



Statement of Work (SOW)

Hazardous Materials Processes Related to NEPA

Prepared by the Hazardous Materials Management Section of the Environmental Affairs Division

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Preface

The following Statement of Work (SOW) has been designed to assist entities including local governments, developers, contractors, TxDOT, or any other interested parties conducting Hazardous Materials investigations. This is not a mandatory SOW, but is intended to provide guidance for this service

Note: Complete Task 1 and Task 2 for all projects. Complete Supplemental Task 3 and Supplemental Task 4 only when directed

Task 1: Initial Site Assessment (ISA)

Perform an Initial Site Assessment (ISA) to identify potential hazardous materials impacts within the project study area. The Contractor will utilize the most recent version of TxDOT's ISA Report Form approved at the time of work authorization execution. Locate the ISA Report Form on the Hazardous Materials Toolkit, located at: <http://www.txdot.gov/inside-txdot/division/environmental/compliance-toolkits/haz-mat.html>).

Note: The goal of the ISA is to identify known or potential hazardous materials and wastes sites within the study area, and determine if those sites would be anticipated to impact the project development process. Projects which require the acquisition of new right of way, or involve more intrusive construction activities (such as excavation or dewatering) may have a higher potential for hazardous materials involvement. When hazardous materials or waste sites are encountered or acquired, potential consequences include environmental cleanup liability, increased material handling requirements (e.g., managing contaminated soil or groundwater), the use of special construction methods or materials, and the potential for construction worker or public health and safety issues.

Note: The Contractor will review and become familiar with TxDOT's guidance related to the development of the ISA and the hazardous materials process. Guidance and information related to this is located at the TxDOT Hazardous Materials Toolkit website.

Deliverable for Task 1

ISA Report: The Contractor will submit the ISA Report (complete per the instructions) and all required attachments. The Contractor will submit the report in a pdf format and will entitle the pdf file in the following format: ISA.CSJXXX.XX.XXX

Task 2: Hazardous Materials Project Impact Evaluation)

Perform a **Hazardous Materials Project Impact Evaluation** for all "Unresolved" or "Resolved" concerns identified in Section 8.1 of the ISA (Unresolved sites are issues that require additional investigations or research. Resolved sites are issues that can be resolved during the preparation of the ISA). If the Contractor identified multiple concerns under the same heading in Section 8.1, then the Contractor will investigate each concern as a separate issue (example: The ISA identifies multiple LPST sites within 0.25 mile of the project limits. The Contractor will evaluate each LPST separately under this process). Additionally, the evaluation will consider project design and right of way requirements adjacent to the potential concern in determining potential impacts. The evaluation will draw conclusions about potential impacts for each concern identified in Section 8.1 of the ISA within a category as follows:

- **Low Potential or No Potential Project Impacts (Green):** The issue has a low potential to affect the proposed project and no further investigations are required.
- **Possible Project Impacts (Yellow):** Not enough information is currently known about the project and/or the issue to determine potential impacts. Further investigation, and/or additional project design and right-of-way information, is required.

- Anticipated Project Impacts (Red): The issue has a high potential to impact the proposed project and further investigations, coordination, or contingencies may be required.

Deliverable for Task 2

Hazardous Materials Project Impact Evaluation Report

The Contractor will prepare the Hazardous Materials Project Impact Evaluation Report per the following outline. The Contractor will follow the instructions that are italicized and identified within the greater and less than symbols. Do not include the instructions in the report. Additionally, the Contractor will submit the report in a pdf format and will title the pdf file in the following format: HM Impact Evaluation. CSJXXX.XX.XXX.

<The Contractor will include the following language for Section 1.0 and Section 3.0 without modification>

Section 1.0 Introduction

The presence of hazardous materials within a project study area can create issues affecting right-of-way (ROW) acquisition, project development, and construction. This Hazardous Materials Project Impact Evaluation Report identifies the potential hazardous materials concerns as they relate to project construction and/or right-of-way acquisition for concerns identified in the project Hazardous Materials Initial Site Assessment (ISA).

Section 2.0 Project Description

<The Contractor will include a brief description of the proposed project. This will include ROW requirements (partial and full acquisitions, and temporary or permanent easements), alignment modifications, and significant excavation requirements. The Project Description should not be more than a few written paragraphs. The Contractor will prepare and include a Project Location map as identified as Figure 1 below.>

Section 3.0 Sites with Potential Hazardous Materials Concerns

An ISA was prepared to identify sites of potential hazardous materials concerns within the project study area. The components of the ISA included reviewing project design and ROW requirements, reviewing existing and previous land use, reviewing federal and state regulatory databases and files, conducting project site visits or field investigations, and conducting interviews, if possible.

As part of the ISA, a review of selected environmental regulatory databases published by federal and state agencies was conducted to determine the potential for hazardous material issues within the project study area. A review of the regulatory databases was performed in general accordance with the ASTM Standard E1527 and TxDOT guidelines, which defines the environmental record sources to be reviewed and their minimum search distances from the project study area.

Figure 2, attached to this report, identifies the potential hazardous materials concerns on an aerial base map.

Section 4.0 Evaluation of Unresolved Potential Hazardous Materials Concerns

<The Contractor will evaluate each “unresolved” hazardous material concern identified by the ISA for the following, if the information is available>

Each evaluation should be less than one page in length.

- Site Name, Address, and Parcel Number (if available)

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- Map ID
- Database or ISA discovery tool (example: LPST, PST, Site Survey, Current and Past Land use, Acquired Parcel etc.)
- Regulatory Identifier (if applicable) - The database and regulatory number or identifier used by the regulatory agency.
- Potential ROW requirements from affected parcels (if applicable),
- Description of site and any potential hazardous materials concerns on the affected parcel
- Potential project impacts related to the hazardous materials concern
- Proposed Next Step: The Contractor will include a Recommended Next Step section. This section should be brief and just describe the next step in the review or investigation process.

Note: For subsurface investigations (Phase II ESA) recommendations, it is usually more applicable to recommend or conduct a regulatory file review and a review of the construction details before performing field investigations.

If the project has more than ten Unresolved Potential Hazardous Materials Concerns, the Contractor will prepare a summary table (Table 1) for the Hazardous Materials Impact Evaluation Report.

Tables

Table 1 Summary of Unresolved Hazardous Materials Sites

<The Contractor will provide the information described in Section 4 of this SOW if Section 4 identifies ten or more Unresolved Hazardous Materials Concerns for the project.>

Figures

Figure 1 Project Location and Project Limits

The Contractor will include an overview map (8x10) used to identify where the project is located and is not intended to show specific project details>

Figure 2 Potential Hazardous Materials Concerns Aerial Map(s)

<The Contractor will provide aerial map(s) showing each potential concern (resolved and unresolved) identified by the ISA and will include the following information:

- Be detailed enough to identify property buildings and other real property. If available, the project schematics will need to be overlaid on the map(s).
- Identify current and proposed ROW (if applicable)
- The Contractor will outline each potential hazardous material concern property boundary and color code each with their respective low, medium, or high risk level.
- Each potential concern will include identified name and a Map ID number

Note: The Contractor will only perform the following tasks (Supplemental Task 3 and Supplemental Task 4) when identified in a project specific Statement of Work (SOW) or as a supplemental SOW.

Supplemental Task 3: Hazardous Material Environmental Document Discussion Report

Prepare a Hazardous Material Environmental Document Discussion Report. The Contractor will develop a concise discussion of known or potential hazardous materials impacts suitable for inclusion in the environmental document. The discussion of hazardous materials impacts will include the following, when applicable:

1. A concise summary of relevant information gathered during the ISA, including sufficient information to show that the study area for the Transportation Activity was adequately investigated for known or potential hazardous material contamination.
2. A concise description of the scope of the hazardous materials ISA, disclosure of any limitations of the assessment, and a statement indicating who performed the assessment.
3. A concise summary of the findings of the assessment for each alternative considered. The analysis for multiple alternatives should present the total number of regulated sites for each alternative and for each compare the regulatory status, type of contamination, and potential involvement during construction.
4. A discussion of any commitments to perform further investigation for suspect areas, and/or justification for postponement of further investigation.
5. A summary of efforts to be employed by the State to avoid or minimize involvement with known or suspected hazardous material contamination sites during construction, and/or justification for not avoiding.
6. Disclosure of known or suspected hazardous material contamination or waste sites that are anticipated to be encountered during construction or acquired for ROW. The location of known or potential hazardous materials sites should be clearly marked on a map showing their relationship to the alternatives under consideration.
7. A discussion of any required or recommended special considerations, contingencies or provisions to handle known or suspected hazardous material contamination during right-of-way negotiation and acquisition, property management, design and/or construction. [Note: commitments which would require the allocation of additional agency resources must be reviewed with the TxDOT project manager prior to finalizing the document]
 - a. A summary of any early coordination or consultation conducted with the regulatory agencies, local entities or property owners, if applicable.
 - b. A discussion of any further hazardous materials related coordination with, and approvals or permits required from, the regulatory agencies or other entities.
 - c. Include maps, photos, tables and other supporting documents as needed to concisely support the findings of the ISA.

Deliverable for Supplemental Task 3

Hazardous Materials Environmental Document Discussion Report: The Contractor will submit the Hazardous Materials Environmental Document Discussion Report, per the following parameters: The Contractor will submit the discussion report in an unlocked, MS Word format, unless submitted to TxDOT within an Environmental Document being prepared by the Contractor.

Supplemental Task 4: Regulatory File Review

Perform a Regulatory File Review for all regulatory derived project concerns identified in the Project Impact Evaluation Report requiring additional assessment. At a minimum, the Contractor will review the most recent report to determine the required information. The following information from the files are required at a minimum, when available and applicable:

- Copy of the chronological list of work performed,
- Site Map depicting soil and/or groundwater impacts, monitoring well locations, soil boring locations, surface soil sampling locations, surface water sampling locations, etc.,
- Groundwater gradient maps (multiple events if available, max of three),
- A summary table (or map) showing groundwater elevations (multiple events if available),
- A summary table or map showing analytical results for soil and/or groundwater sample analysis (multiple events if available),
- Boring and/or well logs,
- TCEQ file review memorandum (if available)
- TCEQ no-further-action (NFA) letter (if available)

Deliverable for Supplemental Task 4

Regulatory File Review Report: The Contractor will prepare a one-page (maximum) letter report per regulatory concern with the reviewed documents obtained from the file review (maps and tables can be created by the Contractor to clarify and summarize the reviewed information). The Contractor will submit the report in a pdf format and will entitle the pdf file in the following format: HMM File Review. CSJXXX.XX.XXX. The report will include the following information:

- A brief discussion of the regulatory concern,
- A brief discussion describing the location of the regulatory concern in relation to the proposed project; and whether project activities would be anticipated to impact any identified soil or groundwater contamination, based on project design and ROW requirements.
- A brief discussion of the proposed next course of action. The Contractor will limit the discussion to whether a Phase II (intrusive investigation) should be conducted (do **not** include details on how this should be performed) or if the regulatory file has enough information to properly assess its impact on the proposed project.

Appendix A

The following table shows the revision history for this guidance document.

Revision History	
Effective Date Month, Year	Reason for and Description of Change
April 2017	Version 1 was released