

ORIGINATION FORM

THE INFORMATION BELOW IS TO BE PROVIDED BY THE ORIGINATOR (The person who receives or originates the issue and needs to forward the issue for action.)

Specification: 8-4.9 , 6-5.3, 120-1.2

Subject: Hazardous or Toxic Waste

Origination date: 4-23-10

Originator: Catherine Bradley

Office/Phone: 850-414-4271

Problem statement: Specification **8-4.9** is intended to direct the Contractor when and if they encounter unusual conditions or materials that could indicate the presence of a health and safety concern, or a potential “hazard”. While the language incorporated in the body of the specification is good and usable, some of the terminology is too specific, thereby creating areas or situations that could easily be argued by a knowledgeable Contractor and/or Lawyer placing the Department in a non-defensible position in the event of delay claims or supplemental charges.

Proposed solution: Without going into too much detail the terms (and spec title) “*Hazardous or Toxic Waste*” should not be used in the spec and should be replaced by “*Contaminated or Potentially Contaminated Materials*” to simplify, this could be further reduced to “*Contaminated Materials*”.

Information source: Ben Burton, D4 Final Plans Engineer
954-777-4135

Recommended Usage Note: All Jobs

Estimated fiscal impact, if implemented: N/A

Implementation of these changes, if and when approved, will begin with the January 2011 letting.



Florida Department of Transportation

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M E M O R A N D U M

DATE: June 24, 2010
TO: Specification Review Distribution List
FROM: Rudy Powell, Jr., P.E., State Specifications Engineer
SUBJECT: Proposed Specification: 0060503

In accordance with Specification Development Procedures, we are sending you a copy of a proposed specification change.

This change was proposed by Vincent Fusconi to change references to “hazardous or toxic waste” to “contaminated or potentially contaminated materials”.

Please share this proposal with others within your responsibility. Review comments are due within four weeks and should be sent to Mail Station 75 or to my attention via e-mail at ST986RP or rudy.powell@dot.state.fl.us. Comments received after **July 22, 2010** may not be considered. Your input is encouraged.

RP/ft
Attachment

CONTROL OF MATERIALS – *CONTAMINATED*, UNFIT, HAZARDOUS AND DANGEROUS MATERIALS.

(REV ~~6-10-10~~ *6-23-10*)

SUBARTICLE 6-5.3 (Page 56) is deleted and the following substituted:

6-5.3 *Contaminated*, Unfit, Hazardous, and Dangerous Materials: Do not use any material that, after approval and/or placement, has in any way become unfit for use. Do not use materials containing any substance that has been determined to be hazardous by the State of Florida Department of Environmental Protection or the U.S. Department of Environmental Protection. Provide workplaces free from serious recognized hazards and to comply with occupational safety and health standards, as determined by the U.S. Department of Labor Occupational Safety and Health Administration.