



HAZARDOUS BRIDGE MATERIALS

Kevin R. Pruski, PE

July 27, 2017



Recent History of Item 6.10, “Hazardous Materials”

- 2004 Standard Specifications
 - TxDOT Responsible for Testing, Removing, and Disposing of Hazardous Materials not introduced by the Contractor
 - Issue associated with steel bridge demolition arose which had contractors requesting TxDOT to spot treat to remove lead paint to allow for safe demolition
- 2007 Special Provision to Item 6 Addressing Lead Paint on Steel
 - Included paint removal when associated with Item 446, “Cleaning and Painting Steel” as contractors responsibility, even if hazardous.
 - Had an additional Special Provision that could be used for projects specifically dealing with asbestos removal and steel repair work, but required Administration approval to use it.
- 2014 Standard Specifications
 - Assigned paint removal associated with certain Items to be the responsibility of the contractor (Items 446, 776, & 784)
 - Paint removal associated with demolition responsibility of TxDOT
 - Included information related to contractor requirements associated with abating/removing hazardous materials

Item 6.10 Misunderstood/Misapplied

- Item 6.10 changed between versions of the 2014 Standard Specifications roll out which created some of the misapplication
- Contractors claimed the specification allowed TxDOT to include notes on the plans that would make them responsible for the hazardous paint removal
- AGC requested TxDOT go back to the way removal of hazardous paint was done with the 2007 Special Provision to Item 6.10
- AGC convinced TxDOT it was to ours and their benefit for TxDOT not to burden the general contractors (or their sub-contractors) with anything having to do with handling hazardous materials

- CST consulted with BRG, DES, ENV, MNT, and SAT to determine path forward
- Determined that the Amadeo Saenz memo of January 26, 2007 addressing Hazardous Material Contracting needed updating
- Drafted a special provision to Item 6.10 addressing AGC's concerns
- ENV expressed support that they could handle increased work authorizations to their 3rd party paint removal consultants/contractors to address potential need as hazardous paint removal becomes TxDOT's responsibility in more circumstances
- An additional special provision to Item 6 will be available to handle special situations where prime contractors will be responsible to handle hazardous materials (apart from Item 446)

Special Provision to Item 6.10, “Hazardous Materials”

- Revamped Item 6.10 to simulate 2007 Special Provision
- All of 6.10 deleted and replaced
 - No longer includes article 10.1.1. Paint Removed by Third Party
 - No longer includes article 10.1.2. Paint Removed by Contractor
 - Article 10.2 written such that all asbestos abatement will be done by a 3rd party contractor arranged by ENV to work with TxDOT staff to accomplish the work
- Makes hazardous materials handling the responsibility of TxDOT except for:
 - Projects specifically for cleaning and painting steel girders
 - Projects that obtain approval from the Director of District Operations to include hazardous material handling by the Contractor

Mitigation of Hazardous Materials Memo

- Look out for memorandum from Bill Hale, P.E., TxDOT Chief Engineer revising Amadeo Saenz memorandum of 2007
- Main points of memorandum
 - Identify and mitigate hazardous materials prior to letting, when possible
 - Have stand alone projects dealing with hazardous materials, separate from other work, specifically Item 446, “Field Cleaning and Painting Steel,” unless District Engineer obtains approval from Director of District Operations
 - Utilize ENV Contracts to handle hazardous materials

Mitigation of Hazardous Materials Memo (Continued)

- Exceptions Director of District Operations will consider to grant approval for inclusion of handling hazardous materials in non-specific project
 - Work activities are so intrinsic with the mitigation that work cannot be separated (ie. Removal of bearing pads from structure being demolished or raised)
 - Mitigation or abatement operations will require additional TCP in high traffic areas where it can be shown the traffic impact is severe
 - Having additional mobilizations of contractors to perform mitigation work separate from main work causes unnecessary risk to the public and/or significant cost to the Department
- Need to plan ahead to get approval
- ENV will update the Hazardous Materials in Project Development Manual to address the new memorandum
- BRG will Update Bridge Project Development Manual to reference the ENV manual

Impact to Project Development

- May have to leave out bridge repainting from bridge/roadway widening projects.
 - Fewer bridges get repainted (Investigate the need and other options)
 - Group bridges together when needing to repaint and let stand alone contracts for the cleaning and painting work.
- Need to be aware of coordination effort and time required to get specialty ENV contractor to spot abate/remove hazardous materials – Note that the ENV procurements for contractors to perform the spot removal of hazardous paints are not suitable to expect complete paint removal from bridge
- Determine impact to traffic and effectiveness of spot removal of paint on bridges being demolished when done prior to letting of contract
 - How significant is the effort to accommodate spot paint removal
 - Where the local areas of paint removal utilized by the prime contractor

Summary

- It is costly to have our typical bridge/highway prime contractors linked in any way to handling hazardous materials.
- Plan ahead related to how best to address hazardous material abatement.
- Mitigate/abate hazardous materials with separate contract prior to letting main contract.
- Need to get approval from Director of District Operations to include hazardous material abatement/removal within a general bridge/highway project other than those projects specifically for cleaning and repainting steel.

Copyright Notice

Copyright 2017 • Texas Department of Transportation • All Rights Reserved

Entities or individuals that copy and present state agency information must identify the source of the content, including the date the content was copied. Entities or individuals that copy and present state agency information on their websites must accompany that information with a statement that neither the entity or individual nor the information, as it is presented on its website, is endorsed by the State of Texas or any state agency. To protect the intellectual property of state agencies, copied information must reflect the copyright, trademark, service mark, or other intellectual property rights of the state agency whose protected information is being used by the entity or individual. Entities or individuals may not copy, reproduce, distribute, publish, or transmit, in any way this content for commercial purposes. This presentation is distributed without profit and is being made available solely for educational purposes. The use of any copyrighted material included in this presentation is intended to be a “fair use” of such material as provided for in Title 17 U.S.C. Section 107 of the US Copyright Law.