Chapter Twenty-Seven

ENVIRONMENTAL SURVEYS

BUREAU OF DESIGN AND ENVIRONMENT MANUAL

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ENVIRONMENTAL SURVEYS

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ENVIRONMENTAL SURVEYS

27-1 INTEGRATED SURVEY PROCESS FOR HIGHWAY PROJECTS

27-1.01 Background

Section 27-1 provides procedures for the Department's integrated survey process to determine the need for environmental surveys, further studies, and required coordination for state and federally-funded local highway projects that may involve the following:

- archaeological, historical, or architectural resources;
- natural resources (e.g., threatened or endangered species, Illinois Natural Areas Inventory sites, Nature Preserves, streams, wetlands, and floodplains); and
- presence of regulated substances (i.e., special and non-special waste).

27-1.02 Applicability

This guidance applies to all projects that would:

- involve acquisition of additional right-of-way or easements (temporary or permanent);
- require a drainage structure runaround or any in-stream work (i.e., any work or other activity within the stream banks that modifies or otherwise affects the stream bed or stream banks);
- potentially affect a recognized Illinois Natural Areas Inventory (INAI) site or Illinois dedicated Nature Preserve (NP), a wetland, or a location where a State- or Federal-listed species (T/E) is known to occur.
- potentially affect a historic district or historic property listed on, eligible for listing on, or potentially eligible for listing on the National Register of Historic Places (NRHP);
- involve the removal and replacement of existing sidewalks and ramps to ADA standards under the following circumstances:
    - + in-kind materials will not be used; or
    - + when the improvement is located partially or completely within the limits of a National Historic Landmark (NHL).
- involve replacement or rehabilitation of a bridge or culvert 40 years old or older;
- involve excavation (as defined in Section 27-3.01) or subsurface utility relocation.

27-1.03 Procedures

27-1.03(a) Submittal of Environmental Survey Request

The district will, as early as practical in the development of proposed projects, determine whether proposed projects or actions meet any of the applicability criteria in Section 27-1.02. To determine those situations where sensitive natural resources (e.g., T/E species, wetland or INAI/NP site) may be affected, districts should check GIS databases (i.e., Direct Impact Review Tool and IDNR's EcoCAT) for these resources in the project area. Nature Preserves Commission meeting minutes, provided by Bureau of Design and Environment (BDE), will provide any new INAI or Nature Preserve sites that have recently approved the IDNR but are not shown on the GIS program. To determine those situations where a sensitive cultural resource (NRHP listed historic districts and properties and high-probability zones for archaeological sites) may be affected, districts should check the GIS database hosted by the Illinois Historic Preservation Agency (IHPA) that can be viewed by the general public: Historic Architectural and Archaeology Resources Geographical Information System (HAARGIS).

For those proposed projects or actions that meet one or more of the above criteria, the district must prepare and submit an Environmental Survey Request (ESR). The ESR forms to be used in conjunction with the procedures described herein are electronic documents. For all survey request submittals, use the electronic forms and associated instructions in effect at the time of the submittal.

The Environmental Survey Request (ESR) form may be accessed through the Project Monitoring Application (PMA) by district staff that has obtained rights to use the application. Page 2 of the ESR form is used for regulated substances screening formerly referred to as special waste screening. Merging the ESR and regulated substances screening forms has allowed for more accurate monitoring of overall environmental clearances for projects. Instructions for using these forms may be found under the "Help" menu in PMA. Consultants and Local Public Agencies should use the web version of the forms and instructions found at

http://apps.dot.illinois.gov/environment/envsrvyrqst.asp

27-1.03(b) Response to Environmental Survey Request

27-1.03(b)1 *Review of Natural Resources*

BDE will review ESRs to determine if the projects could have an adverse effect on a State- or Federal-listed T/E species, or a site listed on the INAI, which includes Natural Areas, dedicated Illinois Nature Preserves, and registered Land and Water Reserves. BDE also will review ESRs for potential impacts to wetlands and other natural resource categories, including the following:

- streams;

Note: Coordination with the IDNR on streams is left to the discretion of the BDE Natural Resource Unit per BDE's memorandum to the Secretary dated October 29, 2010. Per the memorandum, the IDNR defers to the federal Clean Water Act and the Wild and Scenic Rivers Protection Act as measures to ensure protection of Illinois streams.

- forests/trees,

  - + Alignment bisects or fragments a block of trees greater or equal to 20 acres
  - + New alignment on any stream segment
  - + Existing alignment in a riparian corridor
- prairie/savanna areas; and
- properties owned, leased, or managed by IDNR.

BDE will screen all ESRs against the Natural Heritage Database and may task the Illinois Natural History Survey (INHS) to perform field surveys, as necessary to gather additional information on biological/natural resources.

No Adverse Effect

For projects that BDE determines will not involve adverse effects on State- or Federal-listed T/E species, INAI sites, wetlands, or any of the other natural resource categories listed above, BDE will provide the district a biological resource clearance for the project. The clearance will be valid for two years unless:

- new information becomes available that was not previously considered;
- the proposed project is modified; or
- additional species, essential habitat, Natural Areas, or wetlands are identified in the project area.

Adverse Effects

For all proposed projects that BDE determines may have an adverse effect on a T/E species, INAI site, or other natural resources as discussed above, BDE will submit the projects to the IDNR EcoCAT website. In response to the EcoCAT submittals, the IDNR Division of Ecosystems and Environment will review the information within 30 days of receipt and provide one of the following responses:

- terminate consultation because adverse effects are unlikely,
- request additional information and/or request a biological survey, or
- recommend methods to minimize potential adverse effects.

BDE will direct the INHS to conduct biological surveys when recommended by IDNR and provide copies of the survey results to IDNR. If surveys recommended by IDNR are not conducted, BDE will provide documentation to IDNR to support that decision.

BDE will evaluate ESR submittals for potential wetland impacts, in accordance with the *Interagency Wetland Policy Act of 1989* and the IDOT Wetlands Action Plan. The evaluation may include coordinating with the INHS to have field surveys performed for identifying, delineating, and classifying wetlands in the project area.

If BDE or IDNR identifies any T/E species, INAI sites, wetlands, or other natural resource categories (i.e., streams, forests/trees, prairie/savanna areas, or properties owned, leased or managed by

IDNR) that may be adversely impacted by a proposed project, BDE will coordinate the information with the district for evaluation of alternatives for avoiding or minimizing adverse impacts to the identified resources.

If adverse effects to the resources cannot be avoided, BDE will evaluate whether any further studies of the resources are necessary. If further studies are required, BDE will advise the district and will initiate action to accomplish the studies, considering program priority and project scheduling.

Natural Resource Review (NRR)

After completing further studies, if necessary, BDE will submit NRR to IDNR that describes the steps to be taken to avoid or minimize adverse impacts to the resources.

The IDNR Division of Ecosystems and Environment will review the NRR and coordinate with other IDNR staff to determine whether further analysis or recommendations are required. Within 90 days of receipt of the NRR, IDNR will provide one of the following responses:

- accept the conclusions/proposals contained in the NRR and terminate consultation,
- recommend that IDOT obtain an incidental take authorization if the proposed action may result in the "take" of an Illinois-listed animal species, or
- recommend additional measures to avoid or minimize adverse effects.

For projects determined to have potential resource involvements, BDE will provide information to the district regarding environmental study findings, results of coordination with outside agencies, and any recommendations for further coordination or actions by the district.

Biological Review Validation

Pursuant to 17 Ill. Admin. Code 1705, IDNR approval of the proposed project is valid for a period of two years. Districts are responsible for ensuring that a valid IDNR review response (i.e., a response that provides closure on applicable issues covered by the IDOT/IDNR Memorandum of Understanding; see Appendix A) is in effect prior to when the project is advertised for bid letting.

27-1.03(b)2 *Review of Cultural Resources*

Projects Exempt from an ESR:

In accordance with the Programmatic Agreement (PA) among the FHWA, IDOT, SHPO, and the Advisory Council on Historic Preservation Regarding Section 106 Implementation for Federal-Aid Transportation Projects in Illinois (see Appendix A), certain types of activities are exempt from an ESR submittal (these activities are listed in the Appendix of PA). However, to fully implement all types of activities district Environmental Coordinator will have to be considered Trained Staff as defined in PA. This aspect has yet to be completed statewide. While this training component is ongoing, FHWA has agreed that the removal and replacement of existing sidewalks and ADA ramps with in-kind material will not require an ESR as long as in-kind materials are used and the project is not completely or partially located within the limits of a National Historic Landmark (NHL).

In-kind material is defined as the same type of material that currently exists, such as replacing brick with brick, stone with stone, asphalt with asphalt, and concrete with concrete. Please contact BDE Qualified Cultural Resources staff for guidance.

Projects Requiring an ESR:

The BDE Qualified Cultural Resources staff will review the information provided with each ESR to determine if field reconnaissance surveys or detailed studies are needed for identification or evaluation of cultural resources. Qualified Cultural Resources staff will consider a variety of factors in making this determination, including but not limited to the project setting, results of previous field investigations, likelihood of prior ground disturbance, integrity, and likely age of potentially affected structures (buildings and bridge) based on photographs (photo log) submitted with the ESR.

If Qualified Cultural Resources staff determines additional studies are not warranted, it will use the information submitted with the ESR to make a preliminary assessment of whether there are potentially significant cultural resources in the area that the project may potentially affect. In evaluating buildings and bridges, BDE uses the photo log submitted with the ESR to make a preliminary determination of their eligibility for the NRHP. Qualified Cultural Resources staff may request additional information not included in the ESR to help in their determination.

In certain cases, projects can be cleared for cultural resources by Qualified Cultural Resources staff provided the projects meet criteria outlined in the Programmatic Agreement Among the FHWA, IDOT, the SHPO, and the Advisory Council on Historic Preservation Regarding Section 106 Implementation for Federal Aid Transportation Projects in Illinois. In other cases, Qualified Cultural Resources staff will coordinate determinations with the Illinois State Historic Preservation Officer (SHPO). If SHPO agrees with determination whether the cultural resources are or are not eligible for the NRHP, Qualified Cultural Resources staff will provide the information to the district.

If Qualified Cultural Resources staff determines reconnaissance surveys or other studies are warranted, or if coordination with SHPO identifies a need for surveys or studies, through an Intergovernmental Agreement, the Qualified Cultural Resources staff will initiate arrangements with the Illinois State Archaeological Survey (ISAS) for archaeological and/or architectural studies, if needed, and with other qualified entities for surveys and/or studies regarding historic buildings and bridges. Qualified Cultural Resources staff will review the survey and/or study results and coordinate the information with SHPO. Qualified Cultural Resources staff will provide these results and the results of coordination with SHPO to the district.

The district considers the cultural resource information in further development of the project and, for archaeological sites and historical buildings and bridges eligible for NRHP, the district, in coordination Qualified Cultural Resources staff, evaluates options for avoiding and minimizing the project's effects on the resources.

If adverse effects to the resources eligible for the NRHP cannot be avoided, Qualified Cultural Resources staff will evaluate whether any further studies of the resources are necessary. If further studies are needed, Qualified Cultural Resources staff will advise the district and will initiate action to accomplish the studies, considering program priority and project scheduling.

Qualified Cultural Resources staff will coordinate the results of any further studies and the determination of the project's anticipated impacts with SHPO. Qualified Cultural Resources staff will

provide information to the district regarding study findings, results of coordination with SHPO, and any recommendations for further coordination or actions by the district, as outlined in Chapter 26.

27-1.03(b)3 *Review of Regulated Substances*

Please refer to the regulated substances procedures discussed in Section 27-3.

27-1.03(c) Environmental Survey Request Addenda

When providing the results of reconnaissance surveys conducted on a project, BDE will include information to indicate the extent of the area that was surveyed. Submittal of a survey request addendum will only be necessary when changes in the project will affect areas outside the limits of the surveyed areas or when a change in the scope of work for the project would invoke a different criterion in Section 27-1.02 than shown in the original survey request. If questions arise on the need for submitting addenda to survey requests for specific projects, contact the BDE Project Coordinator for the district involved.

The Addendum Environmental Survey Request (AESR) form may be accessed through PMA by IDOT staff that has obtained rights to use the application. Form instructions may be found under the "Help" menu in PMA. Consultants should use the web version of the form, and instructions can be found at http://apps.dot.illinois.gov/environment/envsrvyrqstaddm.asp.

27-1.04 Application of Findings

The district will ensure that the results and recommendations it receives in response to the ESR are fully integrated into the development and implementation of the project or action. The documentation of the Phase I environmental investigations, associated coordination, and any commitments made will become part of the environmental information included in or with the Environmental Impact Statement, Environmental Assessment, or Phase I Engineering Report, as appropriate.

27-2 SURVEY PROCESS FOR CONTRACTOR SUPPLIED BORROW, USE, AND WASTE SITES

27-2.01 Background

Article 107.22 of the *Standard Specifications for Road and Bridge Construction* requires contractors to seek the Department's approval of borrow, use and waste sites prior to their use in a construction project. The following procedures are intended to establish the appropriate amount of documentation for review and approval of such sites.

27-2.02 Applicability

The procedures that follow apply to contractor-proposed borrow, use, and waste sites located within the State of Illinois for all projects on which IDOT is the awarding authority.

27-2.03 Procedures

27-2.03(a) Definitions

1. BDE 2289. "Borrow Site Review" form, BDE 2289, including map(s) and necessary drawings indicating the exact location of the proposed site and ground level photographs. This form includes the Landowner Agreement, which must be filled out and signed by appropriate land owner(s).

2. BDE 2290. "Waste/Use Site Review" form, BDE 2290, including map(s) and necessary drawings indicating the exact location of the proposed site and ground level photographs. This form includes the Landowner Agreement, which must be filled out and signed by appropriate land owner(s).

3. Borrow Site. A borrow site includes any source of items paid as borrow excavation or furnished excavation, as well as any source of excavated materials not paid for separately but included in the costs of other items of work.

4. Contractor Letter. A signed letter on the contractor's letterhead indicating intended use of the proposed site.

5. IEPA Permit or List. For sites accepting clean construction and demolition debris (CCDD) under the Illinois Environmental Protection Agency (IEPA) Interim Authorization list or IEPA CCDD Fill Operation Permit and commercial landfills permitted to accept anticipated materials, the site must be on the IEPA approved CCDD or Solid Waste sites list or possess the appropriate permit prior to its use.

6. Quarry/Mines. Quarry or mines include current and former mines and quarries operating in accordance with the Illinois Environmental Protection Act (the Act).

7. Use Site. A use site is any disturbed location outside of the limits of construction where the contractor intends to receive, stage, or temporarily store material, equipment, or personnel

necessary for the satisfactory completion of the project or subsequent disposition at another location.

8. Waste Site. A waste site is any location where excess material from the project is taken without the expressed intent of returning the material either to the project from where it was generated, or to the economic mainstream (recycled). As used by the Department, the term "waste site" is not the same as "waste" defined by the Illinois Environmental Protection Act, 415 ILCS 5.

27-2.03(b) Contractor's Site Request

The contractor's site request for borrow, use and waste sites will be submitted to the Resident Engineer/Technician (Resident) who will then forward it to the district environmental staff. The request shall include sufficient documentation for the Department to determine if the site can be approved for the intended use.

If a site has been previously approved by the Department, the request shall include documentation indicating the previous use, limits and approvals.

See Figure 27-2.A for a list of required documentation.

27-2.03(c) Site Review Process

1. New Borrow Sites and New Use Sites Where the Depth of Disturbance is > Six Inches. These sites must be reviewed by BDE for cultural resource impacts and by the district for biological resource impacts (i.e., threatened and endangered species, wetlands, and floodplains). The district should ensure the contractor's site request is complete before forwarding the request to BDE who will then conduct a review and respond back to the district.

2. New Waste Sites; New Use Sites Where the Depth of Disturbance is ≤ Six Inches; Previously Approved Borrow, Waste, and Use Sites; and Recycling and Permitted Facilities. New waste sites and new use sites where the depth of disturbance is ≤ six inches must be reviewed by the district for biological resource impacts (i.e., threatened and endangered species, wetlands and floodplains).

   For previously approved borrow, waste, and use sites the district may determine further biological and cultural reviews are not required where it is documented that the contractor will restrict activities to areas that were previously approved for such use, the contingencies of the previous approval continue to be met, and the biological review is still valid (i.e., the review has been completed in the last two years).

   Biological resource clearances for borrow, use and waste sites are valid for two years per the approved memorandum of understanding (MOU) between IDOT and IDNR. Sites (except permitted facilities and commercial operations) in use more than two years must be re-evaluated for T/E species, wetlands, and floodplains. The Resident is responsible for notifying district staff if a borrow, waste, or use site has been in use for more than two years.

For the following types of sites, a biological and cultural review is not required:

- currently permitted CCDD facilities,
- currently permitted commercial land fill operations, and
- commercial operations intended to return excess material to the economic mainstream such as recycling facilities.

3. Close-Out Photos. Close-out photos of waste/use sites should be sent to the district. Close-out photos of borrow and discussed use sites are not needed.

4. Site Response Letter. The district will give written notice to the Resident if the site has been approved, further studies are needed, or the site has been rejected. The Resident will be responsible for ensuring the written notice is forwarded to the contractor.

   The site will be approved when the review process determines sensitive resources will not be impacted by the contractor's proposed activities.

   The site will require further studies when sensitive biological and/or cultural resources may be impacted. The initiation of further studies beyond the initial screening will be contingent upon receiving a commitment from the contractor to pay for the further studies. If the contractor agrees to pursue further studies, the contractor will be notified by the district of the cost and the results of the further studies when completed. A determination will be made using the information gained from the further studies regarding the suitability of the site for the contractor's proposed activities.

   The site will be rejected when sensitive resources will be harmed by the contractor's proposed activities.

   The district is responsible for retaining information concerning the site review on file.

	Site Documentation					Required Reviews / Review Authority			
	Contractor's Letter	IEPA Permit or List	BDE 2289	BDE 2290	Landowner Agreement	T & E Species / district	Cultural / BDE	Wetlands / district	Floodplains / district
New Borrow Sites	x		x		x	x	x	x	x
New Waste Sites	x			x	x	x		x	x
Permitted Disposal Sites									
Quarry or Mine	x	x							
Commercial Landfill	x	x							
New Use Sites									
Disturbing ≤ 6″ (150 mm)				x	x	x		x	x
Disturbing > 6″ (150 mm)				x	x	x	x	x	x
Sites Intended to Return Materials to the Economic Mainstream	x								
Previously Approved Sites - Still Valid	x								

REVIEW OF CONTRACTOR PROPOSED BORROW, USE, AND WASTE SITES

Figure 27-2.A

27-3 REGULATED SUBSTANCES EVALUATION PROCEDURES

The procedures in Section 27-3 are applicable to all of the following types of projects regardless of funding source:

1. State highway projects;
2. local project or portion of the project affecting right-of-way or a road under Department jurisdiction;
3. Local project or portion of the project acquiring right-of-way in the name of the State for Department transportation purposes;
4. Local project or portion of the project involving temporary or permanent easement in the name of the state for Department transportation purposes; and
5. Other transportation projects (e.g., railroad or aeronautics projects) affecting right-of-way or roads under Department jurisdiction.

This section is designed to supplement Departmental Policy D&E-11, "Identifying and Responding to Regulated Substances in Highway Project Development, Implementation and Operations," dated November 12, 2019.

27-3.01 Definitions

1. Adjoining Property. Any property or properties of which the border is contiguous with that of the subject property (project limits), or that would be contiguous with that of the property but for a street, road, or other public thoroughfare separating them.

2. Agriculture Property. Any real property for which the present or post-remediation use is growing agricultural crops for food or feed, either as harvested crops, cover crops, or as pasture. This definition includes but is not limited to, properties used for confinement or grazing of livestock or poultry and for forestry operations. Excluded from this definition are farm residences, farm outbuildings, and agrochemical facilities.

3. All Appropriate Inquiries (AAI). AAI refers to the requirements for assessing the environmental conditions of a property prior to its acquisition. The US Environmental Protection Agency (EPA) published a final rule setting Federal standards for the conduct of AAI. The final rule became effective November 1, 2006. As of November 1, 2006, parties must comply with the requirements of the AAI Final Rule or follow the standards set forth in the American Society for Testing and Materials (ASTM) E1527 Phase I Environmental Site Assessment Process, to satisfy the statutory requirements for conducting AAI. The AAI must be conducted in compliance with either of these standards to obtain protection from potential liability under the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA) as an innocent landowner, a contiguous property owner, or a bona fide prospective purchaser.

4. Area Background. Area background refers to concentrations of regulated substances that are consistently present in the environment near a site and are the result of natural conditions or human activities, and not the result solely of releases at the site (415 ILCS 5/58.2).

5. Bona Fide Prospective Purchaser. The 2002 Brownfield Amendments to the Superfund Law (CERCLA) provide a Superfund liability defense for property owners who qualify as "Bona Fide Prospective Purchasers (BFPP)" of known contaminated property, if the property transaction occurred after January 11, 2002. If able to obtain BFPP status, EPA's recourse for unrecovered response cost is limited to a lien on property for the lesser of the unrecovered response costs or increase in fair market value attributable to EPA's response action. A BFPP may purchase property with knowledge of contamination after performing AAI, provided the property owner meets or complies with all of the other statutory requirements set forth in CERCLA Section 101(40).

6. CERCLA. CERCLA stands for the *Comprehensive Environmental Response, Compensation, and Liability Act*.

7. Conservation Property. Any real property for which the present or post-remediation use is primarily for wildlife habitat.

8. Contaminant of Concern. See Regulated Substance of Concern.

9. Contamination. The presence of any regulated substance on the land or in the waters of the State in quantities that are, or may be, harmful or injurious to human health or welfare, or animal or plant life.

10. Contiguous Property Owner. The 2002 Brownfield Amendments to the Superfund Law (CERCLA) provide a Superfund liability defense for property owners who qualify as a "Contiguous Property Owner" and excludes from the definition of "owner" or "operator" under CERCLA Section 107(a)(1) and (2) a person who owns property that is "contiguous to, or otherwise similarly situated with respect to, and that is or may be contaminated by a release or threatened release of a hazardous substance from" property owned by someone else. To qualify as a contiguous property owner, a landowner must have no knowledge or reason to know the contamination at the time of acquisition, have conducted AAI, and meet all criteria set forth in CERCLA Section 107(q)(1)(A).

11. Design Approval. An environmental approval by the department and the FHWA of the design recommended as a result of a Phase I design study and a design public hearing. Phase I design approval is a necessary step for a project to move to Phase II.

12. District Environmental Studies Unit (DESU). The district personnel primarily responsible for screening projects for the possible presence of regulated substances and administering responsibilities as described in this chapter.

13. Engineered Barrier. A barrier designed or verified using engineering practices that limits exposure to or controls migration of the contaminants of concern.

14. Excavation. For the purposes of this chapter, excavation is the digging or grading of any soil sediment or fill material, including underground utility works such as installation of fiber optic cabling, and in-stream work or underwater work, except for aggregate fills, subbase or pavement, which are not considered a soil or fill material of concern for the purpose of transportation projects and regulated substances evaluation.

15. Exposure Route. The transportation mechanism whereby a contaminant of concern reaches or may reach a receptor.

16. Hazard. A set of inherent properties known to be dangerous to the environment.

17. Hazardous Substance. Hazardous substance means:

- any substance designated pursuant to Section 311(b)(2)(A) of the *Clean Water Act of 1972,* 33 U.S.C. 1321 *et seq.,* (P.L. 92-500), as amended;
- any element, compound, mixture, solution, or substance designated pursuant to Section 102 of the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*, 42 U.S.C. 9601 *et seq*., (P.L. 96-510), as amended;
- any hazardous waste;
- any toxic pollutant listed under Section 307(a) of the *Clean Water Act*, 33 U.S.C. 1321 *et seq.,* (P.L. 92-500), as amended;
- any hazardous air pollutant listed under Section 112 of the *Clean Air Act*, 42 U.S.C. 7401 *et seq.,* (P.L. 95- 95), as amended; and
- any imminently hazardous chemical substance or mixture with respect to which the Administrator of the EPA has taken action pursuant to Section 7 of the *Toxic Substances Control Act*, 15 U.S.C. 2601 *et seq.*, (P.L. 94-469), as amended.

The term does not include petroleum, including crude oil or any fraction thereof, that is not otherwise specifically listed or designated as a hazardous substance under the criteria described above, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixtures of natural gas and such synthetic gas; see 415 ILCS 5/3.215.

18. Hazardous Waste. A waste, or combination of wastes, that because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed, and has been identified by characteristics or listing, as hazardous pursuant to Section 3001 of the *Resource Conservation and Recovery Act* of 1976, 42 U.S.C. 6901 *et seq*., the Environmental Protection Act, 415 ILCS 5/22.4, or pursuant to the Pollution Control Board regulations, 35 Ill. Admin. Code 721.103. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the *Resource Conservation and Recovery Act* of 1976, the Environmental Protection Act, 415 ILCS 5/3.220, or pursuant to the Pollution Control Board regulations, 35 Ill. Admin. Code 229.102.

19. Industrial/Commercial Property. Any real property not meeting the definition of residential property, conservation property, or agriculture property. For the purposes of regulated substances evaluation, the term also includes real property used historically or previously for industrial, manufacturing, commercial, or retail purposes.

20. Industrial Process Waste. Any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the manufacture of a product or the performance of a service.

Any such waste that would pose a present or potential threat to human health or the environment or with inherent properties that make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. Industrial process waste includes, but is not limited to:

- spent pickling liquors,
- cutting oils,
- chemical catalysts,
- distillation bottoms,
- etching acids,
- equipment cleanings,
- paint sludge,
- incinerator ashes (including but not limited to ash resulting from the incineration of potentially infectious medical waste),
- core sands,
- metallic dust sweepings,
- asbestos dust, and
- off-specification, contaminated, or recalled wholesale or retail products.

Specifically excluded are:

- uncontaminated packaging materials,
- uncontaminated machinery components,
- general household waste,
- landscape waste, and
- construction or demolition debris; see 415 ILCS 5/3.235.

21. Innocent Landowner. The 1986 *Superfund Amendments and Reauthorization Act* (SARA) provides a Superfund liability defense for property owners who qualify as an "Innocent Landowner." To qualify, the landowner must show "that they did not know and had no reason to know" that prior to the purchase of a property there was a release or threatened release of any hazardous substances. To qualify as an innocent landowner, a person must conduct AAI and meet all statutory requirements.

22. Institutional Control. A legal mechanism for imposing a restriction on land use.

23. ISATS (IDOT Site Assessment Tracking System). A secure webpage maintained by the Bureau of Design and Environment containing environmental survey documents prepared for and by the Location and Environment Section of BDE for use by district Environmental Studies Unit personnel and other interested parties. ISATS was also commonly referred to as "the extranet" or "frostycap," and the terms are interchangeable for purposes of this chapter.

24. Leaking Underground Storage Tank (LUST). An underground storage tank where the contents have leaked into the environment.

25. Maximum Allowable Concentration (MAC). Maximum allowable concentrations of chemical constituents in uncontaminated soil used as fill material at regulated fill operations, as determined by 35 Ill. Admin. Code 1100.Subpart F.

26. Municipal Waste. Garbage, general household and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.

27. No Further Remediation (NFR) Letter. A letter issued by the IEPA acknowledging that a person is released from further responsibility under the *Illinois Environmental Protection Act* at a site. An NFR letter may have conditions attached to it, including institutional controls.

28. Non-Hazardous Special Waste. Special waste found not to be hazardous (e.g., industrial process waste, pollution control waste).

29. PESA Response form. A form in PMA completed by the District Environmental Studies Unit (DESU) indicating the district's desired response to the PESA.

30. PESA Response/Work Order (PR/WO) form. A form completed by the District Environmental Studies Unit (DESU) indicating the district's request to complete a Preliminary Site Investigation (PSI). The basic information for the PR/WO form is populated in PMA and prepared using BDE 2735, PESA Response/PSI Work Order Request.

31. PESA Validation. The re-evaluation of the project area to check for the possibility of new reported releases or incidents and determine if land uses have changed within the project area.

32. Pollution Control Waste. Any liquid, solid, semi-solid, or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water, or land, and poses a present or potential threat to human health or to the environment or with inherent properties that make the disposal of such waste in a landfill difficult to manage by normal means. Pollution control waste includes, but is not limited to, water and wastewater treatment plant sludge, bag house dusts, landfill waste, scrubber sludge, and chemical spill cleanings; see 415 ILCS 5/3.335.

33. Preliminary Environmental Site Assessment (PESA). A detailed evaluation of available records dealing with site history, including site reconnaissance to visually inspect and investigate conditions.

34. Preliminary Site Investigation (PSI). A preliminary investigation of the site, including sampling, testing, and analysis of soil or groundwater, as necessary, and an estimate of the cost of cleanup by parcel, if possible, for the Department's project.

35. Project Monitoring Application (PMA). The electronic database used by BDE to manage Environmental Survey Requests (ESR). Each project in PMA is assigned a unique BDE sequence number and is also referenced to a construction job number and contract number, when available. The database is accessible to designated IDOT central office personnel and district environmental personnel.

36. Property. The buildings, fixtures, and improvements within existing or proposed right-of- way that are subject to the site reconnaissance.

37. Property Owner. The individual or legal entity holding the fee title to a parcel or parcels that the Department is seeking to acquire or from whom the Department has acquired title. In the case of multiple individuals or entities jointly holding title, the term will apply to all holders collectively.

38. Recognized Environmental Condition (REC). The presence or likely presence of any regulated substances on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any regulated substances into structures on the property or into the ground, groundwater, or surface water of the property. The term includes regulated substances even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment, and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

39. Regulated Substances. Any hazardous substances, as defined by the *Comprehensive, Environmental Response, Compensation, and Liability Act* of 1980, 42 U.S.C. 9601, and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixtures or natural gas and such synthetic gas, as defined by the Environmental Protection Act, 415 ILCS 5/58.2.

40. Regulated Substance of Concern. Any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the person conducting remediation based upon reasonable inquiry; see 415 ILCS 5/58.2.

41. Remedial Investigation/Feasibility Study (RI/FS). An investigation/study to assess site conditions and evaluate alternatives to the extent necessary to select a remedy. The RI is designed to assess the nature and extent of releases of regulated substances and determine those areas of a site where releases have created damage or the threat of damage to public health or the environment. The FS develops a range of remedies for the site, considering the findings of the RI.

42. Remedial Action. Action consistent with permanent remedy taken instead of or in addition to removal actions in the event of a release or threatened release of a regulated substance into the environment to prevent or minimize the release of regulated substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes off-site transport of regulated substances, or the storage, treatment, destruction, or secure disposition off-site of such regulated substances or contaminated material.

43. Removal. The cleanup or removal of released regulated substances from the environment. It includes:

- actions that may be necessary in the event of the threat of release of regulated substances into the environment;
- actions that may be necessary to monitor, assess, and evaluate the release or threat of release of regulated substances;
- the disposal of removed material; and

- other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or the environment, that may otherwise result from a release or threat of release.

44. Residential Property. Any real property used for habitation by individuals, or where children have the opportunity for exposure to contaminants through soil ingestion or inhalation at educational facilities, health care facilities, childcare facilities, or outdoor recreational areas.

45. Resource Conservation and Recovery Act (RCRA). The RCRA governs the management of hazardous wastes. The process for identifying a hazardous waste involves many steps. There is no single, comprehensive list of hazardous wastes that is regularly updated. To be considered a hazardous waste, a material first must be classified as a solid waste (40 CFR 261.2 "Definition of Solid Waste"). The EPA defines solid waste as garbage, refuse, sludge, or other discarded material (including solids, semisolids, liquids and contained gaseous materials). If a waste is considered solid waste, it must then be evaluated to determine if it is a hazardous waste (40 CFR 262.11 "Hazardous Waste Determination"). The EPA defines wastes as hazardous, if they are specifically named on one of four lists of hazardous wastes included in Subpart D of 40 CFR 261 "Lists of Hazardous Wastes" (see 40 CFR 261.30 through 261.35), or if they exhibit any of the four characteristics discussed in Subpart C of 40 CFR 261 "Characteristics of Hazardous Waste"; see 40 CFR 261.20 through 261.24.

46. Right-of-Way (ROW). Land, or interests therein, acquired for or devoted to highways, waterways, railroads, bicycle paths, and other public or private transportation purposes.

47. Risk Assessment. A determination of the kind and degree of hazard posed by regulated substances, the extent to which a particular group of people has been or may be exposed to the contamination and the health risk that exists due to the contamination.

48. Risk Managed Project (RMP). A project that impacts a property with REC for which PSI is not conducted. The BDE will provide the district with a special provision for monitoring and/or managing potentially any contaminated soil and/or groundwater that is expected to be encountered during construction. The use of RMP approach in lieu of PSI is determined on a case-by-case basis and at the discretion of BDE's staff based on the results of the PESA and other technical facts about the project.

49. Site. Any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public or private right-of-way; see 415 ILCS 5/58.2.

50. Site Reconnaissance. A visit to the project site and adjoining properties during which observations are made. The objective of site reconnaissance is to obtain information indicating the possible presence of environmental conditions within the minimum search distances listed in Figure 27-3.B. Environmental conditions include current or historical situations that may negatively affect the property including the presence of, for example, railroad crossings, illegal dumping, unknown containers and vessels, waste associated with 'crack' and methamphetamine houses (e.g., discarded hazardous material on the outside of a property), battery piles, paint spills, abandoned transformers, surface staining, and vegetative damage. This level of inspection generally does not require the investigator to enter onto a

property and may be done from the existing ROW. During the site reconnaissance, observations are documented, and photographic evidence is obtained to assist in completing the Environmental Survey Request (ESR).

51. Special Provision for the Removal and Disposal of Regulated Substances. A special provision written by the Geologic and Waste Assessment Unit within BDE and issued to the district for inclusion in the contract documents. In the case of RMP, the special provision requires the contractor to hire an environmental firm for monitoring a specified area for soil and groundwater contamination and worker protection. In the case of a project where a PSI was conducted, the special provision requires the contractor to conduct regulated substances monitoring in specified areas for soil and groundwater contamination, and worker protection and management of the affected area for site disposal.

52. Special Waste. Special waste means any of the following:

a. potentially infectious medical waste;

b. hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in 35 Ill. Admin. Code 722.111, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with 35 Ill. Admin. Code 726.212 and proven to be non-hazardous;

c. industrial process waste or pollution control waste, except:

- any such waste certified by its generator, pursuant to Section 22.48 of the *Illinois Environmental Protection Act*, not to be any of the following:

  + a liquid, as determined using the paint filter test set forth in subdivision (3)(A) of subsection (m) of 35 Ill. Admin. Code 811.107;

  + regulated asbestos-containing waste materials, as defined in 40 CFR61.141, under the National Emission Standards for Hazardous Air Pollutants;

  + polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR 761;

  + an industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of 35 Ill. Admin. Code 728.107 under the land disposal restrictions of 35 Ill. Admin. Code 728; and

  + a waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the *Illinois Environmental Protection Act*.

- any empty portable device or container, including but not limited to a drum where a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or

container is empty and does not contain a liquid, as determined using the paint filter test set forth in subdivision (3)(A) of subsection (m) of 35 Ill. Admin. Code 811.107. For purposes of this definition, "empty portable device or container" means a device or container where removal of special waste, except for a residue not to exceed one inch (25 mm) in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or

- as may otherwise be determined under Section 2.9 of the *Illinois Environmental Protection Act*.

Special waste does not mean fluorescent and high-intensity discharge lamps as defined in subsection (a) of Section 22.23a of the *Illinois Environmental Protection Act*, waste that is managed in accordance with the universal waste requirements set forth in 35 Ill. Admin. Code 733, or waste that is subject to rules adopted pursuant to subsection (c)(2) of Section 22.23a of the *Illinois Environmental Protection Act,* 415 ILCS 5/3.475.

53. Survey Target Date. The date established by the district by which the completed survey report (e.g., the PESA) is desired. This target date is used by BDE for internal scheduling purposes for all the requested environmental surveys and does not necessarily represent the completion date of the respective survey(s). The size, length, and complexity of the proposed project, along with seasonal field conditions and minimum timing required by policy, should be considered when establishing the date.

54. Tiered Approach to Corrective Action Objectives (TACO). A method for developing remediation objectives for contaminated soil and groundwater in accordance with 35 Ill. Adm. Code 742. These remediation objectives protect human health and consider site conditions and land use. Remediation objectives generated by TACO are risk based and site specific, and can be based on area background, the use of engineered barriers, and elimination of exposure routes.

55. Underground Storage Tank (UST). Any single tank or combination of tanks (including underground pipes connected to the tank(s) used to contain an accumulation of regulated substances, and that has 10% or more of its volume (including the volume of associated underground pipes) beneath the surface of the ground. The term does not include any of the following facilities or associated pipes:

a. farm or residential tank with a capacity of 1100 gallons or less, used for storing motor fuel for noncommercial purposes;

b. septic tank;

c. pipeline facility (including gathering lines) regulated under the *Natural Gas Pipeline Safety Act* of 1968 or the *Hazardous Liquid Pipeline Safety Act* of 1979 (both codified in 49 U.S.C. 60101, *et seq.*), or that is an intrastate pipeline facility regulated under State laws as provided in either of the aforementioned statutes, and that is determined by the Secretary of Energy to be connected to a pipeline or to be operated or intended to be capable of operating at pipeline pressure or as an integral part of a pipeline;

d. surface impoundment, pit, pond, or lagoon;

e. storm water or waste water collection system;

f. flow-through process tank;

g. liquid trap or associated gathering lines directly related to oil or gas production and gathering operations; or

h. storage tank situated in an underground area (e.g., basement, cellar, mine working, drift, shaft, tunnel) if the storage tank is situated upon or above the surface of the floor.

The term also means an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and that serves other than a farm or residential unit; see 415 ILCS 5/57.2.

27-3.02 Regulated Substances Evaluation

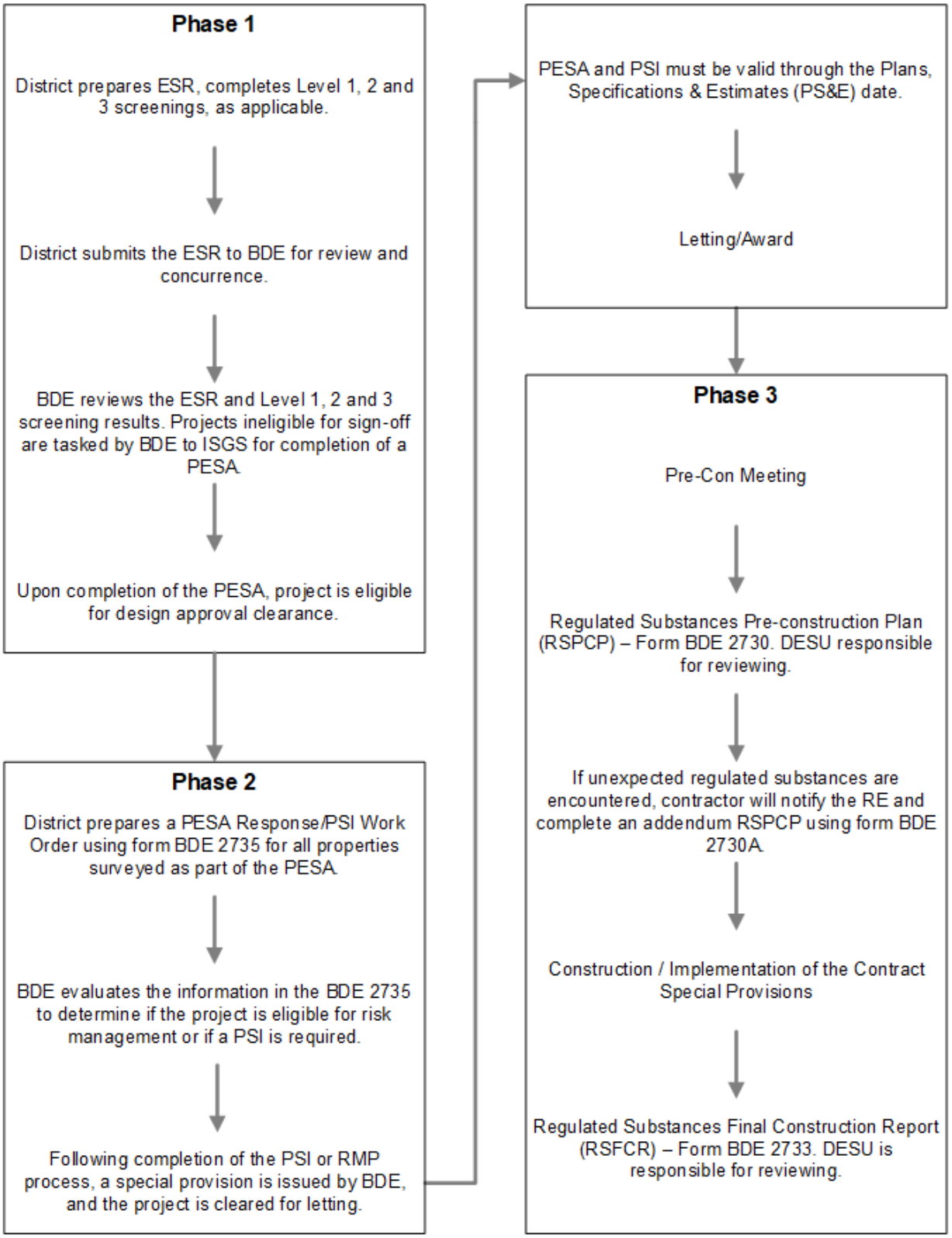
Taking title (or lesser interest) to property containing regulated substances or moving soil impacted with regulated substances exposes the Department to potential liability for associated investigation and cleanup costs. To limit such liability, projects must be evaluated/assessed for the potential presence of special waste or other regulated substances, as described in the following sections, and as flowcharted in Figures 27-3.A through 27-3.D. Successfully following the screening process and documenting the results limit the Department's potential environmental liability, protects our workers and the public, and demonstrates adherence to Departmental Policy D&E-11, "Identifying and Responding to Regulated Substances in Highway Project Development, Implementation and Operations." D&E-11 policy states, among other items, that "due care shall be exercised to determine whether regulated substances may be present on or located adjacent to property being considered for use for state highway project purposes and supporting highway operations and maintenance. Acquisition of an interest in a property determined to contain regulated substances shall be avoided unless the risks and liabilities of such acquisition can be justified, documented, and appropriately managed."

To determine whether regulated substances may be present on property under state control for state highway project purposes, properties on and adjoining the project area shall be evaluated using the processes outlined in Section 27-3. A regulated substances evaluation must be conducted on every applicable project. A Preliminary Environmental Site Assessment (PESA) is the Department's fundamental method of demonstrating "due care." Thus, PESA is required on every applicable project, as listed in the opening paragraph of Section 27-3. Nevertheless, there are some select circumstances where the need for PESA can be avoided and due care demonstrated based on successful performance and documentation by the project developer of a Level 1, 2, or 3 screening or similar due diligence evaluation. The screening criteria have been carefully crafted and apply in project situations where they pose minimal risk and potential liability to the project developer entity, environment, and the public and road workers. It is the project developer's responsibility to properly conduct the screening, document the results, and submit the documented results for concurrence to BDE. The project shall be submitted to BDE for completion of PESA, if the project developer chooses not to conduct a Level 1, 2, or 3 screening.

Screening of projects for regulated substances in Phase I and Phase II should be conducted by the DESU for project types listed at the beginning of Section 27-3. The DESU is responsible for, for example, coordinating and preparing the Environmental Survey Request (ESR) and the PESA

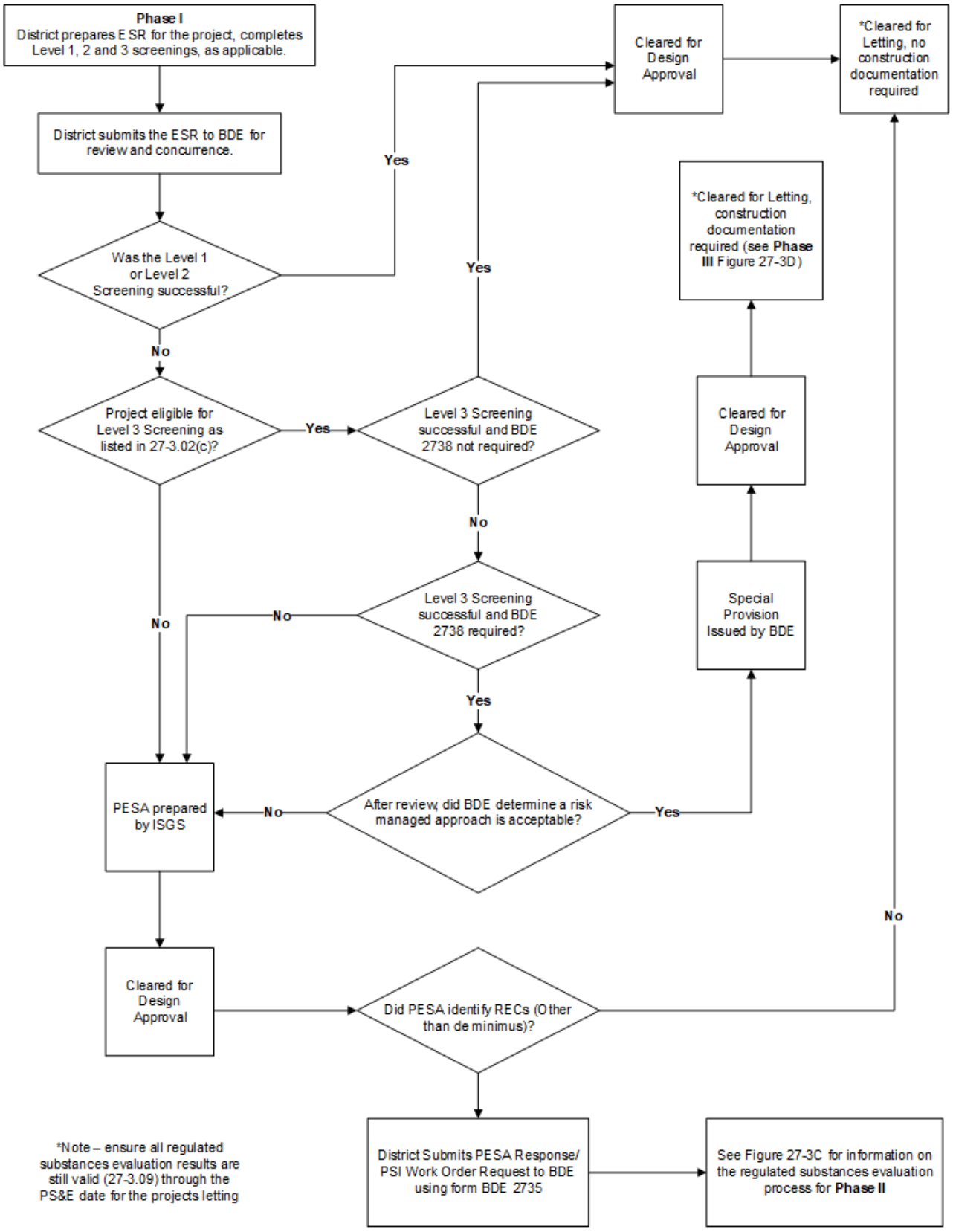
Response/PSI Work Order (PR/WO) form. Additional responsibilities include participating in pre-construction meetings, reviewing and documenting pre-construction plans and post-construction environmental reports, and interacting with resident engineers before, during and after construction to coordinate and document management of contaminated soils, including unexpected situations concerning regulate substances and underground storage tanks.

Environmental Assessment (EA), Environmental Impact Statement (EIS), or large Categorical Exclusion (CE) projects may require special handling due to size, complexity, and/or long project development periods and should be discussed with BDE staff. Refer to Section 27-3.03(b) of this Manual for additional information on the regulated substances evaluation process for these types of projects. Included in this list of projects requiring special handling are river crossing projects requiring sediment management.



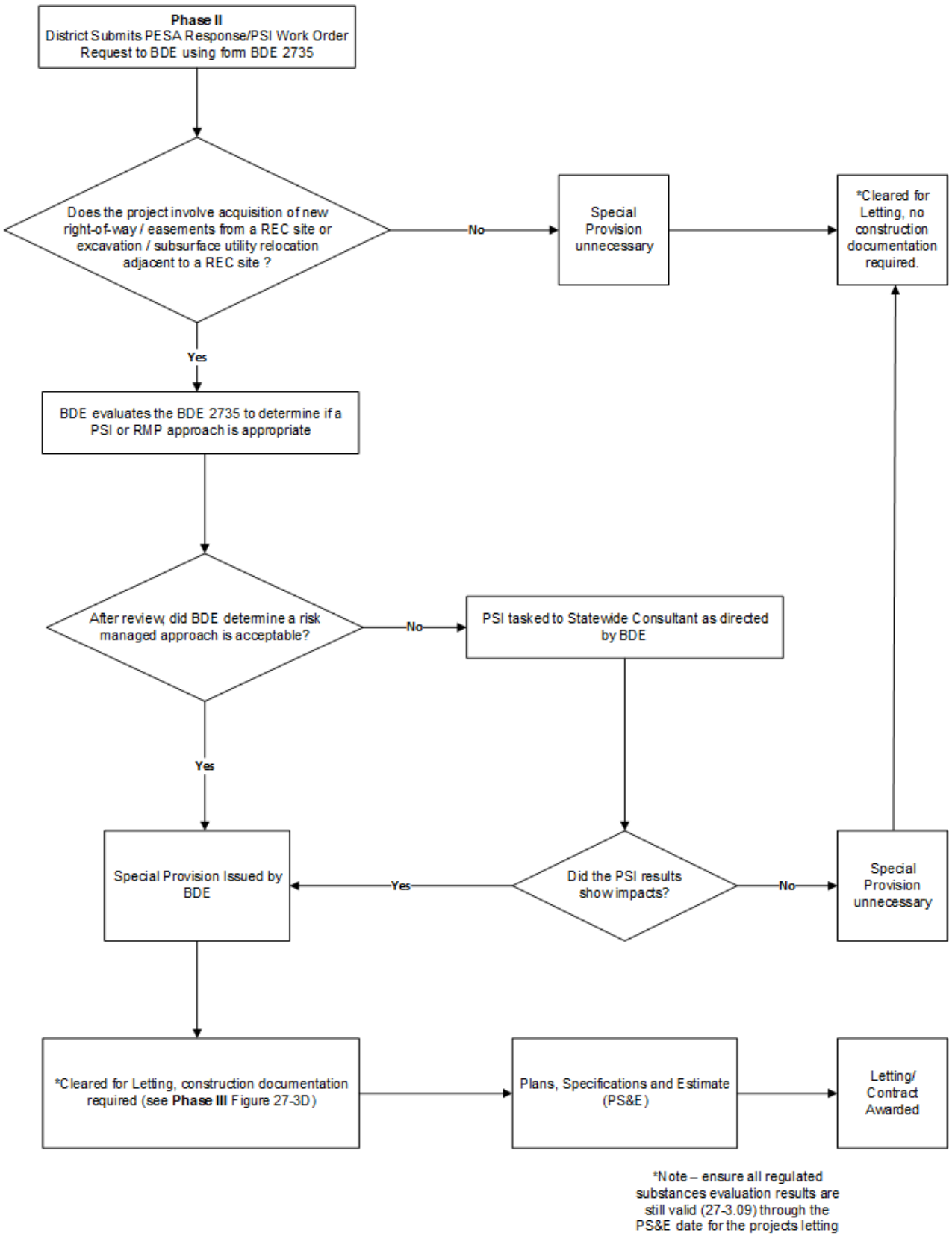
SPECIAL WASTE ASSESSMENT PROCESS

FIGURE 27-3.A



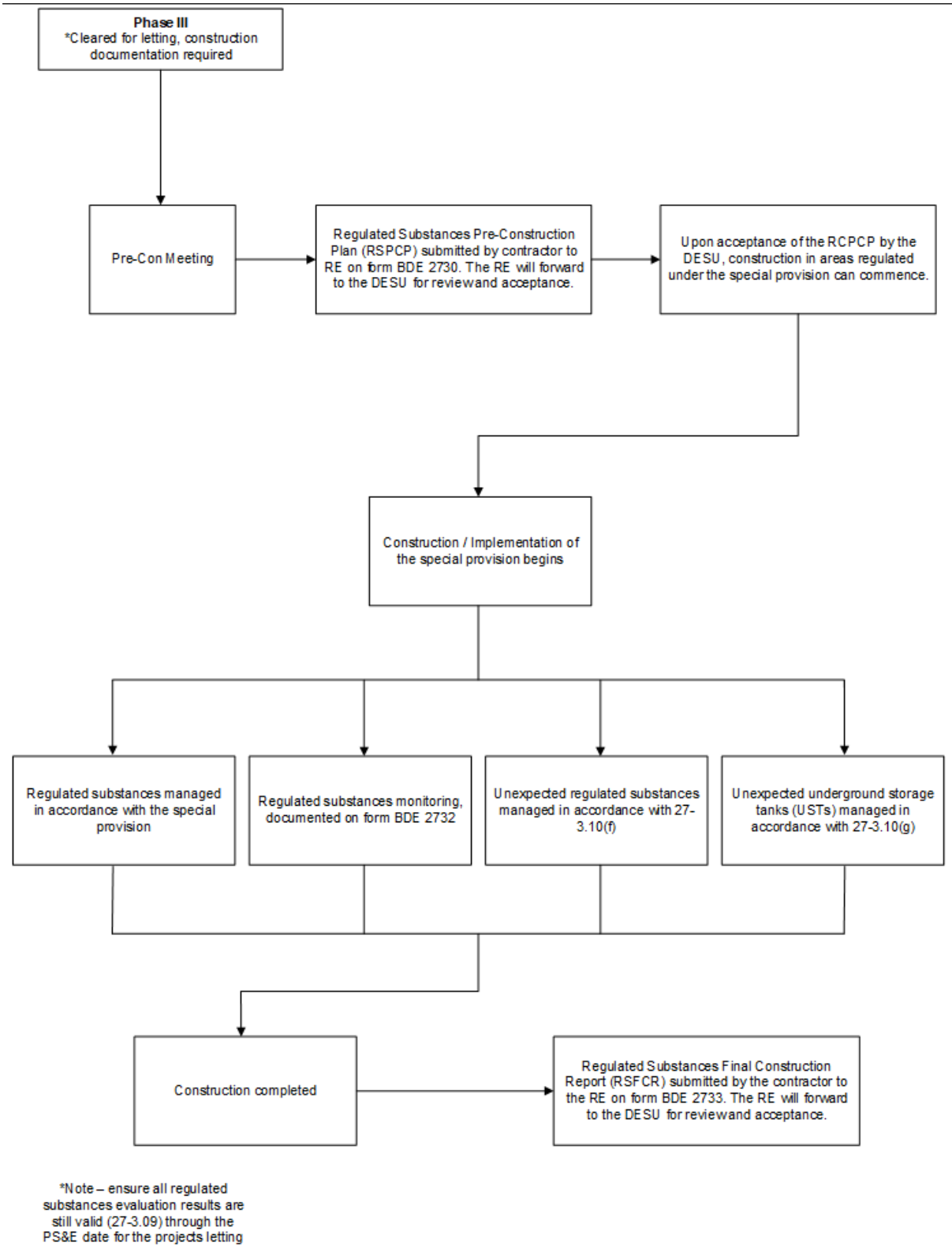
REGULATED SUBSTANCES EVALUATION PROCESS – PHASE I

FIGURE 27-3.B



REGULATED SUBSTANCES EVALUATION PROCESS – PHASE II

FIGURE 27-3.C



REGULATED SUBSTANCES EVALUATION PROCESS – PHASE III

FIGURE 27-3.D

27-3.02(a) Level 1 Screening

The District Environmental Studies Unit (DESU) may sign-off the project and not undertake further action to identify and assess regulated substances, if the project does not involve either:

1. acquisition of additional right-of-way or easements (temporary or permanent) in the name of the State for IDOT transportation purposes; or

2. excavation (see definition of excavation) or subsurface utility relocation on State right-of-way.

The DESU shall complete the applicable portion of the ESR form and BDE 2737, Regulated Substances Screening form, sign and date them, and send the results to BDE. After BDE receives the ESR and concurs, the design approval and letting clearance dates can be entered into PMA. The district shall retain the fully completed Level 1 screening form and BDE 2737 in the district project file and shall include them in the project's environmental documentation for the project to support the finding that proper due diligence was performed, and further investigations are unwarranted.

27-3.02(b) Level 2 Screening

Projects failing Level 1 screening can be further screened by the DESU using Level 2 criteria to determine if the project may be eligible for a district sign-off or can be submitted for initiation of PESA. To be eligible for the Level 2 sign-off, the following conditions must be met:

1. there are no conditions or database occurrence within the minimum search distances shown in Figure 27-3.E;

2. a site reconnaissance was conducted, and no concerns were identified, and

3. the ESR form and BDE 2737 were thoroughly completed and processed through BDE.

Environmental Condition	Minimum Search Distance (miles)	Database (See form BDE 2737 for web hyperlink to each database)
Industrial / commercial property	0.25	Identified during Site Reconnaissance
Other Environmental Conditions[1]	Property & Adjoining Property	See footnote below
Crosses or otherwise involves railroad ROW[2]	Property & Adjoining Property	See footnote below
State UST	Property & Adjoining Property	The Office of State Fire Marshall UST database
State LUST	0.5	IEPA Bureau of Land, LUST Incident Tracking database
State Voluntary Cleanup	0.5	IEPA Bureau of Land, Site Remediation Program database (includes Voluntary Cleanup sites)
State Brownfield	0.5	IEPA Bureau of Land, Office of Brownfields database
State Landfills	0.5	I EPA Bureau of Land Inventory database (landfills are included but not flagged separately)
Federal NPL site	1.0	U.S. EPA CERCLIS database (includes NPL, Active, and Delisted sites)
Federal NPL site - Delisted	0.5	
Federal CERCLIS site	0.5	
Federal CERCLIS – NFRAP site	0.5	

ENVIRONMENTAL CONDITIONS AND MINIMUM SEARCH DISTANCE TABLE FIGURE 27-3.E

[1] Other environmental conditions are identified through in-person site reconnaissance and any other research method not otherwise listed in the table above. The DESU shall evaluate any situations where a sign-off may be inappropriate because of scenarios of concern for which they may be aware.

[2] Crosses or otherwise involves railroad ROW, other than a single rail rural ROW with no maintenance facilities.

Environmental Condition	Minimum Search Distance (miles)	Database (See form BDE 2737 for web hyperlink to each database)
Federal RCRA CORRACTS facilities list	1.0	U.S. EPA RCRA database (includes CORRACTS, TSD RCRA, and other RCRA)
Federal RCRA non-CORRACTS TSD facilities list	0.5	
Federal RCRA generators list	Property & Adjoining Property	
Federal Brownfield sites	0.5	U.S. EPA Federal Brownfields & Land Revitalization database
Federal ERNS System	Property	The Right-To-Know Network, Spills and Accidents database (covers the years 1982-2008) (U.S. Coast Guard, National Response Center, covers the years 1990-Present)

Acronyms

- CERCLA = Comprehensive Environmental Response, Compensation and Liability Act
- CERCLIS = Comprehensive Environmental Response, Compensation, and Liability Information System
- CORRACTS = Corrective Action Activity
- ERNS = Emergency Response Notification System
- LUST = Leaking Underground Storage Tank
- NFRAP = No Further Remediation Action Planned
- Non-CORRACTS = Non-Corrective Action Activity
- NPL = National Priorities List
- RCRA = Resource Conservation and Recovery Act
- RCRIS = Resource Conservation and Recovery Information SystemTSD = Treatment Storage & DisposaUST = Underground Storage Tank
- TSDF = Treatment = Treatment and Disposal Facility
- UST = Underground Storage Tank
- SEMS = Superfund Enterprise Management System[3]

ENVIRONMENTAL CONDITIONS AND MINIMUM SEARCH DISTANCE TABLE

FIGURE 27-3.E
(Continued)

[3] The CERCLIS Public Access Database, which contained a selected set of publicly releasable Superfund program data was retired in 2015. The USEPA has transitioned to the Superfund Enterprise Management System (SEMS), which includes the same data fields and contents as the former CERCLIS database

For purposes of the screening process, the project and project area shall include the area encompassing the current right of way or easements (temporary or permanent) plus the outer most limits of the proposed right of way or easements. Furthermore, the minimum search distance when conducting the screening is measured from the outermost edges of the project area.

For a successful Level 2 screening, the DESU shall complete the entire ESR form and BDE 2737, sign and date the forms, and send the results to BDE. After BDE receives the ESR and concurs, the design approval and letting clearance dates can be entered into PMA. The district shall retain the fully competed Level 2 screening form and BDE 2737 in the district project file and include them in the environmental documentation for the project to support the finding that proper due diligence was conducted, and further investigations are unwarranted.

If the Level 2 screening fails, PESA for the entire project shall be requested by the district, unless the project is eligible for and the district chooses to perform a Level 3 screening.

27-3.02(c) Level 3 Screening

Projects failing Level 1 and Level 2 screenings may be submitted for PESA or may be further screened by the DESU using the criteria listed below to determine the project's eligibility for a Level 3 sign-off. To be eligible for a Level 3 sign-off, the following conditions must be met.

1. If the project involves excavation for only the following types of work, proceed to step 2 to conduct the screening. Otherwise, a PESA for the entire project is required.

    - Sidewalks/bike paths;
    - Sidewalk ramps;
    - Curb & gutter;
    - Mast arm/light pole installation;
    - Sign post/truss installation;
    - Traffic signal foundation work/hand holes;
    - Ditch cleaning;
    - Guardrails/median cables; or
    - A project type specifically listed on form BDE 2737 under Level 3 screening criteria.

2. If there are no conditions or database occurrence(s) shown in Figure 27-3.F on or adjoining the project area, proceed to step 3. Otherwise, PESA for the entire project is required.

Environmental Condition	Minimum Search Distance	Database and Search Site (see form BDE 2737 for web hyperlink to each database)
State Landfills	Property & Adjoining Property	IEPA Bureau of Land Inventory database (landfills are included but not flagged separately)
Federal NPL site	Property & Adjoining Property	U.S. EPA SEMS database (includes NPL, Active, and Delisted sites)
Federal NPL site - Delisted	Property & Adjoining Property	
Federal SEMS site	Property & Adjoining Property	
Federal SEMS site -NFRAP site	Property & Adjoining Property	
Federal RCRA CORRACTS facilities list	Property & Adjoining Property	U.S. EPA RCRA database (includes CORRACTS, TSD RCRA, and other RCRA)
Federal RCRA non-CORRACTS TSD facilities list	Property & Adjoining Property	
State Brownfield	Property & Adjoining Property	IEPA Bureau of Land, Office of Brownfields database
Federal Brownfield sites	Property & Adjoining Property	U.S. EPA Federal Brownfields & Land Revitalization database
Other Environmental Conditions	Property & Adjoining Property	Other environmental conditions identified through in-person site reconnaissance and any other research method not otherwise listed in the table above.
Full Take Property Acquisition	On project	Full take properties by the Department must be evaluated via the PESA process and are ineligible for a Level 3 screening.

ENVIRONMENTAL CONDITIONS AND MINIMUM SEARCH DISTANCE TABLE

FIGURE 27-3.F

3. If there are no database occurrences shown in Figure 27-3.G on or adjoining the project area, proceed to step 4 to document the screening results. If there are database occurrences shown in Figure 27-3.G on or adjoining the project area, BDE 2738 Regulated Substances Level 3 Screening should be completed for the property(ies) on which the below database occurrences were identified. Then proceed to step 4.

Environmental Condition	Minimum Search Distance	Database and Search Site
State Voluntary Cleanup	Property & Adjoining Property	IEPA Bureau of Land, Site Remediation Program database (includes Voluntary Cleanup sites)
State LUST	Property & Adjoining Property	IEPA Bureau of Land, LUST Incident Tracking database
State UST	Property & Adjoining Property	The Office of State Fire Marshall UST database

ENVIRONMENTAL CONDITIONS AND MINIMUM SEARCH DISTANCE TABLE

FIGURE 27-3.G

4. The ESR form and Level 3 screening documentation must be thoroughly completed and submitted to BDE for review and concurrence.

For purposes of the screening process, the project and project area shall include the area encompassing the current right of way or easements (temporary or permanent) plus properties along the outer most limits of the proposed right of way or easements.

For a successful Level 3 screening not requiring BDE 2738, the DESU shall complete the entire ESR form and BDE 2737, sign and date the forms, and send the results to BDE. After BDE receives the ESR and concurs, the design approval and letting clearance dates can be entered into PMA. The district shall ensure the forms are retained in the district project file and included in the environmental documentation for the project to support the finding that proper due diligence was performed, and further investigations are unwarranted.

If BDE 2738 was required as part of step 3 above, the DESU shall complete the entire ESR form, BDE 2737, and BDE 2738, sign and date the forms, and send the results to BDE. BDE will review to determine the necessary course of action. This may include completion of PESA for the project, or issuance of a special provision without requiring PESA.

27-3.03 Preliminary Environmental Site Assessment

27-3.03(a) PESA Requested Through BDE

To request a PESA, the DESU completes the ESR form in PMA and forwards it to BDE along with plan sheets, a location map, and other pertinent project details. BDE then tasks the Illinois State Geological Survey (ISGS) with completion of a PESA or similar environmental due diligence, as appropriate, using information provided in the ESR and associated supporting documents. Districts with more than one PESA under way should advise BDE of their priorities.

It is critical for efficient execution of the PESA for the district to carefully choose a Survey Target Date considering project complexity, seasonal field conditions, and the minimum time frame for completion of the PESA stated in this section.

After receiving a PESA tasking from BDE, ISGS will review file information and conduct appropriate investigations to determine if recognized environmental conditions exist or assess the potential of the project area for involving other natural hazards and concerns. The target[4] for completion of the PESA report for most projects will be within six months from the date ISGS receives the survey request from BDE. The target for completion of the PESA report for spot projects, considered to be a single parcel, will generally be within three months from the date ISGS receives the survey request.

The ISGS will send the final report to BDE and also upload the document to the Illinois Site Assessment Tracking System (ISATS) for use by the DESU and other interested parties. The BDE will forward the report to the district, to IEPA, and to the Office of State Fire Marshal, as appropriate. The transmittal memorandum from BDE will specify conditions for complying with Departmental Policy D&E-11, "Identifying and Responding to Regulated Substances in Highway Project Development, Implementation, and Operations."

27-3.03(b) Regulated Substances Evaluation for EA, EIS, and Other Special Projects

For EA and EIS projects with large geographic footprints or long project development periods, it can often be time consuming and inefficient to conduct a full PESA on the initial study area. In these cases, and in coordination with the district, BDE will consider completing a more pertinent due diligence assessment for the project. For example, a Site Assessment Letter Report (SALR) is an evaluation that includes a site reconnaissance over the entire project area (which usually includes several corridor alternatives and a large footprint), associated database searches, and an extended hydrogeology discussion. The SALR will usually not contain individual property historical research or FOIA requests and thus, can be done more efficiently while still providing the necessary minimal information needed to prepare the NEPA document. SALR results should be used by the project developer through the Phase 1 completion cycle. It is unnecessary for the district to request a new

[4] The target time frames are the anticipated minimums. Factors contributing to longer time frames could include size, length and complexity of the project, the number and complexity of other project studies in progress, and the number of calls for emergency investigations, which compete for the attention of the regulated substances survey staff. For larger or more complex projects, ISGS will inform BDE of the estimated target time for the final report when it receives the survey request.

regulated substances survey at each milestone of the NEPA 404 Merger process (i.e., Purpose and Need, Alternatives to be Carried Forward, Preferred Alternative). Once the district initiates Phase II (which may or may not happen for several years after Phase I), the district should then request a full PESA on the selected alternative or alignment (typically a significantly smaller and focused geographic footprint than the original study area). The full PESA document will subsequently be used to prepare the PSI and eventually the special provision for letting, which is typical for the department's Phase II and III processes.

Projects involving river crossings and management of sediment require additional coordination between the DESU and BDE due to complications and additional costs associated with management of sediment. In these cases, BDE may desire to conduct river sediment sampling in conjunction with the planned geotechnical sampling completed by the district, which typically occurs early in project development and much earlier than the DESU would normally submit an ESR. When the DESU becomes aware of a project which has the potential to involve river sediments, an ESR should be prepared, and BDE should be alerted as soon as possible in the project cycle to coordinate this sampling effort with the district geotechnical staff or the district Phase 1 consultant.

27-3.03(c) PESA Findings and Response

The following procedures will apply:

1. No "Recognized Environmental Condition" (REC) Finding. If the PESA report indicates that the property(ies) investigated within the project limits have no RECs (other than de minimis), the district shall document this finding in the environmental documentation for the project. The documentation should be a copy of the memorandum from BDE transmitting the PESA report. The PESA report should not be included. The district need not take any further action regarding property(ies) that do not contain any REC unless a re-evaluation for regulated substances becomes necessary (see Section 27-3.09) or a previously unidentified property is encountered. If such a property is encountered, work affecting the property should immediately cease until the district, in consultation with BDE, the Central Bureau of Construction, and the Office of Chief Counsel, has assessed the situation and determined an appropriate course of action.

2. "Recognized Environmental Condition" (REC) Finding. If the PESA report indicates that the property(ies) investigated within the project limits has a REC, BDE will consult with the Office of Chief Counsel in developing conditions for non-routine situations. BDE will forward the property(ies) with a REC to the district Bureau of Program Development/Environmental Unit via a PESA review Transmittal Memorandum and will send a copy of the correspondence to the district Land Acquisition Engineer, the Central Bureau of Land Acquisition, if requested, BDE Project Control and Implementation Section, and the Office of Chief Counsel for their respective action.

   The district shall prepare and submit to BDE a PESA Response with supporting documentation indicating the project will or will not avoid the property(ies) with a REC or the project will not avoid the property(ies) with a REC. The PESA Response shall be sent to BDE after the PESA is reviewed by the district; it does not necessarily have to include the PSI Work Order request, for example, if avoidance is possible.

a. Avoidance Possible. If the district determines the project can avoid the purchase of additional right-of-way/easement from any property containing a REC and any excavation or subsurface utility relocation adjacent to property containing a REC, it shall indicate this on the PESA Response form and send it to BDE. The district also shall provide a copy of the completed PESA Response form to the Central Bureau of Land Acquisition. The district shall retain a copy of the PESA Response form in the project file and includes it in the environmental documentation for the project. The district should not take any further action regarding properties containing a REC that were avoided unless a validation of the regulated substances results becomes necessary; see Section 27-3.09.

b. Avoidance Not Possible. If the district cannot avoid the purchase of additional right-of-way/easement from any property containing a REC or avoid any excavation or subsurface utility relocation adjacent to property containing a REC, it shall indicate this on BDE 3735 PESA Response / PSI Work Order form and send it to BDE. This process requests BDE to initiate the services of the Statewide Regulated Substances Investigation Consultant to perform a PSI to determine the nature and extent of contamination (i.e., above or below the cleanup objectives). Additionally, the district shall provide a copy of BDE 2735 to the Central Bureau of Land Acquisition, if requested.

27-3.03(d) PSI Work Order Request

To submit a PSI request, the district completes both the top half (PESA Response) and the bottom half (Work Order) of the PMA form and associated form BDE 2735 at which time the PSI will be tasked by BDE to a pre-qualified regulated substances environmental consultant. The district shall include supporting documentation including plan sheets for the REC sites involving any of the situations listed in Section 27-3.02(a) or subsurface utility relation adjacent to a property with a REC, in other words, the sites that are deemed to require a PSI. The plan sheet should show the specific location and stationing of planned soil excavation and acquisition or easements in the name of the State. The district should also identify, for each location referenced in Table 1 of the PESA, the REC identification number, maximum excavation depth per site location, the type of excavation per site investigated, and the soil excavation volume per site, and other pertinent information such as possible presence of underground storage tanks (USTs) and whether it is anticipated the project will be a net importer or exporter of soils. This information is prepared using BDE 2735. Additionally, cross-section figures are also helpful to determine the depth of the proposed construction elements.

For properties containing a REC classified as a hazardous substance (non-petroleum), BDE and the Office of the Chief Counsel will determine if acquisition of the property requires additional liability protection under CERCLA. If additional liability protection is necessary, BDE will task ISGS to conduct an “All Appropriate Inquiry” (AAI) on those properties.

27-3.04 All Appropriate Inquiries (AAI)

In some cases, proposed land acquisition at, or excavation adjacent to property(ies) with potential significant contamination may require the PESA to be re-conducted under the “All Appropriate Inquiry”

(AAI) standard to provide the Department the appropriate CERCLA liability protection. A Preliminary Site Investigation (PSI) may also be necessary, depending upon the results of the PESA and/or AAI. Moreover, BDE will determine the need for AAI in consultation with the Office of Chief Counsel.

On November 1, 2006, 40 CFR 312 became effective; this rule defined AAI on what is required for due diligence to avoid Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) liability (Superfund liability). The AAI rule implements the 2002 Small Business Liability Relief and Brownfields Revitalization Act (2002 Brownfield Act), which aimed to clarify and expand the potential defenses to strict liability under CERCLA. To qualify for CERCLA's defenses to strict liability (i.e., as an innocent purchaser, a bona fide prospective purchaser, or a contiguous property owner), a defendant must show it conducted AAI prior to taking title to the property. Following the AAI procedures affords IDOT CERCLA liability protection as an innocent purchaser, bona fide prospective purchaser, or a contiguous property land owner.

27-3.05 Site Investigations

27-3.05(a) Preliminary Site Investigation (PSI)

BDE uses the information provided in the PESA Response / Work Order (concerning the volume and cost of material for excavation) and information from the PESA to determine whether the REC can be addressed during construction without a PSI. In these cases, if BDE determines, through this "risk management" evaluation procedure, a PSI is not warranted, it will notify the district the project is eligible to be a Risk Managed Project (RMP). Projects involving acquisition of parcels with REC that are full takes or have potential uneconomic remnants are ineligible for "risk management." For a project deemed eligible by BDE to be an RMP, BDE will provide the district with a regulated substances special provision consistent with Section 669 of the Standard Specifications for Road and Bridge Construction for inclusion in the construction documents.

For actions that do not qualify as RMPs, BDE will contact the Statewide Regulated Substances Investigation Consultant and request an investigatory work plan and estimated budget for the PSI. BDE will review the work plan and budget and provide the district with an opportunity for review prior to approval.

PSI budgets of up to $100,000 generally will be paid from funds for the pre-qualified regulated substances investigation consultant agreement. If the estimated cost is more than $100,000, BDE will discuss funding options with the district. If the estimated budget is more than $200,000, the district will be required to fund the PSI. Upon receiving approval of the work plan and budget, the statewide consultant will proceed with the investigations of the property(ies).

After completing the investigations, the consultant will provide a draft PSI report to BDE. BDE, in consultation with the Office of Chief Counsel, as appropriate, will review the report for adequacy and provide it to the district for review. Generally, the draft PSI report will be completed within 75 calendar days from authorization of the PSI work plan, unless completion is delayed to meet target letting dates for other projects. After all comments on the draft PSI report have been addressed, BDE issues a revised final PSI report. At various milestones in the PSI process, the DESU will be alerted of the anticipated cost, schedule, technical details and results. The DESU can and should actively participate in the process by providing comments about the proposed actions and communicate this information as necessary with others, for example, district land acquisition.

BDE forwards to the district a final PSI report with the appropriate special provision for management and monitoring of the contaminated areas. BDE also forwards a copy of the report to the Central Bureau of Land Acquisition, if requested, the Office of Chief Counsel (to consider if any legal actions may be necessary), the Illinois State Geological Survey, and the appropriate State agencies (e.g., Office of State Fire Marshal, IEPA), as appropriate. If the district accepts BDE recommendations, it so advises BDE. If the recommendations are accepted prior to design approval, the district should summarize the proposal for management and monitoring of the property(ies) in the environmental documentation for the project. Estimated cleanup costs should be included in project environmental documents and must be included when the costs of property involvement vary for different alternatives under study.

The target for completion of the final PSI report for most projects will be within six months of the district's request to conduct the PSI, unless completion is delayed to meet target letting dates for other projects. The PSI report will identify areas impacted by special waste or regulated substances, recommend actions to be taken, and provide estimated costs for excavating, transporting, and disposing of materials exceeding IEPAs:

- Tiered Approach to Corrective Action Objectives (TACO) Tier 1 Soil Remediation Objectives for Residential Properties (35 Ill. Admin. Code 742), and/or
- Most stringent maximum allowable concentration (MAC) for chemical constituents in uncontaminated soil established pursuant to the proposed Subpart F of 35 Ill. Admin. Code 1100.605.
- Other regulatory thresholds applicable and appropriate to the scope of the investigations.

The cost information will include a soil management estimate for each proposed right-of-way/temporary easement parcel based upon proposed construction excavation. In some cases, a second estimate is included for land acquisition and full take situations based on cleanup of the parcel to be obtained without regard to the proposed construction excavation. The district will review the cost estimates for excavation, transportation, and disposal of the material containing regulated substances and advise whether they are acceptable. If the district determines the costs are unacceptable, the district will further investigate alternatives to avoid involvement with the impacted property(ies).

Following completion of the PSI, BDE will provide the district with a regulated substances special provision consistent with Section 669 of the Standard Specifications for Road and Bridge Construction for inclusion in the construction documents.

27-3.05(b) Remedial Investigation/Feasibility Study and Risk Assessment

Following completion of the IDOT internal reviews of the draft PSI and prior to incorporation of any necessary revisions in the PSI report, BDE, in consultation with the Office of Chief Counsel as appropriate and the Statewide Regulated Substances Investigation Consultant, will evaluate whether sufficient information is available to determine the total extent of special waste/regulated substance contamination for which the Department would be liable relative to the project and the estimated cost and method for cleanup or whether a Remedial Investigation/Feasibility Study (RI/FS) is needed.

If BDE, in consultation with the Office of Chief Counsel as appropriate, determines additional

information is needed for determining the extent of contamination and method(s) and cost for cleanup of the property(ies), it will advise the district. The district will be required to fund the additional studies. Accordingly, BDE will not proceed with arrangements until the district has confirmed it will provide the necessary funding. If the district re-examines the project and identifies a strategy to avoid the property(ies), the need for the additional studies may be eliminated. Upon receiving confirmation from the district for funding the additional studies, BDE will initiate a request to the Statewide Regulated Substances Consultant for a RI/FS and, if appropriate, a Risk Assessment. The purpose of the RI will be to precisely determine the extent of the soil and/or groundwater contamination exceeding IEPA's TACO Tier 1 Soil Remediation Objectives for Residential Properties (35 Ill. Admin. Code 742). The purpose of an FS will be to identify options for addressing the property(ies) and the estimated costs of each. The purpose of a Risk Assessment will be to determine the potential of the contamination for coming into contact with people (e.g., directly or through water supplies), or otherwise posing a threat during or after construction, if left in place. A Risk Assessment will be prepared only when the Statewide Regulated Substances Investigation Consultant determines in the FS that the levels of contamination and their location are such that leaving the waste in place may be an option.

Upon its completion, BDE reviews the results of the RI/FS. After incorporation of any necessary changes, BDE forwards the results to the district with a request for the district to advise which option for addressing the property(ies) it wishes to select (normally based on cost). Upon receipt of the district's response, BDE forwards the recommendation to IEPA for acceptance of the selected Remedial Action Plan (in the case of a cleanup option) or Risk Assessment (in the case of a proposal to leave the contamination in place). If IEPA accepts the recommended course of action, BDE will advise the district. BDE and the Statewide Regulated Substances Investigation Consultant, as necessary, will continue to be involved to assist the district in the preparation of plans and specifications for implementing the Remedial Action Plan. Also, if IEPA objects to the proposed course of action, BDE will continue to be involved in coordination to assist the district in responding to the objections. As practical, the selected method of addressing the property(ies) and the results of coordination with IEPA should be discussed in project environmental documents.

Note: For properties on the National Priorities List, the nationwide list of hazardous waste sites maintained by the USEPA for purposes of assigning priorities for cleanup (National Priorities List sites are identified in the SEMS list), the public must be afforded an opportunity to comment on the analysis of alternatives for addressing the property(ies). As practical, the district should address this requirement as a part of the normal public involvement activities for the project. Estimated costs for addressing the sites should be indicated, particularly when the costs of site involvement vary for different alternatives under study.

27-3.06 Relationship of Regulated Substances Evaluation Process Results to Design Approval

Since regulated substances evaluation is required for every applicable project, design approval clearance for regulated substances is obtained, when results of the evaluation support one of the following scenarios:

1. The project clears a Level 1 screening as described in Section 27-3.02(a). The request for design approval clearance must include a copy of the fully completed Level 1 Screening form and BDE 2737.

2. The project clears a Level 2 screening as described in Section 27-3.02(b). The request for design approval clearance must include a copy of the fully completed Level 2 Screening form and BDE 2737.

3. The project clears a Level 3 screening, as described in Section 27-3.02(c). The request for design approval clearance must include a copy of the fully completed Level 3 screening form, BDE 2737 and BDE 2738, if required.

4. The PESA indicates that the project has no property(ies) with a REC (other than de minimis). The request for design approval clearance must include a copy of the BDE PESA Review memorandum confirming the no REC determination.

5. The PESA indicates that the project has property(ies) containing a REC(s) and the district has determined that the property(ies) can be avoided. The request for design approval clearance must include a copy of the memorandum from BDE transmitting the PESA report and the district's avoidance determination, documented on the PESA Response form. The information regarding the avoidance determination must be included in the commitment file for the project to ensure follow-through in subsequent stages of project development and implementation.

6. The PESA indicates that the project has property(ies) containing a REC(s) and the district has determined the property(ies) cannot be avoided. The request for design approval must include a copy of the memorandum from BDE transmitting the PESA report. Design approval can be given subject to the condition that subsequent studies (e.g., PSI), if needed, will be completed before the district may acquire any additional ROW/easements or underground storage tanks from any property containing a REC and before the PS&E date associated with a project letting.

The following documentation, if required for the project, must be included in the district project file and the Phase I Engineering Report:

1. BDE 2737 showing the results of the Level 1, 2 and 3 screenings, and

2. PESA (or equivalent ISGS report) Review Memo from BDE.

The district must reflect in the commitment file for the project the requirement for completing the PSI and other related studies, if needed, prior to completing acquisition of any contaminated parcel and/or the project letting date and must ensure follow-through on the commitment. If the district intends to request the PSI, it should initiate arrangements with BDE well in advance (a minimum of six months) before the projected date(s) for acquisition of the affected property(ies) and the PS&E letting milestone to allow sufficient time for completion of the PSI and inclusion of the special provision into the plans and letting documents.

27-3.07 Relationship of Regulated Substances Evaluation Process Results to Land Acquisition

The Bureau of Design and Environment (BDE) recommends an environmental review of any property, including donated land, prior to taking ownership or relinquishing ownership. The goal is to proactively obtain environmental information about a property(ies) so that a reasoned decision can be made

whether or not to proceed with the property transfer, determine what type of contract language may be appropriate, and thereby minimize the potential environmental liability to the Department, in adherence to Departmental Policy D&E-11, "Identifying and Responding to Regulated Substances in Project Development, Implementation and Operations." The D&E-11 policy states, among other items, that "Due care shall be exercised to determine whether regulated substances may be present on property being considered for use for state highway project purposes and supporting highway operations and maintenance. Acquisition of an interest in a property determined to contain regulated substances shall be avoided unless the risks and liabilities of such acquisition can be justified, documented, and appropriately managed." As such, and in accordance with the Section 10.1.2 of the Land Acquisition Policies and Procedures Manual, the regulated substance evaluations (PESA and PSI) must be completed, and the results must be considered by district Land Acquisition, prior to completing acquisition of a property.

The following sections provide additional information for situations involving property acquisition, donation of land to the Department, divestiture of excess land by the Department, and acquisition of parcels with existing underground storage tanks (USTs).

27-3.07(a) Acquisitions

For property acquisitions associated with projects to which the opening paragraph of Section 27-3 does not apply (i.e., maintenance yard expansions), the district shall follow Chapter 10 of the Land Acquisition Policies and Procedures Manual and coordinate the proposed acquisition with the District Environmental Studies Unit (DESU). Prior to acquiring a new property, the DESU should submit an Environmental Survey Request (ESR) for the proposed subject parcel. The BDE will review the information and will typically task ISGS to complete an All Appropriate Inquiries (AAI) on the subject property. This report type includes a more detailed evaluation of the property than a typical PESA and provides liability protection under CERCLA. The AAI is typically tasked to ISGS with a 3-month desired turnaround time.

Based on the results of the AAI, BDE may need to complete additional work (e.g., PSI, geophysical survey) to determine environmental site conditions prior to acquisition. Once the evaluation process is completed by BDE, the results will be forwarded to the district via the DESU.

27-3.07(b) Donations to the Department and Divestitures by the Department

For information on property donations to the Department or divestitures by the Department, refer to the Land Acquisition Manual Section 3.6.14, Valuation of Contaminated Property and Chapter 10, Special Waste.

27-3.07(c) Underground Storage (UST) Parcels

Land acquisition of properties with a UST or LUST containing petroleum or other chemicals poses additional hazards and potential significant liability to the department requiring careful evaluation and coordination. The acquisition of such properties shall not be completed until the Phase I and Phase II regulated substances evaluation process is complete, thus allowing land acquisition proceedings to consider and incorporate results of the regulated substances assessment.

When considering land acquisition at a property with potential or known UST(s), the district shall follow Chapter 10 of the Land Acquisition Manual titled Special Waste, specifically, Section 10.1.3. The acquisition of a property shall be pursued in a manner that will not cause the department to be classified as an "owner/operator" as defined in the Leaking Underground Storage Tank Program (415 ILCS 5/57.2), unless due care has been conducted to assess and measure the presence of regulated substances in the environment caused by the target property, and sufficient district resources have been allocated by the district to fulfill subsequent assessment and remediation costs associated with environmental corrective action.

27-3.08 Relationship of Regulated Substances Evaluation Process Results to Contract Letting

The district should ensure a PSI is completed, when applicable, and to ensure all commitments in the environmental document regarding the monitoring and management of regulated substances are included in the contract prior to letting. The district will provide BDE with written notification (i.e., Certification Acceptance/Project Status form) that all required regulated substances studies have been completed and are current (valid).

Regulated Substances clearance for letting is achieved when results of the regulated substances process support one of the following:

1. The project clears a Level 1 screening as described in Section 27-3.02(a);

2. The project clears a Level 2 screening as described in Section 27-3.02(b);

3. The project clears a Level 3 screening as described in Section 27-3.02(c). If BDE 2738 is required as part of the successful Level 3 screening, a regulated substances special provision is prepared by BDE for inclusion in the contract;

4. The PESA indicates that the project has no property(ies) with a REC (other than de minimis)

5. The PESA indicates that the project has properties with a REC and the district has determined the property(ies) can be avoided and the district will not need right-of-way from the REC property, if applicable; or

6. A regulated substance special provision is prepared by BDE for inclusion in the contract resulting from successful completion of a PSI or an RMP.

27-3.09 Validity of Regulated Substances Evaluation Assessment Results

Standards issued by the American Society for Testing and Materials (ASTM) and AAI indicate property assessments for special waste/regulated substance contamination shall only be considered valid for a period of six months. This reflects the realization that special wastes and other regulated substance contamination often may be introduced (through illegal disposal, off-site migration, spills, or generation from new or different land uses) into areas previously evaluated for contamination. Before proceeding with arrangements for a PSI, Remedial Investigation/Feasibility Study (RI/FS), and/or before completing land acquisition or receiving NEPA approval, the DESU should re-evaluate the project area to check for new reported releases and determine if land uses have changed within

the project area, including site reconnaissance, a process called "validation." The DESU will also demonstrate the PESA will be current through the anticipated PS&E date associated with the desired letting.

Validation should be conducted in the following scenarios:

- For projects that were signed-off under a Level 2 screening, if six months or more have elapsed since the last Level 2 screening of the project area, the DESU should validate the project area using the Level 2 regulated substances waste screening criteria methodology.

- For projects that were signed-off under a Level 3 screening, if six months or more have elapsed since the last Level 3 screening of the project area, the DESU should validate the project area using the Level 3 regulated substances screening criteria methodology.

- For projects that a PESA was conducted:

  + if six months or more have elapsed since the PESA report was completed for the project area (identified by the date of the PESA report), the DESU should validate the project area using the Level II special waste screening criteria methodology. If land use changes or new releases are identified, the entire project should be re-evaluated as a new PESA prior to proceeding with arrangements for further special waste/regulated substances investigations or before finalizing land acquisition. If no land use changes or new releases are identified as a result of the validation process, the district DESU can sign-off the project by checking and dating the "Validation – Level 2" screen in PMA and maintain documentation for the project file.

  + If three years or more have elapsed since the last PESA report was prepared (identified by the date on the PESA report), then the entire project should be evaluated as a new project and, if necessary, a new PESA should be requested.

- Projects for which a Site Assessment Letter Report (SALR) for an EA/EIS was conducted, a full PESA should be initiated in Phase II once the district chooses to move toward construction with the preferred alternative. At this point, the PESA and PSI process is similar to a CE project.

- If a PSI was conducted for a project and five years or more have elapsed since it was completed, the entire project should be evaluated for land-uses with a REC and a new PESA must be conducted prior to proceeding with the aforementioned project actions.

When re-evaluation of a PESA or PSI is necessary to verify its validity, the re-evaluation should consider any changes in the proposed action, the affected environment, anticipated special waste/regulated substance involvement, and proposed measures for addressing the special waste(s)/regulated substance(s). Sufficient detail must be provided to support a decision on whether a PESA or PSI addendum is necessary.

27-3.10 Phase III Construction Requirements

During Phase III construction, the DESU and BDE have various responsibilities for demonstrating proper management of regulated substances. Section 669 of the Standard Specifications for Road

and Bridge Construction and the regulated substances special provision outline these requirements. BDE provides supplementary information below on the following Phase III construction topics:

- Regulated Substances Pre-Construction Plan
- Pre-Construction Meeting
- Regulated Substances Monitoring
- Regulated Substances Management and Disposal
- Temporary Staging
- Unexpected Regulated Substances
- Underground Storage Tanks Encountered During Construction
- Regulated Substances Final Construction Report

27-3.10(a) Regulated Substances Pre-Construction Plan

Prior to commencement of construction activities in areas regulated under the special provision, i.e., the contract specific work areas, the contractor will submit BDE 2730, Regulated Substances Pre-Construction Plan (RSPCP) to the Resident Engineer (RE) no later than 21 calendar days prior to commencement of construction activities. The RE will delegate review of the form to the DESU, which will have 10 calendar days to review and return the form to the RE. BDE 2731 serves as a checklist to assist the DESU in review of BDE 2730. This checklist includes all required information the DESU must verify as part of their review of the RSPCP.

If information on BDE 2730 is missing or insufficient, the DESU will reject the form and provide a thorough explanation on BDE 2731 why the RSPCP was rejected. The DESU will sign BDE 2730, and provide BDE 2730 and BDE 2731 to RE. The RE will sign both forms and will send them back to the contractor for revisions. Once a revised BDE 2730 is provided to the RE, additional 21 calendar days will be required for review by IDOT prior to commencement of construction activities.

Upon approval of BDE 2730, the DESU signs the form, provides BDE 2730 and BDE 2731 to the RE, and the RE will accept the form on behalf of the district. Only after the form is approved by the DESU and accepted by the RE can the contractor begin construction activities in areas regulated under the special provision.

27-3.10(b) Pre-Construction Meeting

The DESU should attend the Bureau of Construction pre-construction (pre-con) meetings to review the RCPSP requirements and answer questions regarding regulated substances management. The pre-con meetings provide an opportunity to discuss issues or questions prior to the commencement of construction activities when they can be more easily addressed.

27-3.10(c) Regulated Substances Monitoring

Regulated substances monitoring entails a systematic approach to observing, responding to, and documenting conditions in the environment (e.g., construction site). It is required during regulated substances management activities at the contract specific work areas. These work areas are identified in the regulated substances special provision for the contract. The Construction Manual and Sections 669.03 and 669.04 of the Standard Specifications for Road and Bridge Construction provide more details about this topic.

27-3.10(d) Regulated Substances Management and Disposal

A regulated substances special provision identifies contaminated soil, sediment, and groundwater restrictions for an IDOT project and dictates proper management of that material during construction. The Construction Manual and Section 669.05 of the Standard Specifications for Road and Bridge Construction provide more information for the various methods of managing regulated substances encountered during construction.

27-3.10(e) Temporary Staging

If circumstances require the contractor to use temporary staging for soil, groundwater, or material other than those specified above, the contractor will request written approval from the Resident Engineer in consultation with the DESU and BDE. The Construction Manual and Section 669.07 of the Standard Specifications for Road and Bridge Construction list the general requirements for temporarily staged material containing known or suspected regulated substances.

27-3.10(f) Unexpected Regulated Substances

When unexpected regulated substances are encountered during construction, the contractor shall follow Sections 107.19 and 669.04 of the Standard Specifications for Road and Bridge Construction, and work in the affected area will immediately stop. The contractor will notify the Resident Engineer (RE) who will consult with the DESU, as necessary.

The contractor will prepare an amended RSPCP (BDE 2730A) and additional information including:

1. A description of the circumstances and type of unexpected conditions encountered;
2. An estimate of the extent of regulated substances within the work area;
3. The sampling methods and parameters to be used based on contaminants of concern and property's land use history and the encountered abnormality;
4. The sample preservation and chain-of-custody methods; and
5. A cost estimate of materials, labor, equipment, etc. necessary for the DESU to determine how potential regulated substance(s) shall be managed. The cost estimate should be listed in terms of applicable construction pay items.

The contractor will submit BDE 2730A to the RE who will then delegate review of the form to the

DESU. The DESU shall review BDE 2730A as described above in Section 27-3.10(a). Once the DESU approves BDE 2730A, they will submit it to the RE for acceptance. Only after BDE 2730A is approved by the DESU and accepted by the RE shall work resume in the affected area. The contractor will follow requirements of BDE 2730A, and all activities completed to address the unexpected regulated substances will be documented in the Regulated Substances Final Construction Report (RSFCR) in accordance with Section 669.09.

Examples of unexpected regulated substances occurrences include encountering:

- Railroad ties. In such cases, Technical Environmental Memorandum TEM I-6-94 (Waste Classification of Railroad Ties) shall be followed.
- Underground storage tanks (USTs). In such cases, refer to Section 27-3.10(g) for information on handling unexpected USTs.

27-3.10(g) USTs Encountered During Construction

Once the department becomes aware of the presence of an undocumented/orphan UST on highway right-of-way (ROW) under the department's jurisdiction, the tanks system shall be removed or abandoned in-place as necessary in accordance with D&E-15, Removal of Orphan Underground Storage Tanks procedures and the Office of the Illinois State Fire Marshall (OSFM) regulations, whether or not will be affected by planned construction activities.

UST removal activities must be completed in conformance with Section 669.08 of the Standard Specifications for Road and Bridge Construction. The UST removal activities, including moving or opening UST, shall not begin until a completed OSFM UST removal permit has been obtained. Upon discovery of an undocumented/orphan UST, the DESU shall be responsible for coordinating the following process between the contractor, RE and BDE:

1. The contractor will notify the Resident Engineer (RE). The RE will notify the DESU who will coordinate with BDE.

2. Activities must be completed by a licensed UST removal contractor meeting the qualifications for regulated substances and UST work as detailed in Section 669.03 of the Standard Specifications for Road and Bridge Construction.

3. The removal contractor must complete an online draft UST removal application on the OSFM website. The removal contractor must check the box indicating that the removal is related to an IDOT project. The draft application must include supporting documentation, such as a site plan with the UST location, aerial images of the site and surrounding area, a description of the work, etc. These documents must be uploaded to the OSFM website with the permit application. Although the UST may be an orphan tank, the IDOT district office shall be listed as the owner of the UST on the permit application and the district environmental studies unit chief shall be listed as the contact person. Once the draft permit is submitted online, BDE will be automatically alerted via email by the OSFM tank permit system. Paper applications are not acceptable. Online applications are required so BDE can modify them, as necessary.

4. The BDE will review and edit the online draft application and compose a cover letter stating the UST is an orphan tank, and IDOT has never been the owner or operator of that UST. If the UST is deemed to be pre-1974, it will be addressed in the cover letter.

5. The BDE will submit the draft application to the IDOT Office of Chief Council (OCC). Following OCC approval, BDE will approve the OSFM online draft application.

6. The OSFM will review the application and, after approval, will issue a UST removal permit to the licensed contractor. The BDE and the tank removal contractor will be alerted via email, and the removal contractor can download the permit from the OSFM website.

7. The removal contractor and District Environmental Studies Unit will schedule the UST removal with the OSFM and inform BDE of the proposed removal date.

8. Once the UST has been removed, the licensed removal contractor's environmental consultant must conduct a Site Assessment in accordance with 41 Ill. Admin. Code 176.360(a) consisting of soil sample collection from the excavation floor and sidewalls. A ground water sample shall also be collected if water is encountered. A Site Assessment is always required; it is not dependent on a release being confirmed or not by the OSFM on-site inspector.

9. In accordance with 41 Ill. Admin. Code 176.330, a Site Assessment Report must be completed by the removal contractor within 45 days of the UST removal, regardless of whether or not a release is reported for the site. The report is uploaded to the OSFM website by the removal contractor.

27-3.10(h) Regulated Substances Final Construction Report (BDE 2733)

Following completion of construction activities, the contractor will submit BDE 2733, Regulated Substances Final Construction Report (RSFCR) to the Resident Engineer (RE) in conformance with Section 669.09 of the Standard Specifications for Road and Bridge Construction. Information provided in the document details the regulated substances activities conducted during the project and describes the methods and manners in which materials were managed to document compliance with Section 669 and the regulated substances special provision.

The contractor will prepare BDE 2733 no later than 90 calendar days after the completion of construction activities as follows:

- One hard copy and one electronic copy must be submitted to the RE;
- One hard copy and one electronic copy must be submitted to the DESU; and
- One electronic copy must be submitted to BDE.

The DESU shall review the form within 60 calendar days of receiving it from the contractor. BDE 2734 is a checklist to assist the DESU in review of BDE 2733 and includes all required information the DESU must verify as part of their review of the RSFCR.

If information on BDE 2733 is missing or insufficient, the DESU will reject the form and provide a thorough explanation on BDE 2734 why the RSFCR was rejected. The DESU will sign BDE 2733,

and both BDE 2733 and 2734 will be sent to the RE. The RE will sign both forms and will send them back to the contractor for revisions. Once a revised BDE 2733 is provided to the RE, an additional 60 calendar days will be required for review by IDOT.

Upon approval of BDE 2733, the DESU shall sign the form indicating it has been approved. The DESU will provide BDE 2733 and 2734 to the RE, and the RE will accept the form on behalf of the district. Upon approval by the DESU and acceptance by the RE, the RSFCR pay item can be processed.

27-3.11 Recovery of Costs

For property(ies) involving transportation and disposal costs for regulated substances, the Department may pursue cost recovery from responsible parties. For all property(ies), BDE will provide a special provision regarding proper record-keeping for the costs associated with the property(ies). Compliance with the special provision will ensure that appropriate expenditure records are available for any cost-recovery action. When the Department pursues cost recovery for property(ies) involving hazardous substances, the Office of Chief Counsel will advise if the public must be afforded an opportunity to comment on the analysis of alternatives for addressing the property(ies).

When the opportunity for public comment must be afforded, the district should address this requirement, as practical, as a part of the normal public involvement activities for the project. An opportunity to comment may be announced through public notice(s) or can be addressed by making information regarding the alternatives for addressing the hazardous substance property(ies) available at public meetings/hearings.

27-3.12 Responding to FOIA Requests for Special Waste Information

If a Freedom of Information Act (FOIA) request is received by the district to obtain information concerning regulated substances investigations (e.g., PESA and PSI) conducted for IDOT projects, the request and any responsive records shall be immediately forwarded to the Department's FOIA Officer at DOT.FOIAOfficer@illinois.gov. The FOIA Officer and Office of Chief Counsel will conduct a review to determine if any information within the responsive records should be withheld under one or more of FOIA statutory exemptions. The district shall provide assistance to the FOIA Officer in order to prepare an appropriate response to the request.

27-3.13 Responding to General Information Requests

An outside entity (e.g., local public agency or their consultant) working on a road project involving roadway under IDOT jurisdiction may request a copy of IDOT environmental assessments completed in the affected area. In these specific situations, it is appropriate to provide the entity with a copy of the IDOT PESA(s) or other similar Phase I due diligence assessments associated with the road project. Because the information presented in these documents is readily accessible via public sources, the Phase I assessments can be provided to the entity without a FOIA request.

Phase II assessments (e.g., PSI) should not be released in the manner described above. Rather, if the entity desires to obtain a copy of IDOT PSIs or other similar intrusive environmental assessments,

they should be directed to submit a FOIA request. The PSI and supporting documents are available to "authorized bidders" through the Department's standard bidding process (i.e., the Integrated Contractor's Exchange or ICX).

All other situations involving requests for regulated substances assessments completed by IDOT shall be handled through the Department's FOIA process.

27-4 ASBESTOS REQUIREMENTS FOR HIGHWAY BRIDGES

27-4.01 Background

In an October 19, 2001 letter, the Region 5 Office of the U.S. Environmental Protection Agency (USEPA) approved a Department request for a waiver from the asbestos notification requirements under 40 CFR 61.145 for highway bridges, as defined in 23 CFR 650.403(a), determined not to involve asbestos in the bridge deck wearing surface or waterproofing membrane. The initial group of bridges covered by the waiver was included in a list sent to each district. The USEPA Region 5 also approved the Department's proposed approach for addressing bridges in which involvement of asbestos in the bridge deck wearing surface or waterproofing membrane is unconfirmed. Application of this approved approach will allow for exempting other bridges from the asbestos notification requirements upon confirmation that the bridge deck wearing surface and waterproofing membrane, if one is present, do not contain asbestos.

These procedures do not address the evaluation of asbestos in structures such as tender houses associated with bridges. Work affecting such structures should be coordinated with the Asbestos Abatement Unit in the central Bureau of Administrative and Facility Services for compliance with applicable inspection and notification requirements. This coordination should be initiated sufficiently in advance of the commencement of work that would affect the structures to allow time for accomplishing any necessary investigations and paperwork.

Additionally, these procedures do not address the evaluation of and response to asbestos in pipes, conduits, or other such utilities associated with bridges. The owners of the pipes, conduits, etc. shall be responsible for determining whether they involve asbestos and for ensuring compliance with applicable requirements for any work that could disturb regulated asbestos that the pipes, conduits, etc. may contain. If unexpected pipes or conduits are encountered (e.g., embedded in the concrete bridge components), work affecting the pipes or conduits shall be suspended until ownership has been determined and any necessary inspection, testing, and notification has been completed.

The following sections describe the procedures for documenting application of the notification waiver for bridges in the initial group and for applying and documenting the approved approach for addressing bridges with unconfirmed asbestos involvement. They also describe the notification procedures and special provision to be followed for bridges involving bituminous overlays and waterproofing membranes that are confirmed to contain asbestos.

Bridge lists coordinated with IEPA for purposes of the asbestos notification waiver request were prepared in cooperation with the Bureau of Urban Program Planning, Planning Services Section based on information provided by the districts. If errors or omissions are found in the lists, they should be brought to the attention of the Planning Services Section in Urban Program Planning and the Bridge Planning Section in the Bureau of Bridges and Structures.

27-4.02 Applicability

The procedures in this memorandum are applicable to all highway bridges under State jurisdiction.

27-4.02(a) Procedures

For all projects that will involve bridge demolition (removal or wrecking of any load-supporting structural member), reconstruction, rehabilitation, or deck repair, the district must determine and document applicability of the asbestos notification requirements. The district will be responsible for complying with the asbestos notification requirements for any work that will disturb a bridge deck wearing surface or waterproofing membrane that contains asbestos. (See Section 27-4.01 regarding structures such as tender houses and pipes or conduits associated with a bridge that may contain asbestos). The asbestos notification determination should be completed as far in advance as practical of the anticipated date for beginning construction work to allow enough time for compliance with notification requirements, if applicable. The asbestos notification determination and documentation for highway bridges shall be accomplished in accordance with the following procedures.

For purposes of documenting the asbestos determination finding, BBS 2536, Asbestos Determination Certification form can be used to cover multiple structures when the same asbestos determination finding applies. BBS 2536 would then be submitted to the Bridge Planning Section of the Bureau of Bridges and Structures, and a copy included in the district files and Phase I Engineering Report for each project involving one of the covered structures, as described in these procedures. The following discusses five potential determination outcomes, as described on the form.

27-4.02(b) Bridges on Approved No Asbestos (Waiver) List

Each district has been provided a list of bridges covered by the notification waiver as of October 19, 2001, the date of USEPA approval of the waiver. This list is labeled “State Owned Bridges - No Asbestos.” For bridges included in this list, the district should complete the “Structure Identification” and “Certification” sections of BBS 2536 and check box number 1. A copy of the completed form should be included in the district files and in the Phase I Engineering Report when a project is proposed involving demolition, reconstruction, or rehabilitation of the bridge, or repair of the deck on the bridge. This will document the basis for determining that the bridge does not contain asbestos in the bridge deck wearing surface or waterproofing membrane and is exempt from the asbestos notification requirements.

27-4.02(c) Bridges on Confirmed/Unconfirmed List

Each district has also been provided a second list of bridges that either are known to contain asbestos or for which the presence or absence of asbestos is unconfirmed. This list is labeled “State Owned Bridges Under Investigation for Asbestos.” For bridges listed as having known asbestos involvement refer to the procedures in the section below on “Asbestos Involvement Confirmed.” For unconfirmed cases, proceed with the following steps for evaluation.

27-4.02(d) Evaluation Based on Available Information

In accordance with the approach approved by USEPA, if a bridge is included in the list of bridges under investigation for asbestos and is unconfirmed for asbestos involvement, the district should first examine available information (e.g., file information, bridge plans) to attempt to verify whether asbestos is present in the bridge deck wearing surface or waterproofing membrane. If the district confirms

based on its information that asbestos is involved, refer to Section 27-4.03(e).

If the district confirms based on its information that asbestos is not involved, it should complete the "Structure Identification" and "Certification" sections of BBS 2536 and check box number 2. The district shall submit a copy of the completed form to the Bridge Planning Section of the Bureau of Bridges and Structures at the time the asbestos determination is made. Bridges covered by a signed BBS 2536 indicating that no asbestos is present will be exempt from the EPA asbestos notification requirements upon submittal of the signed certification form to the Bureau of Bridges and Structures. These bridges will be re-coded as "Asbestos Investigation Status: Complete" and "Bridge Contains Asbestos: N" on the list of bridges under investigation for asbestos. The Bureau of Bridges and Structures will provide the affected district(s) and IEPA (which administers the asbestos requirements in Illinois on behalf of USEPA) updates to the bridge list for any month in which changes occur. A copy of the completed BBS 2536 should be included in the district files and in the Phase I Engineering Report when a project is proposed involving demolition, reconstruction, or rehabilitation of the bridge, or repair of the deck on the bridge.

27-4.02(e) Evaluation Based on Sampling and Testing

If information available to the district is not enough to confirm whether or not a bridge involves asbestos, the following sampling and testing procedures shall be applied. Asbestos determination for applicable bridges must be completed prior to commencing any work that would disturb the wearing surface or waterproofing membrane. The determination must be made sufficiently in advance of the commencement of construction or demolition work to allow compliance with the notification requirements of the asbestos national emissions standards; see 40 CFR 61.

27-4.03(d)1 *Sampling*

The purpose of this sampling procedure is to obtain one or more representative samples of the bituminous wearing surface and/or waterproofing membrane, if one is present, for asbestos determination. At least one sample must be taken from each representative portion of the suspect bridge deck overlay material. If portions of a bridge deck involve overlay materials installed at different times, each such area must be sampled. If there is any reason to suspect that overlay materials might be different, even though they appear uniform, they should be sampled separately. Use of a licensed asbestos inspector for conducting the sampling is not required provided the protocol described below is followed.

Before initiating sampling, prepare a plan-view diagram of the bridge deck indicating the approximate dimensions, the area(s) of the deck surface to be sampled, and the sample location(s). If more than one sample will be taken, number the sample locations on the diagram and use the corresponding numbers when labeling each sample. The sampling diagram should be retained in the project files at least until testing of the samples has been completed and any areas of the bridge deck requiring application of the special provision for "Asbestos Waterproofing Membrane and Asbestos Bituminous Concrete Surface Removal (BDE)" have been identified.

Samples shall be removed with a minimum 2-inch diameter core drill. The depth of each sample shall be sufficient to include the full thickness of both the bituminous wearing surface and the waterproofing membrane, if one is present. For each sampling operation, sufficient water shall be applied before and during the core drilling to prevent generation of airborne dust as a result of the drilling and removal

of the sample. Upon removal of the core sample, it shall immediately be placed in a resealable plastic sample bag. Each sample bag shall be labeled with the structure number (000-0000); route identification; county; water body or facility crossed; name and employer, if other than IDOT, of the person removing the sample, and sample number keyed to the diagram of the bridge deck showing the sample location(s).

27-4.03(d)2 *Testing*

The samples of the bituminous bridge deck wearing surface and/or bituminous waterproofing membrane shall be tested for the presence of asbestos using the Polarized Light Microscopy (PLM) method specified in Section 1 of Appendix E, Subpart E, 40 CFR 763. The testing shall be performed by a laboratory that has National Voluntary Laboratory Accreditation Program (NVLAP) or National Environmental Laboratory Accreditation Program (NELAP) accreditation for asbestos fiber analysis using the PLM method and is equipped for performing analysis of non-friable organically bound asbestos using Gravimetric Reduction.* If a bituminous waterproofing membrane layer is present, testing shall be conducted on portions of the sample from both the waterproofing membrane layer and the wearing surface layer. Materials which are determined, through application of the specified testing method, to contain more than one percent asbestos are classified as Category II non-friable Asbestos Containing Materials (ACM). Work that would disturb Category II non-friable ACM is subject to the notification requirements in 40 CFR 61.145. Removal of such materials shall be accomplished in accordance with the Statewide special provision for "Asbestos Waterproofing Membrane and Asbestos Bituminous Concrete Surface Removal (BDE)."

A listing of laboratories that are accredited for asbestos testing through the NVLAP is available at http://ts.nist.gov/ts/htdocs/210/214/scopes/plmtm.html.

Information concerning laboratories that are accredited through the NELAP is available at http://www.epa.gov/ttn/nelac/accreditlabs.html.

27-4.03(d)3 *Results*

If the results of testing confirm that asbestos is not involved, complete the "Structure Identification" and "Certification" sections of BBS 2536 and check box number 3 in the "Asbestos Determination" section. The district shall submit a copy of the completed form to the Bridge

Planning Section of the Bureau of Bridges and Structures at the time the asbestos determination is made. Bridges covered by a signed BBS 2536 indicating that no asbestos is present will be exempt from the IEPA asbestos notification requirements upon submittal of the signed certification form to the Bureau of Bridges and Structures. These bridges will be re-coded as "Asbestos Investigation Status: Complete" and "Bridge Contains Asbestos: N" on the list of bridges under investigation for asbestos. The Bureau of Bridges and Structures will provide the affected district(s) and IEPA updates to the bridge list for any month in which changes occur. A copy of the completed BBS 2536 should be included in the district files and in the Phase I Engineering Report when a project is proposed involving demolition, reconstruction, or rehabilitation of the bridge, or repair of the deck on the bridge.

If the test results confirm that asbestos is involved, refer to the next section.

27-4.02(f) Asbestos Involvement Confirmed

For bridges that are confirmed to involve asbestos in the bridge deck wearing surface and/or waterproofing membrane, if one is present, complete the "Structure Identification" and "Certification" sections of the BBS 2536 and check box number 4. A copy of the completed form should be included in the district files and in the Phase I Engineering Report when a project is proposed involving demolition, reconstruction, or rehabilitation of the bridge, or repair of the deck on the bridge. For structures that the "Asbestos Investigation Status" is shown as "Not Complete" in the list of bridges under investigation for asbestos, the district also should submit a copy of the completed form to the Bridge Planning Section of the Bureau of Bridges and Structures at the time the asbestos determination is made. The information in the list will be re-coded to indicate "Asbestos Investigation Status: Complete" and "Bridge Contains Asbestos: Y" and updates will be provided to the affected district(s) and IEPA for any month in which changes occur in the list.

The district will be responsible for ensuring compliance with the asbestos notification requirements for demolition or renovation of bridges involving deck wearing surfaces or waterproofing membranes containing asbestos. A completed "Notification of Demolition and Renovation" form (available at http://www.epa.state.il.us/air/asbestos/asbestos-form-combined.pdf) must be submitted to IEPA at least 10 working days prior to commencing any work that would disturb any of the bituminous materials containing asbestos.

The IEPA has advised that the start date and complete date for demolition and asbestos removal are key items of information for the notification. If exact dates are not known at the time the initial notification form is submitted estimated dates may be used. Revised notification must then be submitted to correct the information when the actual start and complete dates have been determined. The revised notification still must satisfy the requirement for submittal at least 10 working days prior to commencing any work that would disturb any of the bituminous materials containing asbestos. Since the notification forms will generally require information from both the contractor and the district, it is suggested that, where practical, the notification forms should be prepared at the pre-construction conference.

The district will also be responsible for ensuring that the special provision for "Asbestos Waterproofing Membrane and Asbestos Bituminous Concrete Surface Removal (BDE)" is included in the contract for work involving removal of bridge deck wearing surfaces or waterproofing membranes containing asbestos. The district should include a general note in the project plans or in the project commitment file to indicate that asbestos is present and will be subject to a special provision.

When removal operations are completed for all asbestos bituminous concrete surface and asbestos waterproofing membrane on a bridge, the district should complete the "Structure Identification" and "Certification" sections of BBS 2536 and check box number 5 and submit a copy of the completed form to the Bridge Planning Section in the Bureau of Bridges and Structures. The information in the bridge list will be re-coded to indicate "Bridge Contains Asbestos: N" and updates will be provided to the affected district(s) and IEPA for any month in which changes occur. Bridges covered by a signed BBS 2536 form indicating that all asbestos-containing materials have been removed will be exempt from the IEPA asbestos notification requirements upon submittal of the signed certification form to the Bureau of Bridges and Structures. A copy of the completed form should be included in the district files. For bridges that remain in place following removal of the asbestos-containing materials, a copy

of the form also should be included in the Phase I Engineering Report for future work involving demolition, reconstruction, or rehabilitation of the bridge, or repair of the deck on the bridge.

27-4.02(g) Removal of All Asbestos Containing Bridges from the State

When the bridge list indicates that all of the asbestos bituminous concrete surface and asbestos waterproofing membrane has been removed from all highway bridges in the State, the Bridge Planning Section in the Bureau of Bridges and Structures will advise the Bureau of Design and Environment (BDE). BDE will notify the IEPA in writing and request approval to discontinue the asbestos determination and tracking procedures for highway bridges. Upon receipt of approval from IEPA/USEPA, these procedures will be rescinded.