



# MEMO

April 9, 2018

**To:** District Engineers

**From:** William A. Hale, P.E.  
Chief Engineer

**Subject:** Mitigation of Hazardous Materials

This memorandum voids and replaces Amadeo Saenz' January 26, 2007, "Hazardous Materials Contracting" and May 4, 2005, "Assistance with Contaminated Material Issues" memoranda.

In most instances, it is the Department's goal to remove the hazardous materials within the right of way prior to letting a project. Also, there are occasions when contractors discover hazardous materials during the course of the project. Typically, these materials contain asbestos or are contaminated with hydrocarbons from leaking underground storage tanks.

The following outlines three methods for mitigating hazardous materials identified prior to letting or during the life of a project:

## 1. Hazardous Materials Identified Prior to Letting a Project.

Mitigation for contamination identified before beginning work on a project should be performed by a specialty contractor prior to beginning work on a project. The Environmental Division (ENV) retains specialty contractors to perform this work and they can usually respond in a very timely manner.

## 2. Hazardous Materials Identified Prior to Letting a Project where the project work activities are so intrinsic with the mitigation or abatement operations that the work cannot be separated.

When other situations arise where the environmental contamination is so intrinsic with the construction work that the work cannot be separated, this work can be set up in the plans to be performed by the prime or a specialty sub-contractor. However, this method requires that the District Engineer acquire the approval of the Director of District Operations prior to including it in the plans.

When paint is determined to contain hazardous materials and Item 446 "Cleaning and Painting Steel," will be used for the cleaning and painting of a structure, this work should be performed in a separate project that is primarily for the painting operation. In the situations where it is not practical to separate work specific to this item, the District Engineer will acquire approval from the Director of District Operations prior to including this work in a project that is not primarily for painting steel.

The Director of District Operations will only consider including mitigation or abatement operations in the contract bid documents when at least one of the following conditions are met:

- Project work activities are so intrinsic with the mitigation or abatement operations that the work cannot be separated. (e.g. There are asbestos containing bearing pads in the structure that are attached and removal will require demolition or lifting of the structure, or contaminated groundwater will be encountered during the installation of a storm sewer.)

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- The mitigation or abatement operations will require additional lane/road closures that could be reduced if the prime contractor performed the work in conjunction with their other structure work. This criterion applies to high traffic volume locations where the impact to traffic is severe.
- Having two separate contractors perform work creates excessive risk to the department. (e.g. Coordination and timing would put the department at excessive risk for claims or additional risk would be generated for the public. It might also be the case that there are too many mobilizations needed, adding unnecessary cost for a separate contractor.)

### 3. Hazardous Materials Discovered During a Project.

When hazardous materials are discovered during the life of a project it can be handled in two ways:

- handled by a specialty contractor acquired through ENV; or
- handled by the prime contractor if they are willing and able (The term “able” means the prime contractor has the expertise, licenses, and insurance to perform the remediation. This method will require coordination with the Construction Division (CST) for verification of qualifications and filing of insurance certificates.).

## Environmental Consulting and Remediation Contracts

### 1. Environmental Consultants

- ENV maintains environmental consulting contracts to assist with assessing hazardous materials and developing management plans to deal with hazardous materials before and, if necessary, during construction. Districts may use ENV's consultants to make a determination on the presence of hazardous materials, determine the extent of contamination, and prepare a remediation action plan. Funding for the ENV consultant contract work is through ENV's budget. Districts have the option of acquiring and funding their own environmental services contracts to perform these tasks.
- Additional information regarding TxDOT procedures for handling hazardous materials during advanced planning, right-of-way acquisition, design, and construction is located in ENV's Hazardous Materials in Project Development Guidance Document found in the Hazardous Materials Toolkit at <http://ftp.dot.state.tx.us/pub/txdot-info/env/toolkit/510-01-ds.pdf>.

### 2. Environmental Remediation Contracts

- ENV also maintains service contracts with a number of remediation contractors. The remediation contractors have qualified staff and the necessary equipment to remove, transport and dispose of the contaminated materials before work begins on the project.

The attachment to this memo provides detailed examples of how the ENV consulting and remediation contracts may help in resolving contamination cases. Please contact Rodney Concienne at the number below to request use ENV consultant or remediation contracts.

The points of contact for planning and remediation before work begins are the Environmental (ENV) and Design (DES) Divisions. The points of contact for planning and remediation during the course of the project are ENV, CST and Maintenance Division (MNT). Please direct any questions to Rodney Concienne, ENV at (512) 416-3012, Gina Gallegos, P.E., CST at (512) 416-2559, James Stevenson, P.E., MNT at (512) 416-3056, and Maria Burke, P.E., DES at (512) 416- 2703.

### Attachments

**CC:** C. Michael Lee, P.E., Director of Engineering and Safety Operations  
 Randy C. Hopmann, P.E., Director of District Operations  
 Gina E. Gallegos, P.E., Director, Construction Division  
 Gregg A. Freeby, P.E., Director, Bridge Division  
 Camille Thomason, P.E., Director, Design Division  
 Carlos Swonke, P.E., Director, Environmental Affairs Division  
 Dan L. Stacks, P.E., Director, Maintenance Division