

RESPONSE 2 COMMENTS RECEIVED FROM INDUSTRY REVIEW

Nathaniel G. Winthrop

Duane,

Let me introduce myself. I am a project manager for the prime contractor, Cone & Graham, Inc., and am currently working on the THCEA Meridian Avenue project in downtown Tampa . I believe the removal of our Lafayette Viaduct Bridge started all this fuss in the first place as it had two layers of asbestos coating paint/mastic on the existing gunite. It is a convoluted tale, to say the least, but I'll offer my two cents on the proposed specs.

- 1) We had to provide demolition notice to the Hillsborough County Environmental Protection Commission, under the Federal NESHAP self reporting guidelines. The FDEP was not involved in this process at all. Do you want notices for any and all structures to be demolished, or just those containing asbestos. The County EPC 's opinion was that any bridge demolition required notice to them, which of course the FDOT had ignored for years. Also the liscensed asbestos contractor was required to submit the notice, survey, and removal work plan. Jurisdiction and responsibility for notice given the presence of asbestos, should be carefully considered prior to letting the project. We provided notice and were then cited and fined for not having performed an asbestos survey! If we had provided notice and indicated asbestos, but were not an abatement contractor we would also have been subject to penalties. We were one entity eventually performing all of the required abatement and demolition. How two different entities would have been viewed by the EPC is a good question.
- 2) We employed the asbestos abatement contractor under our contract. The abatement process had to be performed in several phases, requiring City road closures below, state road closures above, sealed containment structures which could not be erected in winds above 15 mph, a CSX rail closure, and alternate grain deliveries by truck for the Con Agra silos. A real mess. Some of the asbestos material was removed prior to demo, some had to be removed after dismantlement, some could not be removed and had to be hauled in large intact pieces to a licensed pit. The language in your proposed spec would just not have worked with two separate contractors, period, without extended delays, and massive exposure to claims. Some thought should be given to including the work under the prime, or providing great detail in plans as to staging areas and schedules for phased removal. We began the abatement process in July 04 and finished in Feb '05 and were lucky it went as well as it did.
- 3) The use language in the unfit spec may cause the FDOT headaches for asbestos waterline, phone conduits that are routinely abandoned in place by utility agencies when it becomes expensive to remove on their nickel. Many of the State's existing UAO agreements allow these parties to abandon these asbestos

facilities. Is it the intent of the FDOT to remove any and all asbestos material from the project limits under any circumstance?

From all indications, our bridge was a unique situation, a red headed orphan built by the state in the 20's, maintained by the City of Tampa through the late 90's, rehabbed by the state in the 70's, maintained again by the City and probably coated with the asbestos paint and mastic by the City in the mid to late 70's, and then given to the THCEA for removal. It will probably never happen again, and in all likelihood these specs will not be field tested.

Feel free to call me if you have any other questions.

CONE & GRAHAM, INC.
Heavy Civil Construction
(813) 917-2402 cell

RESPONSE: by Dean Perkins

1. Notices to the FDEP or the delegated local environmental agency are required for all bridge demolition projects, not just those that contain asbestos.

Our understanding of the NESHAP regulations related to bridges requires the facility owner (FDOT, etc.) to conduct, or have conduct the asbestos inspections/surveys, have abatement plans/specs developed if ACM are identified in the survey, and to notify the environmental authority having jurisdiction (FDEP or local agency.)

2. The preferred course would be to have one construction contract to cover all aspects of the bridge demolition, reconstruction, asbestos abatement, etc. In some cases it may be more expedient to have a separate abatement contractor who will coordinate with the general contractor (i.e., asbestos not know prior to the notice to proceed and the prime contractor is not also an asbestos contractor.) We'll revise the proposed specification modifications to provide guidance for either situation.
3. We are working with the utilities industry to work out utility issues for 'unfit' materials, including asbestos. It is the intent of the Department to remove any materials (and not allow to be installed) any materials that may, at a later date, become a hazard or detriment to the rights-of-way and transportation facilities for which we have responsibility.

Unfortunately, the Lafayette Viaduct Bridge is not a unique situation. We have identified asbestos-containing materials on other bridges around the state (typically, movable bridges, but some fixed bridges as well.) We feel this spec modification is in the best interest of the Department to aid in our duty to protect the health and safety of the traveling public.

Kenneth E. Weldon

Dean I am informed that you had input into the proposed language and that I should discuss it with you. The below proposed technical special provision revision creates some concern in regards to utilities for which I am responsible to review for impact. Aside from that issue, the original technical special revision also presents problems thru the use of superlatives such as "any" or "any way." These terms creates requirements that actually exceed the requirements of the referenced regulatory agencies. As such the complete technical specification should be rewritten. Just referencing the regulatory agencies sufficiently addresses the issues such that the proposed added language is unnecessary and in fact becomes limiting. Please access the following link for a general list of items we use everyday that contain asbestos. This will demonstrate why you should not use superlatives.

<http://www.justmeso.com/asbestos/products.html>

If it is deemed necessary to include something like this in the technical special provisions / specs, then it should be limited in some way as to describe a quantity or free form such as "friable and capable of getting into the air." As the technical special provision exists I must oppose it, regardless of application to utilities. I need a specific statement that this technical special provision will or will not be applied to utilities, and contractors of utilities, and if so to what degree. If it does apply, I am obligated to inform them so they can input per Chapter 120 FAC.

Thank You!

Kenneth E. Weldon
Florida Department Of Transportation
State Utility Engineer
Phone (850) 414-4364

RESPONSE: by Dean Perkins

1. The proposed Spec change is intended to reflect a recent interpretation (July 2004) of the USEPA NESHAP regulations regarding asbestos-containing materials in public facilities. Bridges have been determined to be a 'public facility' as defined by NESHAP. As such, bridges must be treated much the same way that buildings are: the facility must be inspected for the presence of asbestos and, prior to any demolition, the state or local environmental agency must be notified of the work. If ACM is found during the inspection, an abatement plan must be developed and asbestos must be abated according to state and federal asbestos regulations.
2. It is not the intent of this Spec change to adversely effect existing industry agreements. The intent is to help FDOT do our jobs better and in compliance with federal and state regulations. I'll work with the commenter to develop language acceptable to his customers as well as satisfying the Department's need to protect the public.

Bill Richards

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Date: Thursday, July 14, 2005
Time: 11:32:15 AM

Comments:

In 110-6.1, in the second to last sentence of the last paragraph, you required the Contractor to send a notice 10 working days prior to the Asbestos work. If the District Contamination Assessment Corrdinator hires the Asbestos Contractor to perform the work, why would the highway contractor issue this notice? Should't the District Contamination Assessment Corrdinator's Asbestor Contractor issue the notice? If the latter is your intent, it is not clear in the spec.

RESPONSE: by Dean Perkins

1. Will revise the propose text to better define who is responsible for submitting the required Notifications.

Bob Dion

Username: Bob Dion
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Date: Thursday, July 28, 2005
Time: 11:27:31 AM

Comments:

110-6.5 has references to 'Prime Contractor' in the next to last and last pragraphs. This is not defined in the spec book, suggest changing this Contractor, deleting 'Prime'. See Section 1 definition of Contractor.

RESPONSE: by Dean Perkins

1. This language is consistent with other sections of the Standard Specifications.
