In the course of project development existing or historical real property uses may have included facilities such as: service stations, automotive repair shops, automotive bone yards, waste segregation sites, waste piles, landfills, treatment plants and outfalls, oil, plastics, chemical, electrical, electronic, adhesives manufacturing plants, photo, printing, paint, plating, battery shops, metals and paper processing plants, mining, agriculture, medical supply facilities, funeral homes, dry cleaning and other cleaning operations, older buildings with structural asbestos or other contaminants, etc. Such areas should be treated as suspected hazardous waste (HW) sites and must be thoroughly investigated to identify recognized environmental conditions before any right-of-way is purchased, or construction activities commence. In addition, should an underground storage tank (UST) system for the purpose of gasoline, diesel, heating oil, or other chemicals exist within the existing or proposed right-of-way, removal of the tanks must be properly addressed in accordance with prevailing Federal, State and local rules and regulations prior to purchasing the right-of-way.

Because the Department owns and leases real property, it may find itself subject to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) and Georgia's Hazardous Waste Site Response Act (HWSR) commonly known as State Superfund. Georgia's Superfund established a fund to remediate uncontrolled hazardous waste landfills and to respond to releases into the environment. It created a process for identifying potential responsible parties and ordering them to take appropriate actions. The Department may face this liability once it becomes the owner of a property where there has been a release, or threat of a release, of a hazardous substance. Regardless of whether the contamination is the result of the Department’s actions or by others, the Department may be held responsible for remediating any contamination once such real property is in the Department's ownership. The risks of potential liability can be significantly reduced by preventative steps taken prior to acquisition of any real property suspected to contain hazardous substances or petroleum products.

Basic Procedure

The following outlines the basic procedure of a UST/HW site investigation during the preconstruction phase of a project:

- The Project Manager (PM) requests an Environmental Site Assessment (ESA): Phase I from the appropriate District Planning and Programming Engineer (DPPE) or procures services from a prequalified consultant.
- The Planning and Programming Engineer (DPPE) or prequalified consultant provides a report in accordance with ASTM E1527-13 and/or E2247-08, and transmits the report to the Environmental Testing Branch of the Office of Materials and Testing (OMAT).
- Findings of the ESA Phase I may result in a recommendation for Environmental Site Assessment: Phase II. An ESA Phase II typically includes invasive soil and groundwater sampling that could include field analysis and/or independent laboratory. The Environmental Testing Branch performs the ESA Phase II investigations based on an ESA Phase I from the DPPE. If the ESA Phase I was performed by a consultant, the Project Manager shall have a prequalified consultant perform the ESA.
Phase II. All reports shall be distributed to appropriate offices and recommends avoidance or acquisition based on the findings of the report. All courses of action will follow Federal Environmental Protection Agency (EPA) and Georgia’s Environmental Protection Division (EPD) guidelines in addition to the appropriate ASTM and GDOT guidelines.

- All consultant reports are reviewed by the Environmental Testing Branch.
- FHWA has expressed concerns for the location of possible releases and monitoring wells in relation to GDOT projects. All ESA Phase I and ESA Phase II investigations shall identify and reference the location of monitoring wells. Any proposed impacts to monitoring wells, remediation systems, or other items that are part of an ongoing Corrective Action Plan, must be coordinated with EPD by the Project Manager, with the assistance of the Environmental Testing Branch and the Office of Environmental Services.

Delineation of Responsibilities

The responsibilities of each office are delineated below. Generally, all real property where there is a potential release or storage for hazardous waste or petroleum product (such as underground storage tanks or aboveground storage tanks or systems) within the proposed or existing right-of-way must be investigated prior to acquisition.

A. Project Managers

During project development, Project Managers are responsible for the following:

1. Request an ESA Phase I for projects with new right-of-way being purchased. Additionally, request an ESA Phase I for projects with no new right-of-way being required if the project will have ditching, utility work, installation of storm sewer, or other construction activities that could generate hazardous waste by removing contaminated soil adjacent to a potential UST or hazardous waste site with the exception of projects designated as Signal Upgrade or other projects with approval from the Office of Materials and Testing. These types of projects include, but are not limited to, those being designed and or managed by the Office of Roadway Design, District Design, Location, Program Delivery, Traffic Operations, or a prequalified consultant.
2. Request an ESA Phase I investigation with the start of the Environmental Resource Identification process of the PDP and use the same Environmental Study Area Layout provided for all other Environmental Resources.
3. Results of an ESA Phase I may recommend an ESA Phase II investigation. When an ESA Phase II is recommended, request an ESA Phase II investigation at the start of the Technical Studies process of the PDP and use the same set of preliminary plans provided for all other Environmental Resources.
4. When real ESA Phase I or ESA Phase II site investigation is performed by a consultant, the Project Manager transmits a copy of the final report to OMAT for review.
5. Upon OMAT’s approval of the consultant report, the PM distributes the report to the appropriate Offices with an OMAT acceptance letter. These offices include DPPE, Office of Right-of-Way, Office of Environmental Services and District Right-of-Way offices. A copy of the summary cover letter should also be sent to the Director of Preconstruction.
6. Address any recommendations made by OMAT or Office of Environmental Services regarding UST/HW sites in the Plans.
7. Include in the final construction contracts any special provisions or plan notes provided by OMAT or Office of Environmental Services required to address contamination issues.
B. Consultants

During project development, Consultants are responsible for the following:

1. Submit all documents to the Department through the Project Manager.
2. Perform and ESA Phase I in accordance with this policy and Chapter 10 of the Geotechnical Guidelines located on ROADS.
3. Perform and ESA Phase II in accordance with this policy and Chapter 10 of the Geotechnical Guidelines located on ROADS.
4. In situations where contamination levels are found to be above regulatory release notification requirements established by EPA and EPD, provide a limited report for each separate reportable property to OMAT for transmission to EPD and the real property/tank owner informing them of the findings.
5. The Office of Right-of-Way performs all lien and title searches during the property acquisition. These tasks will not be included in the Consultant’s scope of work for an ESA.

C. District Planning and Programming Engineers

During project development, District Environmental Offices are responsible for the following:

1. Upon receipt of written request from a Project Manager, review environmental study layout, and prioritize the requests.
2. Perform an ESA Phase I in accordance with this policy and Chapter 10 of the Geotechnical Guidelines located in ROADS.

D. Materials and Testing

The Environmental Testing Branch of the Office of Materials and Testing personnel are responsible for the following:

1. Upon receipt of site investigation packages or other requests for investigations or review of consultant reports, check for completeness, and prioritize the requests.
2. Perform an ESA Phase II in accordance with Chapter 10 of the Geotechnical Guidelines located in ROADS.
3. Transmit report to the Project Manager, with a copy to the Office of Right-of-Way, Office of Program Control, Office of Environmental Services and District Right-of-Way Offices. A copy of the summary cover letter should also be sent to the Director of Preconstruction.
4. Review consultant ESA Phase I and ESA Phase II reports. If the report is acceptable for use in design, right-of-way negotiations and construction, a letter of acceptance will be transmitted to the Project Manager. If the report is insufficient, incomplete or in need of revisions, written notification will be transmitted to the Project Manager.
5. Review consultant Special Encroachment Reports. Once a determination is made, notification will be provided to the District Engineer, District Traffic Operations, and State Access Management Supervisor.
6. In circumstances where contamination levels are found to be above regulatory release notification requirements established by EPA and EPD, the Environmental Testing Branch issues letters to EPD and the real property/tank owner informing them of the Department’s findings.
7. Act as liaison between the Department and EPD and EPA, as necessary.
8. Coordinate any mitigation requirements or remediation activities which may be required as a part of the construction contract due to unavoidable or unexpected involvement with contamination.

E. Office of Environmental Services

During project development, Office of Environmental Services personnel are responsible for the following:

1. Incorporate findings from the ESA Phase I and ESA Phase II into the Environmental Document.
2. Incorporate commitments needed based on the findings from the ESA Phase I and ESA Phase II into the Environmental Commitments Table.
3. Assist the Project Manager, Office of Right-of-Way and/or Office Materials and Testing, when requested in the negotiation of impacts to monitoring wells, remediation systems, or other items that are part of an ongoing Corrective Action Plan required by EPD.
4. Do not authorize Right-of-Way until the ESA Phase I has been completed.

F. Right-of-way

During project development, Right-of-Way personnel are responsible for the following:

1. Obtain an ESA Phase I and/or ESA Phase II for any advance purchases.
2. Do not acquire any real property that was recommended for further investigation in the ESA Phase I until ESA Phase II has been completed and approved.
3. Any recommendations made by Office of Materials and Testing or Office of Environmental Services regarding UST/HW sites should be addressed during right-of-way appraisal and acquisition.
4. Coordinate any UST closures which may be required as a part of the right-of-way negotiations utilizing a qualified consultant and adhering to the following outline: If a UST is not located within the right-of-way purchased, but is determined not to be functional after purchase; the appraisal would include a UST closure cost since the owner is responsible for its removal. If a UST is totally or partially located in the required right-of-way, the Department shall be designated by the general terms of the Option as an authorized agent for the removal of the underground storage tank system and will remove them at no cost to the previous owner.
5. If previously unidentified UST/HW sites are discovered during right-of-way appraisal and acquisition, a letter shall be sent to the Project Manager requesting an ESA Phase II be performed.
6. Perform lien and title searches before the acquisition of any property for any environmental concerns.

G. Divisions of Construction and Maintenance

During project implementation, Construction and Maintenance personnel are responsible for the following:

1. Follow proper protocol for all UST and hazardous waste sites indicated on plans or in construction contracts and plan notes.
2. Stop work in the immediate vicinity of newly discovered/suspected UST or hazardous waste sites. Areas where suspected contamination exists should be closed off to prevent inadvertent access by the workers or the public.
3. Report the discovery of suspected UST or hazardous waste materials to OMAT.
6. Assist OMAT with the coordination of any mitigation or clean-up which may be required as a part of the construction contract because of unavoidable or unexpected involvement with a hazardous waste site or petroleum hydrocarbon impacted site.
7. Assist Right-of-Way with the coordination of any UST closures which may be required as a part of the construction contract.

References:

ASTM E1527 – 13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process

ASTM E2247 – 08 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Real property

ASTM E1903 – 11 Environmental Site Assessments: Phase II Environmental Site Assessment Process

ASTM E1528 – 14 Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process

ROADS

GDOT Standard Specifications Section 217—Removal of Underground Storage Tanks

History:

revised: 08-21-17;
combined 5525-1, Underground Storage Tank Procedures and 5525-2, Hazardous Waste (HW) Site: 01/19/05
Reviewed: 8/21/2017