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## **Excess construction soil - What to do with it, without breaking bank**

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Did you know that all soil removed from construction sites, contaminated or not, carry undefined liability to owners, engineers, architects and contractor?

While MADEP has regulated contaminated soil for many years, they are now working to control all non-contaminated soil as well. This comes as they struggle to deal with the serious nature of a lack of controlled disposal outlets for soil in Mass. Every year, millions of yards of clean unneeded soil are removed from building construction, sewer and utility work and many other redevelopment project sites. Mass. has closed many landfills that previously used this excess soil for daily cover and closure capping, causing a serious shortfall for safe and cost effective disposal options.

An attractive home for these soils has become abandoned and unclosed gravel pits, sand pits and old quarries. However, this practice has been somewhat unregulated, leaving host communities and neighbors in a quandary. To help deal with this problem, as a component of the Mass. state budget for 2015, the MADEP is required to define appropriate permitting and soil handling procedures for closing these sites. The plan must be in-place by June 2015, so DEP has formed a work group of stake holders to help develop a new program.

Designing and implementing this program presents many challenges for all involved including:

- \* What size and type of facility should be regulated?
- \* What type of permit, if any, should be required and what is the process needed to obtain it?
- \* What level of involvement or control should cities, towns and communities have or are required to provide without placing an expensive burden on tax payers?
- \* What chemical characteristics can be safely allowed into these facilities?
- \* Should they have third party over site during operation and by whom?
  - DEP ?
  - The owner?
  - A qualified environmental professional?
  - Professional engineer?
  - Licensed Site Professional?
- \* Is financials surety in the form of insurance or a bond required to guarantee proper closure?
- \* What constitutes proper closure?

Whether you are a site owner, facility operator, engineer or architect or construction manager, it will require advanced planning for handling the risks associated with soils that are not considered contaminated under Mass. environmental laws. Being part of the MADEP work group, we are assured they will design a well thought-out and balanced program.

During our many years of experience in civil engineering, construction management and environmental site assessment and restoration, we have found that a three step approach works

best and leads to considerable cost and liability control.

FIRST - Plan first. Assess the site you plan to fill or ship soil from. The history, environmental setting and characteristics of the site and its soil will tell you a lot and often times dictate your options. Do not wait until you are ready to ship or receive soil. Be prepared and document your activities and the facts clearly.

SECOND - Engage a professional that has experience with civil engineering, construction and environmental management and has a sound business perspective on their work. You want a good business person, as well as an experienced and skilled technician.

THIRD - Be up front, honest and forth coming with all parties involved. Your reputation will have a lot to do with your success.

It has been proven that strong upfront planning and management enables everyone to control health risks, as well as liability and compliance, while controlling costs and project schedules, as well as negative impacts to all.

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