon completion of the work.

\*HAZWOPER Training is not required if the waste is PCB Bulk waste alone, but OSHA HAZCOM and TSCA training are still required

END OF SECTION 02 86 00