

**ITEM 03571.989950 M - TEST, TRANSPORT, AND DISPOSE OF WASTEWATER
(HAZARDOUS OR NON-HAZARDOUS WASTE)**

DESCRIPTION

This work shall consist of accumulating, packaging, labeling, sampling, testing, loading, transporting, treating and disposing of hazardous and/or non-hazardous industrial waste lead-containing waste water generated as a result of ultra high pressure water jetting of bridge surfaces in conjunction with Items 03573.9910 M, 03573.9911M, 03573.9920M, and 03573.9921M. The Contractor shall filter and reuse water to the extent practicable that minimizes volume, toxicity and cost for disposal and also reduces the volume of fresh water required without significantly impacting upon equipment function. For purposes of this Item, hazardous/non-hazardous waste water is defined as spent water with paint particles, corrosion residues and similar debris contained in the water that has resulted from surface preparation operations conducted under Items 03573.9910M, 03573.9911M, 03573.9920M, and 03573.9921M. Identification of this waste as hazardous or non-hazardous as per 6 NYCRR Part 371 shall be based on the results of testing performed under this Item. The waste water may, upon testing, be a hazardous waste containing lead, chromium, or other toxic metals and asbestos. Prior to generating any wastewater, the Contractor shall provide information on intended disposal facilities for both the situation of the wastewater classification as an hazardous waste and for the classification as a non-hazardous waste.

MATERIALS

Waste water shall be accumulated in clean, watertight tankers furnished by the Contractor. The tankers shall meet U.S.D.O.T. requirements for transport of hazardous material liquids. All equipment and container(s) shall be approved by the Engineer prior to use.

CONSTRUCTION DETAILS

Advance Preparation

Prior to generating any wastewater, the Contractor shall supply the Engineer with information regarding the intended disposal facilities for the wastewater for both situations of its classification as hazardous and its classification as a non-hazardous waste. Information shall include:

A letter from a legally permitted Hazardous Waste Disposal Facility, stating that the Facility has agreed to accept waste water under the laws of the State of residence, has the required capacity to treat and dispose of the water, and will provide or assure the ultimate disposal method indicated on the Uniform Hazardous Waste Manifest. The letter shall be signed by a representative of the Disposal Facility who is legally authorized to sign such an agreement. The Engineer shall be given an original, signed letter. Facsimile copies will not be acceptable.

The Contractor shall also supply the Engineer with such similar information on the intended treatment/disposal facility that has agreed to take the wastewater as non-hazardous industrial waste if the results of testing indicate that the wastewater is not a hazardous waste. Information shall include, at a minimum, the name, location, and a letter from the facility that it has agreed to accept the non-hazardous wastewater.

The Contractor shall also present evidence that they have a 6 NYCRR Part 364 Waste Transporter Permit to haul to the selected facility, or have contracted with a permitted Hazardous Waste Transporter to remove the wastewater (either classification) to the selected facility.

If after testing, the spent wastewater is classified as a hazardous waste per 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes, the Contractor is hereby notified that the work requires the following as a

**ITEM 03571.989950 M - TEST, TRANSPORT, AND DISPOSE OF WASTEWATER
(HAZARDOUS OR NON-HAZARDOUS WASTE)**

minimum:

1. Waste transporter identification number issued by the United States Environmental Protection Agency (USEPA).
2. Disposal facility identification number issued by USEPA. (This will be supplied by the Disposal Facility).
3. Generator site identification number issued by USEPA. (This will be supplied by the State through the Engineer).
4. Conformance to 6 NYCRR Part 364. Part 364 governs waste transporters. The Contractor shall furnish a copy of the Part 364 permit to the Engineer.
5. Conformance to 6 NYCRR Part 372. Part 372 governs generator and manifest requirements.
6. Conformance to 6 NYCRR Part 373. Part 373 governs treatment, storage, and disposal facilities and contains specific generator requirements.
7. Conformance to 40 CFR 268 promulgated by the USEPA pursuant to the Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act. That law prohibits the land disposal of hazardous wastes unless they are treated to diminish the toxicity of the migration of hazardous constituents from the waste.

NYCRR regulations are administered by the New York State Department of Environmental Conservation (NYSDEC), Albany, NY. USEPA regulations are administered by the USEPA Region 2 office, NY, NY.

If the wastewater is determined to be non-hazardous, conformance with 6NYCRR Part 364, Waste Transporter Permits, and non-hazardous industrial waste disposal requirements are required.

Construction Activities

All water collected from water jetting surface preparation shall be filtered through a 5 micron or smaller filter upon generation prior to placement in tankers to separate solid paint chips, solid corrosion residues, and other solid particles from the water as included in the Ultra High Pressure Water Jet Cleaning and Painting, Lead-based Paint - Total Removal specifications. Any spent surface preparation water jetting water with the removed paint shall be collected and filtered as soon after generation as reasonably possible.

All wastewater resulting from paint removal shall be sampled, tested, and be in transit to the appropriate disposal site no later than 45 calendar days subsequent to spent water accumulation at the site or two weeks following demobilization of the site, whichever occurs first. Wastewater shall be accumulated, handled, packaged, tested, loaded, transported, treated, and disposed in accordance with all applicable Federal, State, and local laws, rules/regulations, and codes.

The solid portion of the filtered waste shall be declared hazardous waste containing lead, EPA waste code D008, and asbestos. The solid paint waste shall have all free liquids (i.e., water) removed, but kept moistened to prevent asbestos dust generation. The disposal of the solid paint/asbestos coating waste shall be handled under 18571.9810.

ITEM 03571.989950 M - TEST, TRANSPORT, AND DISPOSE OF WASTEWATER
(HAZARDOUS OR NON-HAZARDOUS WASTE)

The Contractor shall collect a representable sample from every 19,000 liters of waste water generated, or from every tanker, whichever is greater. All samples shall be collected in clean, pre-washed, one liter glass or plastic containers as recommended by the testing laboratory for the indicated analyses. The testing laboratory shall be an independent laboratory certified by the New York State Department of Health as approved in their Environmental Laboratory Approval Program for the intended analyses. The location and dates of sampling must be approved by the Engineer. The test results shall be returned directly by the testing laboratory to the Engineer. The samples are to be analyzed for:

1. The Toxicity Characteristic Leaching Procedure (TCLP) RCRA metals, total RCRA metals and asbestos. TCLP metal analysis shall be performed on the extract of the sample prepared by the TCLP procedure, EPA method 1311. Asbestos analysis and total RCRA metals analysis shall be performed on the total waste sample. All metal analyses (total and TCLP extract) shall be performed using the 7000 Series EPA Methods with the lowest practical quantitative limits for the Resource Conservation and Recovery Act (RCRA) metals; and
2. Any additional analyses required by the treatment/disposal facility in order to accept the wastewater.

If laboratory test results show that any metal is above the maximum concentration of contaminants for the Toxicity Characteristic (e.g. 5mg/L for lead) per 6 NYCRR Part 371, the wastewater shall be considered hazardous and shall be transported and disposed of at a facility permitted to accept such material. Applicable Federal, State, and local laws, rules/regulations, and codes shall be followed for handling, transport, and disposal of hazardous wastewater.

If laboratory test results show that metal concentrations are below the allowable maximum concentration of contaminants for the Toxicity Characteristic per 6 NYCRR Part 371, the wastewater shall be considered nonhazardous. Nonhazardous contaminated wastewater may be taken to a treatment and disposal facility permitted to accept non-hazardous wastes. It may also be acceptable to discharge this water to a publicly-owned treatment works (POTW) facility with permission from the POTW.

Quantities of fresh potable water supplied for water jetting and quantities of wastewater for disposal shall be accurately measured and reported to the Engineer prior to its acceptance for processing and removal off-site, respectively.

All wastewater shall be transported from the site by a 6 NYCRR Part 364 permitted hauler to a facility operating under a permit or valid order of consent from the NYSDEC. The Contractor shall not deliver wastewater to any facility other than the disposal facility listed on the transporter permit. The Contractor shall be held responsible for any and all actions necessary to remedy situations involving materials spilled in transit. This cleanup shall be accomplished with no additional cost to the State. Any use of substitute or additional transporters must have previous written approval from the Engineer at no additional cost to the State. The Contractor shall not combine contaminated waste from other projects with wastewater from the project site.

The Contractor shall be responsible for acceptance of the wastewater at an approved treatment, storage, and disposal facility and for ensuring that the facility is properly permitted or has a valid order of consent to accept the stated material.

The Engineer reserves the right to contact and visit the disposal facility and regulatory agencies to verify the agreement to accept the stated waste and to verify any other information provided. This does not in any way relieve the Contractor of his/her responsibilities under this Contract.

**ITEM 03571.989950 M - TEST, TRANSPORT, AND DISPOSE OF WASTEWATER
(HAZARDOUS OR NON-HAZARDOUS WASTE)**

In the event that the identified and approved facility ceases to accept the stated waste or the facility ceases operations, it is the Contractor's responsibility to locate an alternate approved and permitted facility for accepting the waste. The Contractor is responsible for making the necessary arrangements to utilize the facility, and the alternate facility must be approved in writing by the Engineer.

The Contractor shall submit to the Engineer a copy of the invoice from the disposal facility including date and quantity of waste received. For any hazardous waste disposal, the Contractor shall also submit the generator and signed disposal facility copies of any hazardous waste manifests for the shipments.

Method of Measurement

The work will be measured as a lump sum for each structure for the satisfactory sampling, testing, accumulation, packaging, transporting, treating and disposal of all wastewater in accordance with the requirements of this item.

Basis of Payment

The lump sum bid cost shall include the cost of furnishing all materials, labor, and equipment necessary to complete the work, including transportation, disposal, sampling, and laboratory testing, and all associated fees. 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 the Contractor's payments on this item.

A retainage for the disposal of paint waste for a total of 10% of the contract bid shall not be paid until final documentation of proper disposal of the liquid wastes and solid portions of the waste is received.

Payment will be made as follows:

ITEM NUMBER	ITEM DESCRIPTION	PAY UNIT
03571.989950 nn M	TEST, TRANSPORT, AND DISPOSE OF WASTE-WATER (HAZARDOUS OR NONHAZARDOUS)	LUMP SUM (for each structure)

Note: nn denotes serialized pay item. See Section 101-53