ITEM 18571.9810XX M - TREATMENT AND DISPOSAL OF ASBESTOS AND LEAD-BASED COATING WASTE

DESCRIPTION

The work shall consist of accumulating, packaging, labeling, loading, transporting, treating, and disposing of lead-based paint and asbestos coating waste declared to be a hazardous waste containing lead and asbestos.

Paint/Asbestos Coating Removal Waste. For purposes of this item, paint removal waste is defined as removed paint and coating materials combined with any materials used to remove the waste. The paint and asbestos coating removal waste will be referred to throughout the item text as "waste". The waste contains the following:

**Asbestos Coating:** Asbestos fibers, titanium dioxide, chromium oxide, yellow iron oxide, lampblack, dried tung oil, fillers, driers and other miscellaneous materials.

**Paint:** Lead based paint containing basic lead silico chromate, titanium dioxide, chromium dioxide, magnesium silicate, linseed oil, alkyd resin, fillers, driers, and other miscellaneous materials.

**Moisture:** Water added during packaging to ensure wetting of asbestos.

Testing of the typical sample indicates asbestos fibers at approximately 10-20% by weight, thereby requiring handling and disposal as an asbestos containing material and adherence to 40 CFR Part 61. Also, based on testing of a typical waste sample by the Toxicity Characteristic Leaching Procedure (TCLP), the waste is considered a lead characteristic hazardous waste of EPA waste code number, D008. Although chromium is present in the waste, the results of the TCLP procedure indicated concentrations of chromium well below TCLP criteria for hazardous waste due to chromium. TCLP semi-volatiles and non-volatiles were all non-detectable. The analysis results are attached.

The waste is a DOT Hazardous Material; proper shipping description is as follows: Hazardous waste, solid, n.o.s., 9, NA3077, PG III, RQ (D008, Asbestos). Note: The RQ (reportable quantity) description is required for any containers containing more than the reportable quantity of 10 pounds listed on the hazardous substance list for hazardous waste code D008.

The waste does not contain PCB's, pesticides, cyanides, or greater than 1000 ppm halogenated organic compounds. The waste is not a RCRA reactive, corrosive or ignitable, or a source-listed or chemical product-listed waste. It is not radiological or etiological.

The waste shall be handled and disposed of following all of the requirements for both a RCRA hazardous waste of code D008 and an asbestos containing waste. All testing of the waste necessary to satisfy the requirements of the chosen Disposal Facility or Transporter shall be the responsibility of the Contractor.

Hazardous Waste Disposal Facility. Prior to generating any waste, the Contractor shall supply the Engineer with a letter from a legally permitted Hazardous Waste Disposal Facility, stating that the facility has agreed to accept the waste, containing both lead and asbestos, generated by the work requirements of this project; is authorized to accept the waste under the requirements of the State of residence; has the required capacity to treat and dispose of the material; and will provide, or assure the ultimate disposal method indicated on the Uniform Hazardous Waste Manifest and Asbestos Waste Shipping Record. The letter shall be signed...
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by a representative of the Disposal Facility who is legally authorized to sign such an agreement. The Engineer shall be given the original signed letter; facsimile copies will not be acceptable.

**Waste Transport.** All waste resulting from paint/coating removal operations shall be in transit to the disposal site no later than 45 calendar days subsequent to 1000 kilograms of waste accumulated at the site, or two weeks following demobilization of the site, whichever occurs first. Waste shall be accumulated, handled, packaged, loaded, transported, treated and disposed in accordance with all applicable Federal, State and local laws, rules, regulations, and codes. The Contractor's failure to comply with the aforementioned deadlines may result in actions described under Basis of Payment of this item.

**Waste Transporter.** Waste shall be transported by only permitted waste transporters holding current 6NYCRR Part 364 Waste Transporter Permits for transport of hazardous or industrial wastes to the selected facility. The Contractor must show evidence that they or their contracted hauler have current permits to remove the waste to the selected facility.

**Minimum Work Requirements.** The Contractor is hereby notified that this work requires the following as a minimum:

A. Waste transporter identification number issued by USEPA.
B. Disposal facility identification number issued by USEPA. (This will be supplied by the disposal facility).
C. Generator site identification number issued by USEPA. (This will be supplied by the Department through the Engineer).
D. Conformance to 6NYCRR364. Part 364 governs waste transporters. The Contractor shall furnish a copy of the Part 364 permit to the Engineer.
E. Conformance to 6NYCRR372. Part 372 governs manifest requirements.
F. Conformance to 6NYCRR373. Part 373 governs treatment, storage and disposal facilities and contains specific generator requirements.
G. Conformance to 40 CFR 268. Part 268 includes the Federal prohibitions for land disposal of untreated hazardous wastes. The disposal facilities must first treat the waste to meet uniform treatment standards.
H. Conformance to 40 CFR 61. Part 61 includes asbestos waste shipment records, marking, labeling, packaging and disposal requirements.
I. Conformance to 49 CFR 172-173. Parts 172-173 govern the transportation of hazardous materials.
J. Conformance to 12NYCRR56 or approved variance for the project. Part 56 governs asbestos handling requirements.

NOTE: 6NYCRR regulations are administered by the N.Y.S. Department of Environmental Conservation, Albany, NY. 12NYCRR regulations are administered by the N.Y.S. Department of Labor. Title 40 of the Code of Federal Regulations (CFR) are administered by the US Environmental Protection Agency, Region II, N.Y., N.Y. Title 49 of the CFR is administered by the US Dept of Transportation, Washington, D.C.

**MATERIALS**
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Waste containerization and onsite storage shall comply with the requirements of 12NCRR56 and/or approved asbestos variances for the project as applicable and by the applicable sections of 6NYCRR Parts 372 and 373 for on site accumulation of hazardous wastes. The Contractor shall supply all containers, equipment and supplies for storage and disposal. Off-site transport of the wastes shall be in double-bagged 150 micron polyethylene bags that are placed within USDOT approved drums or rolloffs. The Contractor shall furnish the Engineer with a signed statement from the Disposal Facility that the containers proposed for use by the Contractor are acceptable to the Facility. All equipment and containers or rolloffs must meet the requirements for transport of both asbestos and hazardous wastes and shall be approved by the Engineer prior to use. The dry volume capacity of the containers, in cubic meters, shall be clearly marked upon each container, in a location easily readable by the Engineer.

CONSTRUCTION DETAILS

Containers. All generated waste shall be collected and sealed concurrent with generation. Containerization shall be double-bagged within two 150 micron polyethylene bags placed within containers or rolloffs that meets the requirements of 49 CFR 172-173 for transport on public roadways. Measures must be taken to prevent the blowing or dispersion of the waste during loading operations and while being transported. Drums and rolloffs shall be closed during storage and transport. Contractor shall inspect drums and rolloffs in storage, correct any deterioration, and document at least weekly inspection. No waste shall be left exposed to the elements at the end of the working day.

All containers and rolloffs shall be located in a place secured from traffic and in a manner acceptable to the Engineer.

Each containers and rolloffs shall be labeled in accordance with US Department of Transportation regulations.

Each container or rolloff shall be permanently labeled as a hazardous waste in the following manner:

HAZARDOUS WASTE: Federal law prohibits improper disposal. If found, contact the nearest police, or public safety authority, or the US Environmental Protection Agency.

Generator's Name: NYSDOT

Manifest Document No. ________________________________

Date: ________________________________

BIN: ________________________________

Note: The date shall be the generation date. It shall be entered by the Engineer using permanent marking material supplied by the Contractor.

In addition, containers shall be permanently labeled as an asbestos dust hazard as required by 40 CFR Part 61.

Labeling. All labeling, marking (except mark date), and placarding shall be the responsibility of the Contractor and shall be done under the supervision of the Engineer. This work shall be completed to the Engineer's satisfaction prior to the filling or transportation of any particular container or rolloff. All label
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markings shall be permanent, printed in English, displayed on a background of contrasting color unobscured by other labels, or attachments. Labeling shall be located away from other markings that could substantially reduce its effectiveness.

Document Preparation. All document preparation and distribution, including any Uniform Hazardous Waste Manifests, Asbestos Waste Shipment Records, Land Disposal Restriction Notifications, and Shipping Emergency Response Information shall be the responsibility of the Contractor. The Engineer will sign the Generator's Certification on the Hazardous Waste Manifest. The LDR (Land Disposal Restricted) certifications shall be completed and attached to the manifest, as required by 40 CFR Part 268 "Land Disposal Restrictions". All waste shall be documented, transported, treated, and disposed as required by Federal, State, and local laws, regulations, and codes.

Multiple Collection. It is permissible for the transporting vehicle to pick up containerized paint waste debris from one or more bridge sites for delivery to an authorized treatment, storage and disposal facility (TSDF) if the following conditions are met:

1. The materials picked up at each site must be essentially identical in physical and chemical characteristics. No materials other than the DOT paint and asbestos coating waste debris may be included if wastes from several individual sites are combined on the same vehicle.

2. All of the component shipment are presumed to be both a D008 hazardous waste and an asbestos waste and shall be disposed of as such.

3. A hazardous waste manifest and asbestos waste shipment record are prepared for each generating bridge site. Each manifest and record must reflect the quantity in cubic meters shipped from each bridge. In sum total, the manifests and records accompanying the shipment must account for the entire volume transported.

4. All component shipments are intended to be conveyed to the same TSDF, and the TSDF has agreed to accept the consolidated load.

Paint and Asbestos Coating Waste Stabilization. For the purposes of this item, treatment of the lead in paint/coating waste as required by the Federal land disposal restriction regulations (40 CFR 268) is presumed to require stabilization of the waste such as mixing it with Portland cement and water as necessary at the permitted hazardous waste Treatment or Disposal facility. The stabilized waste shall meet the uniform treatment standards prior to disposal in a permitted hazardous waste landfill.

METHOD OF MEASUREMENT

The work will be measured as the number of cubic meters of waste accumulated, packaged, transported, treated, and disposed in accordance with the requirements of this item. The actual quantity within a single container or rolloff will be determined by the Engineer. Once the Engineer determines the quantity within a specific container or roll-off, that container or rolloff shall be sealed and not thereafter tampered with. No additional waste shall be placed in it, nor shall any be removed from it. Under no circumstances will a
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container or rolloff be measured as containing more than the maximum dry volume capacity marked on it.

BASIS OF PAYMENT

The unit price bid per cubic meter shall include the cost of all labor, materials, equipment, sampling, testing, and fees necessary to complete the work based on the assumption that treatment by stabilization will satisfy the applicable Federal regulations. Should this prove not to be the case on an industry wide basis, as opposed to an individual treatment or disposal facility, the difference in cost between the cost of stabilization and the method subsequently found to be necessary shall provide the basis for an order on contract. Only waste for which manifest copies are returned to the Engineer by the Contractor and Disposal Facility will be authorized for payment.

If the Department is fined or penalized as a result of the Contractor's performance or lack thereof on this item, in addition to other remedies the Department may possess, said fine or penalty will be deducted from monies due the Contractor.

The extent of the Contractor's compliance with the provisions under timeliness of disposal will be considered as relevant in any future determination of an award to the Contractor as the lowest responsible bidder for any project under the supervision of the Department.

Payment will be made under:

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<tr>
<th>Item No.</th>
<th>Item</th>
<th>Pay Unit</th>
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<tbody>
<tr>
<td>18571.9810nn M</td>
<td>Treatment and Disposal of Asbestos and Lead-Based Paint Waste</td>
<td>Cubic Meter</td>
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NOTE: nn denotes serialized pay item. See §101-53.