

Vermont Department of Environmental Conservation SRF Guidance Document Number 18

Project Design Review for Subsurface Contamination and Hazardous Waste Sites

This guidance document outlines a procedure to be used by the Water Investment Division (Division) project applicant, to identify actual and potential contaminated soils and groundwater within the area of Clean Water and Drinking Water State Revolving Fund (SRF) funded projects. The purpose of this procedure is to either avoid areas of contamination (EJCDC potential constituents of concerns) during the planning and design of drinking water, wastewater, or stormwater infrastructure systems or to make provisions for mitigating them during construction and system operation. This guidance provides details of the steps necessary as part of the project applicant's request for SRF loan or related grant.

Projects to be evaluated under these procedures will be identified by the Project Consulting Engineer in fulfillment of the EJCDC contractual obligations. The Consulting Engineer will work with SRF Staff and Sites Management Section (SMS) staff of the Waste Management and Prevention Division to manage contaminated soil or groundwater existing in the project area and will provide support in fulfillment of the VTDEC Linear Project review. The evaluation of constituents of concern will occur as early as possible during planning phase or concurrent with the submittal of the 60% Preliminary Engineering Report.

This WID guidance clarifies that the effort to identify potential Constituents of Concern is presented in the EJCDC contract. The VTDEC "[Linear Project](#)" guidance will offer considerations towards a standard level of expectation, but will not take the place of the contractual language between the contracting engineer and the applicant. Other similar guidance can be found among the ASTM documents for identifying areas of environmental concern or listed sites. The desktop review of the proposed project perimeter will include review of the Reasonably Available Documents identified in the ASTM Phase I ESA guidance.

As defined in the EJCDC contract between consultant and applicant:

The contracted engineer shall identify the Constituents of Concern (EJCDC definition#8), located within the project site (EJCDC definition#30), as part of the contracted work (EJCDC definition#36). Such tasks that are necessary to identify Constituents of Concern that may affect implementation are a part of the execution of the project work. Failure to properly identify constituents of concern can, under certain circumstances, result in project performance delays, or in increased response and management costs. The Total Project Cost as defined in EJCDC includes the necessary planning and testing for project implementation. As such the identification of Constituents of Concern within the project site footprint are a necessary component of the total project cost. Such identification and planning steps are integral to the project and not an addition, deletion or revision relating to a Work Change Directive (EJCDC definition #37).

Findings of potential contamination in an area designated for construction will result in communication in a written submittal to the appropriate VTDEC SMS and SRF engineering staff or environmental analyst (WID or Drinking Water and Groundwater Protection Division) for further consideration, which could include redesign to avoid areas

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of potential contamination, field investigation to characterize the degree and extent of the contamination, and contract provisions to appropriately mitigate the contamination during construction.

Additionally, the report above shall be incorporated into the SRF Preliminary Engineering Report (PER) and the Environmental Information Document (EID) submittal.

A. Additional Investigations

Subsurface field investigations (e.g., groundwater or soil sampling, soil borings and test pits) should be conducted subsequently by the Consulting Engineer to confirm the presence or absence of soil and groundwater contamination. SMS staff will assist the SRF Engineering Staff with review and interpretation of the report submittal. Identification of contamination above state standards must be reported to SMS and may result in a formal Notification of a release of contaminants of concern to the VTDEC. At this point, a Soils Management Plan must be prepared by the Consulting Engineer and sent to SMS for approval.

B. Project Modifications, Contract Provisions, and Eligible Costs

- (1) On the basis of file and site walk over information and/or field investigations, Consulting Engineer and SRF Engineer will discuss system relocation, design changes or special construction provisions with the project loan applicant and consulting engineer.
- (2) If construction is to occur in a contaminated or potentially contaminated area, special provisions compliant with VTDEC guidance and bid items to cover the handling of the contamination will be included in the construction contract. The SRF engineer will coordinate these provisions with the project loan applicant, its Consulting Engineer, the Construction Section of the Department's Water Investment Division, and the Sites Management Section of the Waste Management Division.
- (3) Should contamination be found or suspected in the project area, prior to Step III construction activity, involved staff will discuss probable costs and eligibilities under applicable funding programs before the final design and contract documents are completed. A Soils Management Plan must be prepared by the consulting engineer and submitted to SMS for approval. Submittal of the site environmental review document will be part of the eligibility considerations. The project loan applicant and its consulting engineer will be informed of the Department's conclusions.

C. Unanticipated Contamination

Should previously unknown contamination be discovered during construction, work will cease and the SRF Engineer, Waste Management Sites Manager, and the Water Investment Construction Engineer will be notified immediately. These three officials will discuss the situation and attempt to reach agreement on how the

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Department will proceed. The system owner, Consulting Engineer, and potential responsible party and contractor will be contacted before any final decision is made.

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