

Hazardous Materials ERS/ECS Guidance for WSDOT Projects

Federal and state environmental laws and regulations dictate an agency's responsibility for cleanup and proper disposal of hazardous materials. The ERS/ECS involves an informal review to identify and evaluate known or potentially contaminated sites that may 1) affect the environment during construction, 2) create significant construction impacts, and/or 3) incur cleanup liability to the department.

The responses to the ERS example apply to all levels of environmental documentation. The responses to the ECS examples apply to Documented Categorical Exclusions (DCEs). The term 'environmental documentation' means discipline reports, a Phase 1 Environmental Site Assessment, or a completed and signed ECS form. The following questions should be answered during the ERS/ECS process.

A. Discuss any known or potentially contaminated sites within or near the project area.

Sites that should be identified within or near the project footprint are:

Sites within 1 mile radius of the project:

- Federal Superfund/NPL sites

Sites within ½ mile radius of the project:

- SHWS/CSCS
- LUST
- USTs

The following methods may be used to identify known contaminated sites:

- Ecology's Facility/Site Database is an online database that includes a tabular or map based search to identify Ecology regulated facilities listed above, plus solid waste facilities (i.e., landfills and transfer facilities).
- **Environmental Regulatory Database Search** identifies sites listed above. Database review services are commonly contracted by WSDOT or its consultants to complete a regulatory database search for project sites.
- **A Windshield Survey** may be performed to locate the sites within or immediately adjacent to the project footprint. During the survey, WSDOT staff can look for evidence of unknown contaminated sites that have yet to be documented by Ecology.

If any of the above sites are located within or adjacent to the project area(s) describe, the number of each type of site. If a windshield survey was completed, state the other potential sites of concern observed.

Example text for **ERS**:

Based on preliminary review, Federal Superfund sites are not located within a mile radius of the project footprint. Four SHWS/CSCS sites, two LUST sites, and five UST sites are located within a half mile radius of the project footprint. Of those identified, one LUST and three UST sites were located either within or immediately adjacent to the project area.

Example text for ECS:

The Hazardous Materials environmental documentation did not identify Federal Superfund sites or SHWS/CSCS near the project area. The report identified one LUST, three USTs (gas stations) and an operating wrecking yard located immediately adjacent to the project.

B. Describe any contamination the project is likely to encounter. If known, how will the project specifically impact these sites?

1. Identify any construction work that may generate contamination, such as the excavation or dewatering of contaminated media.

ERS Stage: If known, clarify whether removal of significant quantities of contaminated material may be required. This information helps determine the significance of how a site may impact the environment and the project.

Example text for ERS:

Moderate excavation is planned for installation of a stormwater system immediately adjacent to the LUST and UST sites. It is unknown whether contaminated soil or groundwater has migrated near these identified areas.

ECS Stage: Identify the impacts and mitigation measures identified in the environmental documentation.

Example text for ECS:

Petroleum contaminated soil might be encountered during excavation near the LUST site and three gas stations (UST sites). If all material is contaminated (unlikely), the sampling and disposal costs will not be a significant impact to the project. Petroleum contaminated soil is not a significant concern since it is not extremely toxic and is a common occurrence where handling and disposal is reasonably predictable and straightforward. A special Provision will be added to the Contract that notifies and hold petroleum contaminated waste in accordance with environmental regulations.

2. Identify contaminated properties the project may acquire, if known. Describe plans require a total or partial take or if property will require temporary use.

Example text for ERS:

A minor strip take is planned for the LUST site. NO acquisition is planned for the three UST sites.

Example text for ECS:

A strip take is planned for the LUST site. Soil contamination does not exist in the acquisition area based on the environmental documentation. WSDOT would not be liable for groundwater cleanup since WSDOT is not acquiring the source (UST)

of contamination. If WSDOT is required to purchase the entire parcel, it is recommended that RES staff contact the WSDOT HazMat Program prior to acquisition.

A minor strip take is planned at the wrecking yard. The environmental documentation indicates that the site is not currently listed with Ecology as a known or contaminated site. WSDOT HazMat Program conducted a site reconnaissance and collected surface samples to determine if contamination will be encountered during construction. Minor petroleum contamination was encountered in the surficial soil. A Special Provision will be added to the Contract that notifies and hold the Contractor responsible to appropriately contain, sample and dispose of the petroleum contaminated waste in accordance with environmental regulations.

3. Identify whether construction activities or final construction plans may prevent future cleanup of contaminated site by a potentially liable party. Identify whether construction plans may prevent future cleanup and mitigation measures to reduce WSDOT liability.

Example text for ERS:

Construction will impact two monitoring wells identified during the windshield survey. The two wells are in the proposed acquisition area of the LUST site.

Example text for ECS:

Two monitoring wells are located within the acquisition area of the LUST site. Quarterly groundwater monitoring is required by Ecology. After coordination with the property owner and Ecology, it was agreed that WSDOT will acquire the strip of property under the condition that WSDOT pays to decommission the two existing wells and pay the property owner an additional \$10,000 for the property owner to install new monitoring wells after construction.

C. Identify an additional investigation or documentation that would be needed.

The objective of this section is to identify the appropriate level of documentation and analysis necessary for the project. The level needed is based on the complexity and size of the project, severity of potential contaminants and any other project specific needs. The documentation should allow transportation staff to make informed decision regarding the selection of alternative, mitigation measures and/or the necessity of initiating early coordination with relevant regulatory agencies.

Hazardous materials investigations include Phase I, Phase II and/or Discipline Reports. Depending on the project and the contaminated sites identified in the process described above, one or more of these investigations may be needed.

ERS Stage: Identify the type of environmental documentation necessary, if any (i.e. Phase I or a discipline report) for the project. A Phase I site assessment should be completed for specific properties and not completed on corridors.

Example text for ERS:

Although it appears the project may only encounter a limited number of known or potentially contaminated properties, a Hazardous Materials Discipline Report is recommended because the mile long project extends through a historically industrial area where acquisition and installation of stormwater and illumination systems are planned.

ECS Stage:

Example text for ERS:

Additional investigation is not warranted. Hazardous materials sites with significant adverse impacts were not identified.

In the event WSDOT is forced to purchase the entire parcel of the LUST site or the wrecking yard mentioned above, it is recommended that RES staff contact the WSDOT HazMat Program to evaluate the need to conduct a Phase II investigation prior to acquisition.

Additional information is available in Chapter 447 of the Environmental Procedures Manual and the [Hazardous Material Program](#) web site. Also, call your Regional and Headquarters Hazardous Materials Specialist staff for additional guidance.