

**Office of Environmental Stewardship  
Environmental Investigation Unit  
Cooperative Construction Projects:  
Contaminated and Regulated Material Management**

**Contact Information:**

[Environmental Investigation Unit \(EIU\)](#)

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**Purpose**

MNDOT has prepared this guidance document to provide its internal procedures and requirements for work performed on MnDOT rights of way, including MnDOT-owned facilities. The work will be performed in association with the Office of Environmental Stewardship's (OES) Environmental Investigation Unit (EIU) for conducting environmental investigations and assessments for contaminated and regulated materials that may be associated with a specific Cooperative Construction Project. These procedures need to be followed by any Minnesota Department of Transportation (MnDOT) personnel and local unit of government personnel (LUG) performing work on one of the Cooperative Construction Projects.

Cooperative Construction Projects are defined as a construction project that includes MnDOT trunk highway and local road improvements in which costs or maintenance responsibilities are generally shared between MnDOT and LUGs.

The primary purpose of EIU's involvement on Cooperative Construction Projects is to reduce environmental risk and to minimize MnDOT's liability that could be associated with any contaminated property acquisition and the management of contaminated/regulated materials during construction. Environmental investigations/assessments must be completed to properly manage environmental risk and minimize liability. The results obtained from

the investigations/assessments will provide sufficient information for construction planning purposes to determine contaminated/regulated material management costs and to reduce schedule delays. Not completing these investigation/assessments can result in encountering unknown contaminated materials during construction which will add costs and incur project delays.

EIU's review and comment of the project design components and the associated environmental investigations/assessments will be limited to the MnDOT-owned portions of the project or on any property taken into MnDOT's system as part of the project. All acquisitions that will be taken into the MnDOT system must follow the MnDOT Environmental Due Diligence Process (EDD). MnDOT District staff and EIU can assist the LUG in completing the EDD Process.

If requested or otherwise negotiated in the project cooperative agreement, EIU will provide advice on investigations/assessments that are completed on LUG-owned property. Any deviation from procedures contained in this document must be discussed with EIU personnel prior to implementation.

## **Background**

MnDOT authorizes cooperative construction projects with LUGs where a mutual benefit and a demonstrated transportation need exist. MnDOT can only participate with LUGs in projects with trunk highway purposes. This work may be initiated by MnDOT requesting local participation in a trunk highway project, where an LUG requests improvements or indicates their willingness to share costs on a MnDOT project, where an LUG requests MnDOTs cost participation in a locally initiated project, or the LUG proposes to fund work on the trunk highway in association with a local project.

Highway projects with local government involvement may be implemented within any of the following four programs, (herein Cooperative Project):

- State Aid
- Federal Aid
- Cooperative Agreements/other solicitations
- Metro Municipal Agreements

Projects in these programs may or may not alter the trunk highway system. The EIU needs to participate in those projects that only:

- Include construction work on new or existing trunk highway rights-of-way or
- Include acquisition of highway rights-of-way where MnDOT is recorded on the property title at any time during or after completion of the project, including easements and commissioners orders.

Specifically, the EIU recommends that LUGs conduct environmental investigations/assessments on all of their Cooperative Projects, regardless of who the lead agency is. The LUG is expected to complete and provide funding for any necessary environmental investigations as determined by MnDOT EIU. MnDOT EIU will have involvement in those projects as stated above. EIU encourages investigating contaminated and/or regulated material issues early in the project development so the following potential benefits can be realized:

- Avoid or minimize impact to high-risk and other contaminated properties/materials by modifying the project during the concept development or design phases.
- Expedite the processing of permit applications or secure liability release documents for property acquisition by initiating early communication with regulatory agencies.
- Project Budget can be adjusted to incorporate mitigation/disposal measures.
- Incorporating appropriate contaminated and/or regulated material information into bidding documents to minimize project delays during construction.

Not following these requirements could lead to a delay in project letting and overall completion of the project. MnDOT cannot fully support a project that does not follow these requirements.

These environmental investigations/assessments are handled by two different groups within EIU and the LUG will need to be in contact with both groups if the project involves both contaminated and regulated materials. The MnDOT district staff will be able to direct the LUG to the appropriate EIU representative(s).

The MnDOT Contaminated Material Management Team (CMMT) is responsible for information related to the presence of contaminated soil, groundwater or other media within or adjacent to the construction project limits along with review and investigation of any property acquisitions that will become a part of the MnDOT system.

The MnDOT Regulated Materials Management Team (RMMT) is responsible for information related to building demolition/relocation, bridge demolition/rehabilitation, and paint removal activities from steel structures.

## Process

The following process should be started as early as possible, such as during programming, scoping, preliminary design or layout development.

### 1. Initial involvement of EIU

- a. The agency administering any project on existing or new MnDOT rights-of-way must submit the completed Contaminated/Regulated Material Checklist for Cooperative Construction Projects (Attachment 1) with a map showing the location of the proposed project to MnDOT District project manager.
- b. MnDOT District project manager submits Attachment 1 and map to EIU.
- c. The EIU reviews the project for contaminated and regulated material management needs and prepares comments for the portion of the project on new or existing MnDOT rights-of-way. EIU provides the following information to the MnDOT District project manager:

#### Contaminated Material Management Team (CMMT) Review

- a. Identification of known or potential sources of contamination in or near the project area.
- b. Identification of actions the LUG needs to undertake and fund to characterize contaminated material issues. These actions may include, but are not limited to:
  - i. Completion of a Phase I Environmental Site Assessment
  - ii. Completion of a Phase II Environmental Site Assessment or limited drilling investigation
  - iii. Obtain liability assurances for both MnDOT and LUG by enrolling into the Minnesota Pollution Control Agency's Brownfield Program (MPCA BP)
  - iv. Retain an Environmental Consultant to conduct construction oversight monitoring

#### Regulated Material Management Team (RMMT) Review

- a. Identification of known or potential regulated materials associated with building demolition/relocation, bridge demolition/rehabilitation or paint removal operations from bridge or other steel structures.
- b. Identification of actions necessary to manage regulated materials. These actions may include but are not limited to completion of a building or bridge assessment and the subsequent management and disposal of regulated materials

identified.

## **2. Contaminated and/or regulated material investigations**

- a. MnDOT District project manager will provide EIU's review to LUG.
- b. EIU will provide the LUG with list of MnDOT's prequalified vendors that are capable of performing actions described in Section 3, below, if requested by the MnDOT District project manager.
- c. LUG provides MnDOT District project manager with scopes of work to address identified issues from EIU's review.
- d. MnDOT District project manager will provide LUG scopes of work to EIU.
- e. EIU will review, comment, and suggest changes to each of the LUG's scopes of work and provide this to the District project manager and the LUG.
- f. LUG will conduct their investigations/assessments, write reports and share draft reports with EIU for review and comment. MnDOT should be listed in all reports as being able to rely on the findings.

## **3. Investigation/Assessment Results and Use of Data**

- a. Investigation historical and analytical results will be used by the LUG to evaluate whether the proposed acquisition property is contaminated to levels that require liability protections. If contaminated at levels requiring protection, liability assurances must be obtained from the MPCA BP by the LUG. This is a time for the LUG, MnDOT District PM and CMMT staff to confer.
- b. MnDOT's expectation is that the LUG joins the MPCA BP program and completes all work for obtaining the liability assurances for themselves and for MnDOT. CMMT can assist the LUG with preparation of applications and documentation such as enrollment into the MPCA's BP. MnDOT requires liability assurances from the MPCA BP for any property that will be acquired by MnDOT and has levels of contamination requiring liability protections at any time during the project.
- c. EIU can assist the LUG with any regulatory notifications (e.g. demolition notifications; asbestos removal notifications etc.), as necessary, anywhere in the process of moving a project to construction.
- d. LUG prepares and sends draft special provisions for contaminated and regulated material management to District project manager to forward to EIU. EIU will review and comment back to the District Project Manager and LUG. EIU can assist with final preparation of special provisions.

## **4. Construction Communications/Deliverables**

- a. The EIU will assist MnDOT District/LUG construction staff and/or LUG's retained environmental consultant for environmental oversight during construction for appropriate actions to properly

manage contaminated soil/groundwater and/or regulated materials on new or existing MnDOT rights-of-way. LUG environmental consultants should contact EIU directly to discuss handling of any previously identified or previously unidentified contaminated soil and groundwater encountered during construction.

- b. The LUG must notify EIU and MnDOT District construction staff if unknown contamination or regulated material is encountered during construction on new or existing MnDOT rights-of-way. Work will stop until the LUG's environmental consultant and EIU discuss next steps.

#### **5. Post construction & project closeout**

- a. If any contaminated materials or solid waste are encountered during construction, the LUG will provide EIU and MnDOT District construction staff with a construction implementation report for review and comment.
- b. EIU will send comments upon review of the implementation report to the LUG and MnDOT District construction staff.
- c. LUG will provide a final report to EIU and MnDOT District construction staff.
- d. If project has an MPCA approved Response Action Plan, the LUG will send the final implementation reports to the MPCA and copy EIU for review to receive the final approval letters.
- e. LUG will send EIU final MPCA approval or assurance letter(s) as appropriate.

#### **Training**

The EIU is available to provide training on contaminated and regulated material management to LUGs. LUGs can request training at any time. This training will provide information necessary for government officials to understand environmental liability issues associated with contaminated and regulated materials and management approaches that have been used successfully by MnDOT to reduce liability concerns and assist construction in staying on schedule and on budget.

#### **Supporting Information**

- [MnDOT Highway Project Development Process \(HPDP\)](#)
- [MnDOT Policy on Cost Participation for Cooperative Construction Projects and Maintenance Responsibilities between MnDOT and Local Units of Government](#) Policy
- [Project Management](#) website

Please contact the [Environmental Stewardship](#) for further assistance.

**Attachment 1**  
 CONTAMINATED/REGULATED MATERIAL CHECKLIST  
 FOR  
 COOPERATIVE CONSTRUCTION PROJECTS

**Submit completed form to District Project Manager**

Trunk Highway/Local and/or MnDOT Project Number: \_\_\_\_\_

Project Name, Location and Lead Agency: \_\_\_\_\_

Anticipated Project Letting Date: \_\_\_\_\_

District Contact Name, Phone Number and e-mail Address: \_\_\_\_\_

LUG Contact Name, Phone Number and e-mail Address: \_\_\_\_\_

Brief description of Project Scope of Work:

Check all that apply	Project will or may include the following:	Brief description of checked items
	Property acquisition <sup>1</sup>	
	Excavation (including utilities)	
	Urban, Commercial and/or Industrial setting	
	Dewatering	
	Contamination <sup>2</sup>	
	Storm Water Ponds	
	Building demolition	
	Bridge demolition or re-decking	
	Bridge (or other structure) paint removal	

<sup>1</sup>Property acquisitions include LUG owned and MnDOT permanent and temporary takings acquired through any of the following actions:

- Strip acquisition
- Permanent or Temporary Easements
- Excess acquisition property
- Total takes
- Acquisition through Commissioner's Orders
- Zero dollar permits
- Transfer of custodial control or any other acquisition (example: agreements, donations)

<sup>2</sup>Contamination: Identify areas with known or potentially contaminated soil or groundwater within 500 feet of the project construction limits.

**Note: Identify and include a map of any properties that will be conveyed to MnDOT either permanently or temporarily**