



NEPA Hazardous Material Management Guidance

Introduction

Pursuant to 23 United States Code 327 and the implementing Memorandum of Understanding (MOU) executed on XX, the Maine Department of Transportation (MaineDOT) has assumed, and the Federal Highway Administration (FHWA) has assigned its responsibilities under the National Environmental Policy Act (NEPA) for highway projects and Local Agency Program (LAP). MaineDOT's assumption includes all highway projects in Maine with FHWA federal funding or other FHWA federal action. This assumption of FHWA responsibilities or NEPA Assignment includes responsibility for environmental review, interagency consultation, and approval of NEPA actions. MaineDOT will be the Lead Federal Agency for MaineDOT-sponsored highway projects.

The following provides guidance on hazardous material management and defines the process for identifying and determining the appropriate level of coordination.

In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675), Superfund Amendments and Reauthorization Act (42 U.S.C. 9671-9675), and Resource Conservation and Recovery Act (42 U.S.C. 6901-6992k), MaineDOT conducts environmental site assessment investigation to address the liability of acquiring portions or all of a property, as well as, requiring that a property shown to be contaminated must have the materials removed from the site during construction and must be properly identified and managed.

MaineDOT Hazardous Materials Manager (Hydrogeologist) and Senior Geologist are responsible for assessing and ensuring compliance with these laws under NEPA Assignment. Hazardous material management information is provided to and discussed with the Team Leader. This information is incorporated into the overall NEPA decision.

1.0 Hazardous Materials Management Initial Project Question and Documentation

The following question is required to be answered by MaineDOT Environmental Office Hazardous Material staff:

1. In accordance with MaineDOT's Standard Operating Procedures, is hazardous material review required?

Every acquisition or sale of property for any purpose is applicable. Any project that includes the purchase of new right-of-way, excavation that requires Dig-Safe review, structure demolition, or structure modification will require at least an Initial Site Assessment (ISA) to assess if there are known or potential uncontrolled petroleum or hazardous waste issues within the proposed project limits. Projects within the existing right-of-way when there is no change to the cross-section, grade, or utilities involved, generally will not require an ISA.

A Yes response to Question 1 indicates the project will require further Hazardous Material Assessment (go to 2.0). A No response concludes the Hazardous Materials Assessment. All actions will be processed and documented in MaineDOT's ProjEx database and MaineDOT's Environmental CPD e-file.



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2.0 Hazardous Material Review

If the ISA suggests no obvious issues, a comment to this effect is made under the proper WIN or PSN in the ProjEx database. The supporting documentation is filed in MaineDOT's Environmental CPD e-file.

If it is determined that the potential for contamination exists on the project, a Detailed Site Investigation (DSI) will be performed. The appropriate comment is made in ProjEx and ENV Team Leader, the Project Manager, and the Designer are informed of the potential for contamination being encountered.

A DSI is conducted only when an Initial Site Assessment (ISA) reveals known or potential uncontrolled petroleum or hazardous waste contamination. The DSI is undertaken to investigate ISA findings, estimate the nature and extent of contamination at the site, and provide a basis for assessing the need, type, and cost of remediation. The activities and methods incorporated in a DSI depend on the nature of the project and the findings of the ISA. The following list identifies activities that may be appropriate on a case-by-case basis: 1) geophysical studies, 2) Soil borings/monitoring wells, 3) test pits, 4) chemical field screening, 5) sampling and laboratory analysis, 5) mitigation assessment, including feasibility and estimated cost analysis and 7) written documentation of findings. Remedial action goals are defined, and in some cases, baseline risk assessments are performed.

The following question is required to be answered by MaineDOT Environmental Office Hazardous Material staff:

2. Is hazardous material encountered and is a General Note or Special Provision in the contract required?

A Yes response to Question 2 indicates the project will require a Special Provision or General Note in the Contract. The Hazardous Material staff will write and save any required documents in the CPD e-file and place them in the contract. A No response concludes the Hazardous Material review. All actions will be processed and documented in MaineDOT's ProjEx database and MaineDOT's Environmental CPD e-file.

3.0 Links and Standard Operating Procedures

Comprehensive Environmental Response, Compensation, and Liability Act
([42 U.S.C. 9601-9675](#))

Superfund Amendments and Reauthorization Act
([42 U.S.C. 9671-9675](#))

Resource Conservation and Recovery Act
([42 U.S.C. 6901-6992k](#))

MaineDOT Environmental Office maintains a Standard Operating Procedure for Hazardous Material