

SECTION 105 - CONTROL OF MATERIALS

[Include for all contracts:]

105.01 MATERIALS

Add the following after the second paragraph:

The Authority will not approve the use of any materials as fill material for the project exhibiting the following characteristics unless specifically provided for in the contract documents: any waste or combination of waste, including toxic, carcinogenic, corrosive, irritating, sensitizing, radioactive, biological infectious, explosive, or flammable waste or otherwise determined to be unsuitable by the Authority which poses a present or potential future threat to human health, living organisms, or the environment. Such un-approved materials also include all hazardous or toxic substances defined as such by the New Jersey Department of Environmental Protection (NJDEP) and/or the United States Environmental Protection Agency (USEPA).

The Authority will not approve the use of any materials that are contaminated as defined by N.J.A.C. 7:26E-1.8 and NJDEP's most recent version of the Solid and Hazardous Waste Management Program Guidance Document on Contaminated Soil.

Replace the third paragraph with the following:

Within ten (10) days after the date of execution by the Authority of the Contract, the Contractor shall inform the Engineer in writing from whom and where the Contractor proposes to obtain the materials required for the Project, and thereafter advise the Engineer of proposed changes provided, however, the location of proposed borrow pits and / or quarries shall be submitted within ten (10) days of receipt of Notice of Award, as specified in Subsection 103.02. The location of proposed borrow pits and / or quarries shall be approved by the Engineer prior to use for the Project. Said borrow pits and / or quarries shall be limited to borrow pits and / or quarries already in use. The source of supply of each of the materials to be incorporated into the Project shall be approved by the Engineer before delivery is started. The approval of the Engineer may be withdrawn at any time when it appears to the Engineer that the materials have deteriorated subsequent to the giving of such approval. Subsequent to the submission of the initial list of sources of supply the Contractor shall notify the Engineer of all new sources of supply at least thirty (30) calendar days in advance of the proposed shipment of materials from such new sources.

105.02 LOCAL MATERIAL SOURCES

Add the following after the first paragraph:

(A) Sources Provided by the Authority

Replace the second paragraph with the following:

If the Contractor desires to use material from sources other than those designated, the Contractor shall first receive pre-approval from the Authority; and then acquire the necessary rights to take materials from the sources and shall pay all costs related thereto, including any which may result from an increase in length of haul. All costs of exploring and developing such other sources shall be borne by the Contractor. The use of material from other than designated sources will not be permitted until such preliminary samples as may be required by the Engineer have been obtained, tested and approved, and the Contractor receives approval of the source of such materials.

DIVISION 200 - EARTHWORK

SECTION 202 - ROADWAY EXCAVATION

[NOTE TO THE ENGINEER:

For contracts that include Overload Removal, the cross sections should show the previously placed surcharge as the existing ground, without any settlement, and the following note should be adjacent to the Earthwork Summary on the Plans:

"The estimated quantity for Overload Removal is based upon the design cross sections for Contract No. **[previous surcharge contract]** Embankment and Grading, minus **[insert number]** percent to allow for the probable subsidence of the land under the previously placed embankments. Overload Removal will be measured and paid for as stipulated in Section 202 of the Supplemental Specifications."]

[Include for all contracts:]

202.03 METHODS OF CONSTRUCTION

Add the following:

If the Contractor discovers potential environmental contamination during construction activities (Area of Concern (AOC) defined in accordance with N.J.A.C. 7:26E-1.8), which was not previously identified (unexpected discovery) in the contract documents, the Contractor shall notify the Engineer immediately.

The Contractor shall not perform any sampling of the materials associated with the AOC without prior approval of the Engineer. If the Engineer determines that it is necessary for the Contractor to undertake material sampling, the Contractor shall provide a sampling plan to the Engineer for review and shall not initiate sampling until said plan is approved. All sampling must be performed in accordance with N.J.A.C. 7:26E.

If construction activities caused the AOC (i.e. discharge), the Contractor will take corrective measures immediately to contain the AOC and notify the Engineer immediately. The Contractor shall advise the Engineer prior to reporting any unexpected discovery or discharges to the NJDEP Hotline (1-877-WARNDEP (927-6337)).

Delete Subparagraph Header (B) and replace with the following:

(B) Disposal of Muck, Unsuitable and Excess Materials

Add the following:

Environmental testing for off-site disposal of onsite materials may be required by the applicable regulatory agencies or by the disposal facility. In such circumstances, prior to the start of any sampling activity, the Contractor must obtain the disposal facility's specific disposal analytical/procedural

requirements in writing. At a minimum, such information shall include:

- Site-specific in-situ and/or stockpile sampling requirements
- Analytical parameters (i.e. VOCs, SVOCs, Metals, PCBs, etc.) to be tested and specific laboratory “list” requirements
- Number of grab/composite samples required for collection within a specific grid area designated by the disposal facility
- Size of area to be sampled (i.e. 500 cubic yards, 1,000 cubic yards, etc.)
- Sample depths and sampling methodology
- Sampling equipment requirements
- Possible alternate sampling criteria and analysis based upon on-site material (frequent analysis of a specific analytical parameter or selection of an unusual analytical parameter)

The above described documentation shall be provided to the Authority upon the Contractor’s receipt of the documentation from the disposal facility. The Contractor shall then prepare a site specific sampling plan (Plan) to satisfy the sampling requirements outlined by the disposal facility. Said Plan shall be provided to the Authority for review prior to the Plan being provided to the disposal facility or any other outside entity for their review. A two week period shall be anticipated by the Contractor for the Authority’s review. After the Authority has accepted the Plan the Contractor shall schedule the implementation of the Plan, giving the Authority a minimum of a 5 working day notice prior to the initiation of any sampling. The Contractor shall not undertake any material sampling until the Authority has completed its review of the subject documentation and the Authority has authorized the contractor to proceed, in writing.

Material sampling shall be conducted in strict accordance with the most recent versions of the Technical Requirements for Site Remediation (N.J.A.C 7:26E), NJDEP Field Sampling Procedures Manual, NJDEP Guidance Document on Contaminated Soil, and NJDEP Guidance Document for Waste Classification, and other local, State and federal requirements.

Should the disposal facility reject transported on-site material, and said material is returned to the project site, the material shall be separately stockpiled in an area that does not “cross contaminate” other materials, compromise construction activities or violate existing permits and approvals. The Contractor, in consultation with the Authority, shall assess said stockpiled material for disposal options.

SECTION 203 – EMBANKMENT

203.02 MATERIALS

[Include the following for all contracts requiring excavation and fill:]

Add the following after the first paragraph:

Asphalt millings generated from on-site activities may be used as embankment material. If utilized, asphalt millings can not be placed less than 2 feet above the highest seasonal ground water table or within 2 feet of any underground utility. In addition, asphalt millings can not be placed within 2 feet of the final subgrade.

The following is added:

[Include the following as necessary:]

203.03 METHODS OF CONSTRUCTION

(F). Borrow.

Add the following after the second paragraph:

The Contactor shall provide documentation of testing to support the requirement for use of clean fill or certified clean fill for borrow material, as required, under Subsection 203.03. The Contractor shall be responsible for environmental testing of borrow material.

Add the following after the fifth paragraph:

Material composition, quality, and structural characteristics will be approved by the Authority's Engineer prior to acceptance of any borrow material. The Contractor shall utilize clean fill as defined in N.J.A.C. 7:26-1.4.

Certified Borrow Material

If the Contractor obtains clean fill from a certified supplier of borrow material, appropriate documentation must be obtained in accordance with N.J.A.C. 7:26E-6.4 (b) 2 vi. (3). If the Contractor obtains borrow material from a non-certified supplier, the Contractor must satisfy the following "Non-Certified Supplier of Borrow Material" requirements.

Non-Certified Borrow Material

To minimize the potential of introducing contaminated borrow material onto a project site, the Contractor shall verify that the material meets the requirements outlined herein by performing due diligence inquiries and/or having the borrow material analyzed for potential contaminants based on the location and history of the source area.

Undesirable sources of borrow material include former and/or existing commercial and/or industrial sites where hazardous materials were used, handled or stored as part of the business operations, or unpaved parking areas where petroleum hydrocarbons could have been spilled or leaked into the soil. Agricultural areas with former waste processes and/or historical pesticide/herbicide use are also considered an undesirable source.

The Contractor must be aware that borrow material proposed from undesirable source areas will require testing to demonstrate that the material is clean material as defined by the NJDEP. If the use of material from undesirable sources is proposed by the contractor, documentation requirements will be more stringent than would be necessary for material from other sources.

Documentation required to be provided relative to all off site non-certified borrow material shall include information obtained by the contractor based on due diligence investigations. Due diligence may include, but not limited to, interviews with past and present owners, operators and

occupants, reviews of historical sources of information, reviews of federal, state, tribal and local government records, visual inspections of the facility and adjoining properties, commonly known or reasonably ascertainable information, and degree of obviousness of the presence or likely presence of contamination at the property and the ability to detect the contamination. A due diligent inquiry shall be performed by the Contractor as defined by N.J.A.C. 7:26E-1.8.

Documentation to be provided relative to off site non-certified borrow material shall include detailed information on the previous use of the land from where the borrow material is proposed to be taken; a statement as to whether an environmental site assessment was performed and its findings; and the results of any testing performed. If such documentation is not available or is determined to be inadequate by the Authority, analytical testing protocols in accordance with applicable NJDEP Guidance documents shall be utilized by the Contractor to confirm the suitability of the borrow material. The level of analysis of the borrow material required by the Authority shall be based on the source of the borrow material and knowledge of the prior land use.

If determined to be necessary by the Authority, the Contractor shall provide documentation and/or a site-specific sampling plan for the analytical testing of borrow material for Authority review and acceptance before sampling. All borrow material sample collection and analysis shall be performed in accordance with the most recent versions of the N.J.A.C. 7:26E Technical Requirements for Site Remediation, NJDEP's Field Sampling Procedures Manual, NJDEP Guidance Document on Contaminated Soil, NJDEP Guidance Document for Waste Classification, and any other local, State and federal requirements.

Bills of Lading

Bills of lading shall be provided to document the source(s) of all borrow material in accordance with N.J.A.C. 7:26E-6.4 (b) 2 vi. 1-2.

(G). Drainage Windows

Trenches for drainage windows shall be excavated in the Embankment, Grade B and backfilled with materials as described in Section 203.

(H.) Control Stakes

Control stakes shall be constructed to indicate any foundation or slope movement.

203.04 MEASUREMENT

The following is added:

Drainage windrows will be measured by the cubic yard.

Control stakes and settlement platforms will be measured by the unit.

203.05

PAYMENT

The following is added:

Payment will be made under:

<i>PAY ITEM</i>	<i>PAY UNIT</i>
Drainage Windows	Cubic Yard
Control Stakes	Each

The following is added:

There will be no separate payment for the testing and/or due diligence efforts associated with borrow material.