

DEPARTMENT OF TRANSPORTATION
ESC/OE MS #43
1727 30TH Street, 2ND Floor
Sacramento, CA 95816



August 24, 2000

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04-250604
ACNH-P101(962)E

Addendum No. 2

Dear Contractor:

This addendum is being issued to the contract for construction on State highway in SANTA CLARA COUNTY IN SAN JOSE AND SUNNYVALE AT VARIOUS LOCATIONS FROM 0.5 km SOUTH OF DE LA CRUZ BOULEVARD OVERCROSSING TO 0.4 km NORTH OF MATHILDA AVENUE OVERCROSSING.

Submit bids for this work with the understanding and full consideration of this addendum. The revisions declared in this addendum are an essential part of the contract.

Bids for this work will be opened on August 29, 2000.

This addendum is being issued to revise the Notice to Contractors and Special Provisions.

In the Special Provisions, Section 5-1.16, "AERIALY DEPOSITED LEAD," is revised as attached.

In the Special Provisions, Section 10-1.15, "REMOVE EXISTING FACILITIES," subsection "REMOVE YELLOW THERMOPLASTIC TRAFFIC STRIPE ," is changed to "REMOVE YELLOW TRAFFIC STRIPE AND PAVEMENT MARKING," and is replaced as attached.

In the Special Provisions, Section 10-1.17, "MATERIAL CONTAINING AERIALY DEPOSITED LEAD," is revised as attached.

To Proposal and Contract book holders:

Indicate receipt of this addendum by filling in the number of this addendum in the space provided on the signature page of the proposal.

Submit bids in the Proposal and Contract book you now possess. Holders who have already mailed their book will be contacted to arrange for the return of their book.

Inform subcontractors and suppliers as necessary.

This office is sending this addendum by confirmed facsimile to all book holders to ensure that each receives it.

If you are not a Proposal and Contract book holder, but request a book to bid on this project, you must comply with the requirements of this letter before submitting your bid.

Sincerely,

ORIGINAL SIGNED BY

NICK YAMBAO, Chief
Office of Plans, Specifications & Estimates
Division of Office Engineer

Attachments

5-1.16 AERIALY DEPOSITED LEAD

Aerially deposited lead is present within the project limits. Aerially deposited lead is lead deposited within unpaved areas, primarily due to vehicle emissions.

Material in the unpaved areas within the project limits has not been tested, but Caltrans expects it contains lead due to vehicle emissions. The aerially deposited lead is typically found within the top 0.6 meter of the material in unpaved areas within the highway right of way. Levels of lead found near the project limits range from less than 1.7 to 1,320 milligrams per kilogram (mg/kg) total lead, as analyzed by EPA Test Method 6010. The material containing lead is typically below 5 mg/l, as analyzed by the Federal Toxicity Leaching Characteristic Procedure (TCLP), and are not regulated under the Federal Resource Conservation Recovery Act (RCRA).

Attention is directed to "Material Containing Aerially Deposited Lead" of these special provisions.

Excavation, handling, and disposal of material with aerially deposited lead shall be in conformance with all rules and regulations including, but not limited to, those of the following agencies:

United States Department of Transportation (USDOT)
United States Environmental Protection Agency (USEPA)
California Environmental Protection Agency (Cal-EPA)
California Department of Health Services
Department of Toxic Substances Control (DTSC), Region 2
California Division of Occupational Safety and Health Administration (Cal-OSHA)
Integrated Waste Management Board
Regional Water Quality Control Board (RWQCB), Region 2
State Air Resources Control Board
Bay Area Air Quality Management District (BAAQMD)

Surplus Materials containing materials with hazardous levels of lead, Federally Designated Waste material (RCRA), and/or non-hazardous material with soluble lead concentration less than 5.0 mg/l but total lead concentration between 350 mg/kg and 1000 mg/kg, shall remain the property of the State and shall be transported and disposed of in conformance with Federal and State laws and regulations, as amended, and county and municipal ordinances and regulations, as amended. Laws and regulations that govern this work include, but are not limited to:

Health and Safety Code, Division 20, Chapter 6.5 (California Hazardous Waste Control Act)
Title 22, California Code of Regulations, Chapter 30 (Minimum Standard for Management of Hazardous and Extremely Hazardous Materials)
Title 8, California of Regulations

Surplus excavated material with soluble lead concentration less than 5.0 mg/l and total lead concentration between 0 mg/kg and 350 mg/kg, shall become the property of the Contractor and shall be disposed of outside the highway right of way in conformance with the provisions in Section 7-1.13, "Disposal of Material Outside the Highway Right of Way", of the Standard Specifications. The written authorization from the property owner shall include acknowledgement that the material contains lead, and shall state the levels of lead reported from testing.

The Contractor shall conduct any further investigation deemed necessary by the owner of the disposal site for acceptance of the material. This investigation shall be at Contractor's expense. The Contractor shall submit to the Engineer, his sampling and analysis procedure and the name of the laboratory 15 days prior to beginning any sampling. The Contractor shall use a laboratory certified by the California Department of Health Services. Characterization of the material shall be based on guidelines in USEPA, SW 846, "Test Methods for Evaluating Solid Waste, Volume II: Field Manual Physical/Chemical, Chapter Nine, Section 9.1."

Full compensation for conforming to the requirements of this section involving materials containing aerially deposited lead, except as otherwise specifically provided in these special provisions, shall be considered as included in the contract prices paid for various contract items of work involved and no additional compensation will be allowed therefor.

REMOVE YELLOW TRAFFIC STRIPE AND PAVEMENT MARKING

Traffic stripes and pavement markings to be removed shall be removed at the locations shown on the plans and at the locations designated by the Engineer.

Yellow thermoplastic and yellow painted traffic stripes and pavement markings may contain lead and chromium. Residue produced when yellow thermoplastic and yellow paint are removed may contain heavy metals in concentrations that exceed hazardous waste thresholds established by the California Code of Regulations and may produce toxic fumes when heated.

The removed yellow thermoplastic and yellow paint material shall be disposed of at a Class 1 disposal facility in conformance with the requirements of the disposal facility operator within 90 days after accumulating 100 kg of residue and dust. The Contractor shall make all arrangements with the operator of the disposal facility and perform all testing of the yellow thermoplastic and yellow paint residue required by the operator. The Contractor shall submit the name and location of the facility along with testing requirements to the Engineer not less than 21 days prior to removal of yellow thermoplastic and yellow painted traffic stripes and pavement markings.

The Contractor shall submit the written compliance programs required in Subsection (e)(2), "Compliance Program," of Section 1532.1, "Lead," of the Construction Safety Orders to the Engineer not less than 21 days prior to start of removal operations. The compliance programs shall be prepared by an industrial hygienist certified by the American Board of Industrial Hygiene and shall cover all Contractor or subcontractor employees removing or handling the yellow thermoplastic and yellow paint residue. Inspection reports shall be made in conformance with Section 1532.1, "Lead," and shall be submitted to the Engineer.

Prior to performing any removal, personnel who have no prior lead training, including State personnel, shall complete a safety training class provided by the Contractor, which meets the requirements of Title 8, Section 1532.1. The number of State personnel to be trained shall be 3.

Where grinding or other methods approved by the Engineer are used to remove yellow thermoplastic and yellow painted traffic stripes and pavement markings, the residue, including dust, shall be contained and collected immediately. Sweeping will not be allowed. Collection shall be by High Efficiency Particle Arresting (HEPA) vacuum attachment operated concurrently, or other equally effective method, with removal operations. The Contractor shall submit a removal, storage, and disposal workplan in writing to the Engineer for approval not less than 21 days prior to start of removal operations.

The collected residue shall be stored in properly labeled and covered containers approved by the United States Department of Transportation for transportation and temporary storage. The containers shall be handled in such a manner that no spillage will occur. The containers shall be stored in a secured enclosure at a location within the project limits approved by the Engineer while awaiting test results required by the operators of the disposal facility.

Contractors attention is directed to the Storm Water specifications contained in these special provisions.

Removed yellow thermoplastic and yellow paint material will remain the property of the State.

The removed material shall be transported to the Class 1 disposal facility by a transporter currently registered with the California Department of Toxic Substances Control using current manifesting procedures. The Engineer will obtain the United States Environmental Protection Agency Identification Number and sign all manifests as the generator. The California Board of Equalization Number (State's Generator ID) for this project is HY HQ 36-020676.

The Contractor shall assume that the yellow thermoplastic and yellow paint residue is not regulated under the Federal Resource Conservation and Recovery Act (RCRA). Additional disposal costs for residue regulated under RCRA, as determined by test results, will be paid for as extra work as provided in Section 4-1.03D of the Standard Specifications.

Except as otherwise provided above for possible additional costs to be paid for as extra work, full compensation for submitting the required compliance programs, providing safety training for Contractor and State personnel, making arrangements with the Class 1 disposal facility operator, providing for the temporary storage of the residue within a secured area, testing the residue as required by the disposal facility operator, transportation of the residue to the Class 1 disposal facility, and disposal of the residue, all as specified herein, shall be considered as included in the contract prices paid per meter for remove yellow thermoplastic traffic stripe and pavement marking and remove yellow painted traffic stripe and pavement marking and no additional compensation will be allowed therefor.

Nothing in these special provisions shall relieve the Contractor from the Contractor's responsibilities as provided in Section 7-1.09, "Public Safety," of the Standard Specifications.

10-1.17 MATERIAL CONTAINING AERIALY DEPOSITED LEAD

Earthwork involving materials containing aerially deposited lead shall conform to the provisions in Section 19, "Earthwork," of the Standard Specifications and these special provisions.

Attention is directed to "Aerially Deposited Lead" of these special provisions.

Materials containing aerially deposited lead in concentrations greater than 5.0 mg/L based on the Waste Extraction Test (WET) and less than 350 mg/kg Total Lead are designated as Type Y materials. Type Y materials are hazardous waste regulated by the State of California and shall be transported to and disposed of at a Class 1 Disposal Site. Materials excavated from these areas shall be transported by a hazardous waste transporter registered with the Department of Toxic Substances Control using the required procedures for the manifest of materials. The vehicles used to transport the hazardous materials shall meet current certifications of compliance of the Department of Toxic Substances Control.

Materials containing aerially deposited lead in concentrations less than 5.0 mg/L Soluble Lead and greater than or equal to 350 mg/Kg Total Lead, but less than 1000 mg/kg Total Lead, are designated as Type Z-1 materials. Type Z-1 materials are non-hazardous waste, but shall be transported to and disposed of at a Class 1 Disposal Site or at a Class II Disposal Site that has permits to accept such waste from the Regional Waste Quality Control Board and Integrated Waste Management Board.

Materials containing aerially deposited lead in concentrations greater than or equal to 1000 mg/kg Total Lead are designated as Type Z-2 materials. Type Z-2 materials are hazardous waste regulated by the State of California and shall be transported to and disposed of at a Class 1 Disposal Site. Materials excavated from these areas shall be transported by a hazardous waste transporter registered with the Department of Toxic Substances Control using the required procedures for the manifest of materials. The vehicles used to transport the hazardous materials shall meet current certifications of compliance of the Department of Toxic Substances Control.

Materials containing aerially deposited lead in concentrations greater than 5.0 mg/L Soluble Lead based on the Total Characteristic Leaching Procedure are designated as Type Z-3 materials. Type Z-3 materials are Federally regulated hazardous waste and shall be transported to and disposed of at a Class 1 Disposal Site. Materials excavated from these areas shall be transported by a hazardous waste transporter registered with the Department of Toxic Substances Control using the required procedures for the manifest of materials. The vehicles used to transport the hazardous materials shall meet current certifications of compliance of the Department of Toxic Substances Control.

HEALTH AND SAFETY

The Contractor shall prepare a project specific Lead Compliance Plan to prevent or minimize worker exposure to lead contamination in soil. Attention is directed to Title 8, California Code of Regulations, Section 1532.1, "Lead," for specific Cal-OSHA requirements when working with lead.

The Lead Compliance Plan shall contain the elements listed in Title 8, California Code of Regulations, Section 1532.1(e)(2)(B). Before submission to the Engineer, the Lead Compliance Plan shall be approved by an Industrial Hygienist certified in Comprehensive Practice by the American Board of Industrial Hygiene and paid by the Contractor. The Plan shall be submitted to the Engineer at least 15 days prior to beginning work in areas containing aerially deposited lead.

Prior to performing work in areas containing aerially deposited lead, personnel who have no prior training or are not current in their training status, including State personnel, shall complete a safety training program provided by the Contractor. The safety training program shall meet the requirements of Title 8, California Code of Regulations, Section 1532.1, "Lead."

Personal protective equipment, training, washing facilities, and medical surveillance required by the Contractor's Lead Compliance Plan shall be supplied to State personnel by the Contractor. The number of State personnel will be 3.

The Lead Compliance Plan shall include perimeter air monitoring incorporating upwind and downwind locations as shown on the plans and as approved by the Engineer. Monitoring shall be by high volume sampler for total suspended particulates. Analysis for lead shall be by California Air Resources Board SOP 005-5.1. Daily monitoring shall take place while the Contractor clears and grubs and performs earthwork operations. A single representative daily sample shall be analyzed for lead. Analytical data shall be submitted to the Engineer in writing within 5 working days of obtaining the sample. Average lead concentrations shall not exceed 1.5 microgram per cubic meter of air per day. If concentrations exceed this level the contractor shall stop work and modify work to prevent release of lead. The Contractor shall also conduct personnel air monitoring during excavation and soil handling operations. The results of the air monitoring shall be made available to the Engineer upon request.

The Contractor shall not clear and grub or perform earthwork operations within the project limits, unless authorized in writing by the Engineer, until the Lead Compliance Plan has been accepted by the Engineer.

The Lead Compliance Plan will be paid for as a lump sum.

The contract lump sum price paid for Lead Compliance Plan shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals and for doing all the work involved in preparing the Lead Compliance Plan, and for providing personal protective equipment, training and medical surveillance, as specified in the Standard Specifications and these special provisions, and as directed by the Engineer.

EXCAVATION AND TRANSPORTATION PLAN

Prior to starting excavation in areas determined to contain aerially deposited lead, the Contractor shall submit, for acceptance by the Engineer, a detailed excavation and transportation plan in conformance with the regulations of the Department of Toxic Substance Control and the California Division of Occupational Safety and Health Administration (Cal-OSHA). The detailed excavation and transportation plan shall be submitted to the Engineer for review and approval 15 days prior to excavation and transportation of hazardous materials.

WORK PLAN

The Contractor shall prepare a work plan for handling and stockpiling materials containing hazardous levels of lead. The work plan shall include provisions for sampling any stockpile area after removal of the materials. The plan shall meet the requirements for the design and development of the sampling plan, statistical analysis, and reporting of test results contained in USEPA, SW 846, "Test Methods for Evaluating Solid Waste," Volume II: Field Manual Physical/Chemical, Chapter Nine, Section 9.1. The plan shall be submitted to the Engineer at least 15 days prior to beginning work in areas containing lead.

The Engineer will notify the Contractor of acceptance or rejection of any submitted or revised Lead Compliance Plan, work plan, and excavation and transportation plan not more than 10 days after submittal of the plan.

Excavation, transportation, placement, and handling of materials containing aerially deposited lead shall result in no visible dust. The Contractor shall have a water truck available for dust suppression at all times while performing clearing and grubbing and earthwork operations in work areas containing aerially deposited lead.

Prior to traveling on public roads, loose and extraneous material shall be removed from surfaces outside the cargo areas of the transporting vehicles and the cargo shall be covered with tarpaulins, or other cover approved by the Engineer. The Contractor shall be responsible for costs due to spillage of material containing lead during transport. The Department will not consider the Contractor a generator of these hazardous materials, and the Contractor will not be obligated for further cleanup, removal or remedial action for such materials handled or disposed of in conformance with the requirements specified herein and the appropriate State and Federal laws and regulations and county and municipal ordinances and regulations regarding hazardous waste.

USEPA manifesting of hazardous and Federally Designated Waste material is required. If disposal of materials containing aerially deposited lead is within California, the disposal site shall be operating under a permit issued by the California Environmental Protection Agency (Cal-EPA) Boards. If disposal is outside California, the disposal site will be approved by the Engineer and shall be operating under a permit issued by the United States Environmental Protection Agency (EPA).

Surplus materials shall be analyzed for aerially deposited lead by the Contractor prior to removing the materials from within the project limits. A minimum of 4 samples shall be obtained for every 180 cubic meters of material. Every four samples may be formulated into a composite sample prior to analysis. The Contractor shall submit a sampling plan, the analysis procedure, and the name of the analytical laboratory to the Engineer at least 15 days prior to beginning sampling. The Contractor shall use a laboratory certified by the California Department of Health Services. Sampling shall be tested for lead using EPA Method 6010 or 7000 series. Analytical results shall be made available within 48 hours. Laboratory results shall be sent by facsimile or hand delivered to the Engineer as soon as they are available. A summary report of sampling protocols, chain of custody, analysis and laboratory data sheets shall be supplied to the Engineer within 30 days of the completion of sampling. Based on the total lead test results the soil samples shall be analyzed for soluble lead concentration as directed by the Engineer.

"Lead Sampling and Analysis" shall be paid as a lump sum item. The contract lump sum price paid shall include full compensation for furnishing all labor, materials, tools, equipment, and incidentals and for doing all the work involved in collecting and analyzing materials for lead as shown on the plans, as specified in the Standard Specifications and these special provisions, and as directed by the Engineer.

The Engineer will obtain the EPA Generator Identification Number and the State of California Board of Equalization Identification Number for hazardous material disposal. The Engineer will sign all hazardous waste manifests.

Sampling, analyzing, transporting, and disposing of materials containing aerially deposited lead excavated outside the pay limits of excavation will be at the Contractor's expense.

Transportation and disposal of surplus Type Y, Type Z-1, Type Z-2, and Type Z-3 materials will be paid as extra work in accordance with Section 4-1.03D, "Extra Work", of the Standard Specifications. Full compensation for conforming to the requirements of this section, except for transporting and disposing of surplus materials, shall be considered as included in the contract prices paid for the items of work involved and no additional compensation will be allowed therefor.

Full compensation for conforming to the requirements of this section involving materials containing aerially deposited lead, except as otherwise specifically provided in these special provisions, shall be considered as included in the contract prices paid for the items of work involved and no additional compensation will be allowed therefor.