

## **Genesee County Land Bank Authority Blight Elimination Program**

### **Invitation for Bids- LB 21-004 Environmental Abatement & Disposal of Asbestos and Hazardous Materials & Demolition and Disposal of Commercial Structures in Genesee County ADDENDUM #1**

**May 27, 2021**

The following information is to be incorporated into the bidding and contract documents and acknowledged by all bidders for the above referenced project. Bids submitted that do not acknowledge this Addendum will be deemed incomplete and may be rejected on such basis.

#### **1. Questions and Answers:**

**Q:** If we request bid submission online for this project is it still a requirement to get originals to your office and by what date?

**A:** Yes. I would have to have hard copies in hand within one week of the due date, however you decide to ensure that happens. But if it doesn't appear within that week, you may be ineligible for award.

For this bid and for those opting to use the electronic submittal process, hard copies must be received by no later than 3:00pm Tuesday, June 8, 2021.

#### **2. Updated Due Care Obligations Document:**

Bidders are to replace the documents in APPENDIX 11 with the updated version attached here (Attachment 1).

**Each bidder must acknowledge receipt of this addendum on RFP SUBMITTAL REQUIREMENTS CHECKLIST. If you have already mailed your hardcopy, acknowledgment of receipt via email is acceptable.**

**\*\*END OF ADDENDUM\*\***

Prepared by:  
Genesee County Land Bank  
452 S. Saginaw St., Second Floor



## ATTACHMENT 1

# **DUE CARE OBLIGATIONS**

**1014 NORTH GRAHAM ROAD  
FLINT, MICHIGAN 48532**



**MAY 2021**

**PREPARED FOR:**

**GENESEE COUNTY LAND BANK AUTHORITY  
452 S. SAGINAW STREET, 2TH FLOOR  
FLINT, MI 48502**



## DUE CARE OBLIGATIONS

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Attachment A - CONTRACTOR DISCLOSURE STATEMENT

## **GENERAL**

The Genesee County Land Bank Authority (GCLBA) proposes to conduct general demolition activities at 1014 North Graham Road, Flint Michigan 48532 utilizing grant funding. All site work, especially excavation and associated subsurface work, shall comply with the Due Care Obligations as set forth in this document. The tasks that will be conducted during the demolition activities will include some or all of the following: 1) abatement and disposal of asbestos and hazardous materials/waste; 2) demolition of site features and subject buildings; 3) removal of abandoned containers and underground storage tanks (USTS), if encountered; 4) removal of brush and vegetation; 5) plug, cap and bulk head utilities, and; 7) site restoration including grading and compaction of imported fill materials and seeding.

This Due Care Obligation document addresses the identification and management of contaminated soil, groundwater, and storage tanks at the subject property. The recommended policies and procedures are meant to ensure that human health and the environment is protected, soil/groundwater is properly managed, and due care responsibilities for the subject property is met during demolition activities. A variety of residuals (soil, groundwater, debris, etc.) could potentially be generated during demolition. This document specifies methods for management of these residuals. The procedures and guidelines set forth in this document were developed to ensure that residuals generated during the course of demolition will be managed in a manner that: (1) conforms to Federal, State, and local solid waste and environmental response laws; (2) protects workers and the general public from unacceptable exposure to the residuals; and (3) reduces the potential for exacerbation of environmental conditions of the properties.

This document comprises the due care management plan for the project. A Contractor's Disclosure Statement summarizing the subject property environmental demolition and construction requirements is provided as an addendum to this document. Any and all contractors conducting site work and subsurface activities at the subject property will be required to sign a copy of this disclosure prior to starting work.

## **DEFINITIONS**

**OWNER** - Genesee County Land Bank Authority (GCLBA)

**CONTRACTOR** - The CONTRACTOR(s) are those companies designated by the OWNER that have responsibility for the implementation for specific work activities. These work activities are identified in the Scope of Work and Due Care Obligations document. The CONTRACTOR is responsible for the procedures described in this Due Care Obligations document.

**Qualified Environmental Professional (QEP)** - The QEP is the qualified individual retained by the OWNER to ensure that all environmental due care obligations are being met during demolition. In this context, the QEP is a person that: 1) has experience in the management and implementation of Due Care Plans/Environmental Construction Management Plans; 2) has experience in the identification and management of environmental contamination and hazardous materials; 3) has a Bachelor's degree or higher in engineering, geology, or other science-related discipline, or has demonstrated sufficient ability through past performance; and 4) possesses current 40-hour certification under the Hazardous Waste Operation and Emergency Response Standard (HAZWOPER), (Michigan Occupational Safety and Health Act (MIOSHA) -STD-1216 and 29 CFR 1910.120).

The QEP firm retained for this project is The Mannik & Smith Group, Inc. (MSG). It is anticipated that the individuals listed below (and meet the requirements listed above) will potentially be the on-site QEP.

- Spencer Rogers (primary) – (248) 961-0020
- Kevin Mercier – (248) 921-9809
- Jason Martinez – (408) 838-8805

The QEP must be made aware 48 hours in advance and provided the opportunity to conduct independent oversight/observation during all soil disturbance and subsurface excavation activities to ensure proper material handling, disposal, and site restoration protocols are followed.

### **Conflicts, Ambiguity, or Discrepancy**

Before undertaking each part of the work, CONTRACTOR shall carefully study and compare this document and the Contract Documents and any additional environmental documentation made available, and check and verify pertinent information shown and described. If, during the performance of the Work, CONTRACTOR discovers any conflict, error, ambiguity or discrepancy within the Due Care document or Contract Documents, or between the Due Care document and Contract Documents and/or any provision of any such Law or Regulation applicable to the performance of the work or of any such standard, specification, manual or code or of any instruction of any supplier; CONTRACTOR shall report it to the OWNER in writing at once, and CONTRACTOR shall not proceed with the Work affected thereby (except in an emergency) until an amendment or supplement to the Contract Documents has been issued. For any inconsistency between the Contract Specifications and the Due Care Plan, it should be anticipated that the more conservative instruction for protection of human health, safety, and the environment will be adopted.

### **SITE DESCRIPTION**

Multiple site investigations have been completed at the property by QEPs retained by the OWNER and Michigan Department of Environment, Great Lakes and Energy (EGLE). Soil and groundwater contamination has been identified in excess of current *Generic Residential Cleanup Criteria* (GRCC) promulgated under Part 201 of the *Natural Resources and Environmental Protection Act* (NREPA), 1994 P.A. 451, as amended (Part 201).

Below is a summary of known site conditions, recognized environmental concerns (RECs), and known hazardous substances can be found in the individual reports (Phase I, Phase II, and/or Pre-demolition Hazardous Material Survey) prepared for each property. All reports discussed below are available upon request for the successful bidder.

### **Phase I ESA**

A May 8, 2017 Phase I Environmental Site Assessment (ESA) conducted by AKT Peerless identified the following Recognized Environmental Conditions (RECs) at 1014 North Graham Road in Flint, Michigan.

- The subject property operated as a gasoline filling station from 1968 to 2013. Three 10,000- gallon gasoline USTs, one 2,000-gallon fuel oil UST, and one 500-gallon fuel oil UST remain onsite.
- The subject property is currently listed as an open LUST site. During the completion of a 2015 subsurface investigation, concentrations of VOCs and PNAs were identified within on-site soil and groundwater samples in excess of the MDEQ/EGLE Generic RCC.

### **UST Removal Activities**

In an August 8, 2017 report; AKT Peerless documented the results of UST removal activities at 1014 North Graham Road in Flint, Michigan.

The USTs were removed and subsequent site assessment activities were completed in accordance with MDEQ and LARA requirements. Based upon laboratory analytical results, a confirmed release was reported to LARA due to concentrations of ethylbenzene, toluene, and xylenes within on-site soil. Further, due to concentrations of ethylbenzene and xylenes identified within on-site soil excess of the Part 201GRCC, the subject property met the definition of a facility under MDEQ Part 201/213. Due to facility status of the subject property, AKT Peerless recommended compliance with Section 20107a of Part 201, and Section 21304c, Leaking Underground Storage Tanks, of NREPA. These obligations include:

- Undertake measures as are necessary to prevent exacerbation of existing contamination; Exercise due care by undertaking response activities necessary to mitigate unacceptable exposure to hazardous substances and allow for the intended use of the facility in a manner that protects the public health and safety;
- Take reasonable precautions against the reasonably foreseeable acts or omissions of a third party and the consequences that could result from those acts or omissions;
- Provide notifications to the MDEQ and others in regard to mitigating fire and explosions hazards, discarded or abandoned containers, contamination migrating beyond property boundaries, as applicable;

- Comply with any land use or resource use restrictions established or relied on in connection with the response activities at the facility; and
- Not impede the effectiveness or integrity of any land use or resource restriction employed at the facility in connection with response activities.

### **Leaking Underground Storage Tank Closure**

Environmental Consulting & Technology, Inc. (ECT) was retained by EGLE to conduct corrective action activities after the UST removal activities took place. These corrective action activities culminated in the completion of a Part 213 Closure Report and the recording of a restrictive covenant for the site. The Closure Report and restrictive covenant define and identify the concentrations, locations, and quantities of chemicals of concern and impacted materials on site. CONTRACTORs are to review the closure report and restrictive covenant. Due to facility status of the subject property, CONTRACTOR is to take care in the handling of all soil and groundwater throughout the property.

### **Asbestos and Hazardous Material Survey**

ECT conducted an asbestos and hazardous material survey, documented in a July 8, 2019 report in accordance with AHERA guidelines that require suspect materials be identified, located, documented, and classified. The following table provides a summary of ACMs associated with the Building (excluding the bathroom, which was inaccessible).

Material	Location	Approximate Volume	Type	Condition
Gray Window Panel Caulk	West Exterior Wall	50 linear feet	Miscellaneous Category II Non-Friable	Slightly Damaged

The Building may be demolished after the Category II Non-Friable asbestos material is abated using standard construction practices. Because the bathroom was not accessible, it should be surveyed prior to demolition.

In addition, the following wastes must be disposed pursuant to State of Michigan requirements.

Units	Description
1	55-gallon Drum – Unknown Contents
1	Ventilation/Air Conditioning Unit on Roof

Although the site was originally a gasoline station and the former USTs were removed, CONTRACTOR should note that the presence of additional USTs is always possible. If USTs are encountered, contact the QEP as soon as possible.

Additionally, CONTRACTOR is advised that lead-based paint is suspected to be associated with the demolition materials that are painted and cannot be recycled. CONTRACTOR (including subcontractors) shall assume painted building materials contain detectable levels of lead, and/or cadmium, and/or chromium.

Due to the presence of known or suspected environmental contamination, the CONTRACTOR shall take all necessary precautions as required by laws, regulations and the contract documents for protection of the CONTRACTOR's personnel, as well as the adjacent properties.

### **CONTRACTOR PERSONNEL**

CONTRACTOR (including subcontractors) personnel that will be in contact with soil and/or groundwater shall be equipped with proper personnel protection equipment (PPE), and shall be notified of soil and groundwater contamination.

**CONTRACTOR's Site Supervisor/Competent Person:** The CONTRACTOR must have a Site Supervisor/Competent Person on-site during all work activities. The "Site Supervisor/Competent Person" shall: have the authority to commit CONTRACTOR resources and direct on-site personnel; have at least 5 years of experience in the management and implementation of environmental construction activities and plans; have at least 5 years' experience in the identification and management of environmental contamination and hazardous materials; have at least 5 years' experience conducting construction activities and/or environmental clean-up at contaminated properties; have demonstrated sufficient ability to supervise construction activities on contaminated properties through past performance; and possesses current 40-hour, HAZWOPER certification and subsequent annual refreshers under 29 CFR 1910.120.

**CONTRACTOR/Subcontractor Personnel:** At a minimum all CONTRACTOR employees and subcontractors working at the site shall have 40 Hour HAZWOPER training and annual 8-hour HAZWOPER refresher training and asbestos awareness (excluding licensed asbestos workers) and lead awareness training. CONTRACTOR must provide training certificates as verification of such. Asbestos Abatement Workers shall have current medical monitoring, current respirator fit test, current training and asbestos worker accreditation. Additionally, all CONTRACTOR employees and subcontractors working at the site must be provided information about hazardous chemicals used, present at the Site in building materials, and in soil and groundwater. CONTRACTOR employees and subcontractors working at the site shall have demonstrated competency working at sites of known contamination. Documentation of the above qualifications for on-site workers must be provided to the OWNER/QEP in advance of any on-site activity.

CONTRACTOR and subcontractors performing work are responsible for compliance with the activities outlined in this Due Care document, their project HASP, the safe performance of all intrusive work, the structural integrity of excavations, proper disposal of fluids, control of runoff, and for damage to off-site properties and protected site features.

## DUE CARE REQUIREMENTS

In accordance to P.A. 451, Part 201, "Section 20107a. (1) Generally requires a person who owns or operates property that he or she has knowledge is a facility (regardless of whether the person is liable under Section 26) to do all of the following:

- a) Undertake measures as are necessary to prevent exacerbation of the existing contamination.
- b) Exercise due care by undertaking response activity necessary to mitigate unacceptable exposure to hazardous substances, mitigate fire and explosion hazards due to hazardous substances, and allow for the intended use of the facility in a manner that protects the public health and safety.
- c) Take reasonable precautions against the reasonably foreseeable acts or omissions of a third party and the consequences that are foreseeable could result from those acts or omissions."
- d) Provide reasonable cooperation, assistance, and access to the persons that are authorized to conduct response activities at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response activity at the facility.
- e) Comply with any land use or resource use restrictions established or relied on in connection with the response activities at the facility.
- f) Not impede the effectiveness or integrity of any land use or resource restriction employed at the facility in connection with response activities.

A **CONTRACTOR's Disclosure Statement** summarizing the subject property due care requirements can be found in Attachment A. CONTRACTOR and subcontractors conducting site work and subsurface activities at the subject property will be required to sign a copy of this disclosure prior to starting work and provide signed copy/copies to OWNER prior to the start of Work.

## **WORK SEQUENCE**

In general work shall be pursued in stages, following this sequence:

1. Prepare and submit a Work Plan, as well as Health and Safety Plan (HASP) in accordance with Specifications.
2. Conduct a pre-demolition conference call or meeting with OWNER and QEP if applicable.
3. Submit all notifications and obtain all permits.
4. Verify all utility and miscellaneous piping locations. Verify all disconnects.
5. Coordinate and notify OWNER and QEP- if applicable- of on-site work activities.
6. Conduct all necessary waste characterization and obtain all necessary approvals.
7. Remove all regulated asbestos, hazardous materials, and other materials banned from landfill disposal.
8. Liquids accumulated in building components, piping, site features, the sub grade areas or excavations shall be removed prior to demolition of buildings.
9. Conduct test pits or exploratory work for known or suspected USTs or hoists with oversight of CONTRACTOR's Site Supervisor/Competent Person and QEP if applicable, if necessary.
10. Abandon existing monitoring wells with oversight of CONTRACTOR's Site Supervisor/Competent Person and QEP, if applicable, if necessary.
11. Proceed with remaining demolition/removals.
12. Conduct backfill and site restoration.
13. Schedule final inspection and obtain approval.
14. Submit all documents, manifests, and other completion information to OWNER and QEP, as applicable.

Please note that this sequence of work is generalized and may not include all tasks associated with the completion of the work.

## **HEALTH AND SAFETY PLAN (HASP)**

It is the CONTRACTOR's responsibility to develop a site-specific, HASP for all CONTRACTOR personnel. This HASP shall be specific to the site and address the potential hazards associated with the CONTRACTOR's scope of work. The CONTRACTOR HASP shall acknowledge the information provided in this Due Care document, as well as environmental reports prepared for each property. The CONTRACTOR shall take all necessary precautions to assure that CONTRACTOR personnel and Subcontractor personnel under the CONTRACTOR's control observe and abide by all applicable safety regulations while performing the work. The HASP must be provided to the OWNER and QEP in advance of commencing work activities. The OWNER and QEP may elect to review and comment on the HASP.

## **SPILL/EMERGENCY CONTINGENCY PLAN**

The CONTRACTOR and the CONTRACTOR's Site Health & Safety Officer (SHSO) are responsible for emergency response notifications in the event that an emergency occurs during demolition. Emergencies may include injury to personnel, fire, explosion, or an environmental material spill or release.

The CONTRACTOR is responsible for clean-up of all leaks, spills from containers and other items on or off site that occur. Immediate containment actions shall be taken as necessary to minimize the effect of any spill or leak. The CONTRACTOR shall notify the OWNER, QEP, and appropriate governmental authorities of the incident. Clean-up shall be in accordance with applicable Federal, State, and local laws, as well as regulations at no additional cost to the OWNER. A Spill/Emergency Contingency Plan for handling and transportation of solids, liquids, and hazardous materials, as well as addressing other emergencies, shall be submitted to OWNER for review and comment.

The Spill/Emergency Contingency Plan shall address all the potential hazards, necessary actions to follow in case of spills, including an evacuation plan and emergency phone numbers. The Spill/Emergency Contingency Plan can be included as an attachment to the HASP.

As appropriate, the fire department or other emergency response personnel must be notified immediately by telephone regarding the emergency. A list of emergency contact telephone numbers must be posted prominently at the work site and made readily available to all personnel (including OWNER) at all times.

Additional post-incident response assistance may also be obtained from other sources, as directed by the OWNER and QEP.

## **SITE SECURITY**

CONTRACTOR is responsible for site security. CONTRACTOR shall install temporary 6 foot high chain link fence, equipped with locking gates. CONTRACTOR shall institute security measures to ensure unauthorized personnel do not enter site including, but not limited to:

- a) Install a 6 foot tall, chain link fence with lockable gates around entire perimeter of the Site.
- b) Prevent unauthorized entry to site;
- c) Require all employees, subcontractors, and authorized visitors to sign in and out of site each day;
- d) Install appropriate signage, including warning/caution and no trespassing signs on fence;
- e) Lock gates at the end of each business day, holidays and weekends; and
- f) Install temporary 4 foot plastic construction fence around all open excavations within the fenced perimeter.

## **FUGITIVE DUST CONTROL**

Fugitive Dust is defined as "Particulate matter which is emitted into the outer air from outdoor processes, activities, or operations due to the forces of wind or human activity." Fugitive Dust sources include, but are not limited to: unpaved roads; unpaved, non-vegetated areas; vehicle track out; material storage piles; construction related activities and demolition activities. It is the CONTRACTOR's responsibility to provide water necessary to suppress the generation of dust during the completion of demolition/earth work activities. CONTRACTOR is required to provide proof of water source, and legality of use of the source to the OWNER prior to the start of Work.

The City of Flint has a limited number of water meters available for rent. It is OWNER's understanding that these meters can be rented to CONTRACTORS with the understanding that CONTRACTORS follow the following procedures.

- Only use hydrants sparingly. CONTRACTOR must notify the appropriate City of Flint water official prior to hooking up to a hydrant and acquire approval.
- Meter(s) should not be moved from hydrant to hydrant by CONTRACTOR. CONTRACTOR is to strategically select one hydrant adjacent to the Site and approved by the City of Flint. This is a requirement in order to remain in compliance and in order to reduce damage to the aging infrastructure.
- Any CONTRACTOR that is illegally using the City of Flint water/fire hydrants, or illegally sourcing water from any site, will face penalties up to suspension or debarment by the Owner.

The above City of Flint requirements shall be verified by CONTRACTOR, and OWNER is not responsible for any additional requirements, or variation from, those stated above.

CONTRACTOR must provide dedicated on-site water truck(s) with a minimum of two hoses and/or commercial dust suppression mister. The truck will be equipped with and/or connected to a water cannon or mister, capable of spraying water directly onto structure being demolished, off-road areas, including haul roads, excavations, and stockpiles. CONTRACTOR shall not create hazardous or objectionable conditions, such as ice, flooding, and pollution, when using water. All asbestos abatement and demolition activities shall utilize methods to ensure that materials are considered adequately wet to prevent the release of particulates from the source material.

The CONTRACTOR shall apply water to prevent visible dust emissions from the site. Dust generation will be kept to a minimum by implementing additional control measure including, but not limited to:

- Minimize agitation or disturbance activities where possible.
- When possible, conduct activities on less windy days.

- Reduce wind effects with windbreaks where practicable.
- Apply water to potential dust areas.
- Establish a truck and wheel wash at the entrance/exit to the Site.
- Provide an area of crushed stone or gravel at the entrance/exit of the Site
- Clean up trackage and spillage on roads immediately.
- Cover stockpiled soil with plastic sheeting.
- Require tarpaulins for all haul vehicles.

Ambient air monitoring shall be conducted by the CONTRACTOR (at their own expense) at the perimeter of the subject property to demonstrate that no unacceptable exposures result from emissions of dust from intrusive site work activities. Monitoring means and methods shall be submitted to OWNER and QEP prior to the initiation of on-site work activities.

### **DEWATERING REQUIREMENTS**

If dewatering is required to perform Work (including open-hole inspections), CONTRACTOR shall apply for and obtain discharge permit or transport and dispose of water at Owner approved disposal site. Non-permitted discharge to land, sanitary and/or storm sewer system is expressly forbidden. CONTRACTOR shall be responsible for all costs associated with dewatering including:

- Pumping;
- Temporary Storage;
- Application/Permit Fees;
- Transportation;
- Sampling/Analysis; and
- Discharge/Disposal Fees.

A groundwater-surface water interface (pond, wetland, ditch) shall not be created on the subject property

### **WASTE MANAGEMENT**

Based on the Owner's due diligence activities, contaminated groundwater and soil have been identified at the site that exceed Part 201/213 GRCC. Therefore, the subject property meets the definition of a facility, as defined in Part 201 of the NREPA. CONTRACTOR is responsible to sample, analyze, characterize, containerize, transport and dispose at Owner approved TSDF, all waste generated from performance of the Work in accordance with Contract Documents, state, local and federal rules and regulations (referenced below).

Federal:

- Resource Conservation and Recovery Act (RCRA), 40CFR, Parts 260-279;
- Department of Transportation, 49 CFR Parts 100-199;
- Toxic Substance Control Act (TSCA), 40 CFR, Part 76;
- Occupational Safety and Health Act (OSHA), 29 CFR, Part 1926.

State:

- Natural Resource and Environmental Protection Act (NREPA), PA 451;
- Part 169 (Scrap Tires);
- Part 121 (Liquid Industrial Wastes);
- Part 111 (Hazardous Waste);
- Part 167 (Used Oil);
- Part 147 (PCBs);
- Part 171 (Battery Disposal)
- Part 31 (Wastewater); and

- Part 55 (Air Pollution Control).

### **Waste Streams**

The following waste streams may be generated during completion of the Work and shall be characterized, containerized, transported and disposed in accordance with the Contract Documents.

- Universal Wastes;
- Hazardous Wastes;
- Scrap Tires;
- Asbestos Wastes;
- Liquid Industrial Wastes; and
- Demolition Debris.

Soil and groundwater wastes are not anticipated to be generated during completion of the Work. If soil is excavated and cannot be utilized at the Site, CONTRACTOR shall conduct the following activities, including but not limited to the following.

- Place excavated soil on plastic sheeting and cover soil with plastic sheeting or place soil in lined roll-off boxes equipped with cover pending removal from the Site.
- CONTRACTOR shall collect representative samples of the soil and submit the samples to an accredited laboratory for analyses required by the TSDF.
- If analytical results indicate soil is characteristically hazardous, soil must be disposed of at hazardous waste disposal site. If analytical results indicate soil is not hazardous, it must be disposed of at Type II municipal landfill. Off-site reuse of soil is expressly prohibited.
- If groundwater is generated during the Work, CONTRACTOR must collect representative samples and submit sample for analysis required by discharge permit application or TSDF. CONTRACTOR shall provide onsite temporary storage tank(s) with sufficient capacity to store water until obtaining discharge permit or TSDF approval.

### **RECORD KEEPING**

The CONTRACTOR shall maintain necessary records to demonstrate that all inspections, testing, material disposal, and other requirements as described in the preceding sections was performed in accordance with Contract Documents and all applicable Federal, State, and local regulations. CONTRACTOR shall submit all inspections, testing, material disposal, and other required documents.

At the conclusion of disposal activities, the CONTRACTOR shall provide a compilation of all disposal documentation to the OWNER. Documentation will, at a minimum, include records of all disposal facility, the type of materials disposed, the quantity of materials transported, and the quantity of materials disposed, quantities of materials reused on site, quantities of imported materials/backfill, permits, licenses, and regulatory inspections and correspondence. The CONTRACTOR will also be responsible for maintaining copies of all documentation for a minimum of three years after the completion of demolition activities.

### **Underground Storage Tank/Tank/ Hydraulic Hoist Removal**

The potential exists that additional USTs may be present at the site. CONTRACTOR shall provide all labor, equipment, supplies, materials, and incidentals to conduct the removal and proper disposal of all above ground storage tanks (ASTs), USTs, hydraulic hoists, or similar vessels known or discovered at the subject property. Unknown storage tanks are assumed to contain non-hazardous water, solids, and/or recyclable petroleum product. Hydraulic hoists are assumed to contain non-hazardous oil and/or water with PCB content less than 50 parts per million (ppm). CONTRACTOR will be responsible for all waste characterization sampling with oversight and approval of QEP. CONTRACTOR is responsible for all laboratory analytical fees. For bidding purposes, contents should be

assumed non-hazardous. QEP has the right to reject or require CONTRACTOR to redo any work or sampling conducted without the QEP present.

All tanks and piping shall be emptied of all fill materials, liquids, and sludge and purged of all vapors prior to any cutting, movement, and/or transport. All piping shall be emptied of all liquid and sludge, purged and capped, and removed from the ground. Any associated concrete anchors, vault, or tunnels shall be removed as part of the work.

- CONTRACTOR shall exercise due care when excavating/demolishing concrete/asphalt surfaces, driveways/approaches, and the building foundations/slab. CONTRACTOR shall limit depth of excavation required to remove concrete/asphalt parking lot, driveways/approaches, and sidewalks as to disturb the minimum amount of soil and minimize the potential of unearthing unknown USTs or other subsurface features.
- If evidence of USTs are discovered, including, but not limited to product or vent lines, fill caps, or conduits, USTs or free product, CONTRACTOR shall stop work in that area and notify the OWNER and QEP immediately. CONTRACTOR may be required to carefully excavate soil in vicinity of suspected USTs to further investigate if USTs are present, their size and their contents.
- In the event that USTs or free product is discovered, Within 24 hours of discovery, CONTRACTOR shall be prepared to subcontract or self-perform the pumping, cleaning, and removal of UST, and containerize, characterize, transport and dispose of waste generated from the UST activities. CONTRACTOR shall provide a temporary aboveground storage tank, with sufficient capacity to hold UST contents until contents have been characterized, profiled and approved for disposal.
- If release from UST is caused by CONTRACTOR's activities, CONTRACTOR will be responsible to minimize release to environment by immediately pumping liquids from tank and subsurface, into portable on-site storage tank(s), and excavating soils impacted by release and placing soils in lined, covered roll-off boxes, and retaining an environmental consultant to prepare required regulatory notifications, report and collect verification of soil remediation (VSR) samples for analysis, at no cost to OWNER.
- If a release from UST is not caused by CONTRACTOR's activities, CONTRACTOR will be responsible to minimize release to environment by immediately pumping liquids from tank and subsurface into a portable on-site storage tank, and excavating soils impacted by release and placing soils in lined, covered roll-off box.
- CONTRACTOR shall assist QEP with soil/groundwater sample collection, if requested.

### **Spills**

If CONTRACTOR causes a spill during equipment refueling, equipment maintenance, equipment malfunction, collection of universal wastes/hazardous materials or any other activity, CONTRACTOR shall immediately notify OWNER and QEP and begin spill clean-up activities to minimize impact to the Site. CONTRACTOR shall immediately place contaminated materials in appropriate containers and collect representative sample(s) for waste characterization analysis. Upon receipt of analytical results CONTRACTOR shall profile, transport and dispose of contaminated materials. Additionally, CONTRACTOR shall retain an environmental consultant to collect verification of soil removal samples in accordance with EGLE requirements, and submit required reports. Spill shall be cleaned up to OWNER's/QEP's satisfaction and in accordance with EGLE requirements. All costs associated with spill clean-up, assessment, transportation and disposal will be the responsibility of the CONTRACTOR.

## **DUE CARE CHECKLIST**

**IFB #: 21-004 1014 NORTH GRAHAM ROAD**

**CONTRACTOR:**

**CONTACT PERSON:**

**TO BE SUBMITTED WITH BID. CONTRACTOR's Site Supervisor/Competent Person:**

**COMPETENT PERSON NAME:**

- Years of experience in management and implementation of environmental construction activities and plans. List examples of projects:
    - 
    - 
    -
  - Years of experience in identification and management of environmental contamination and hazardous materials. List examples of projects:
    - 
    - 
    -
  - Years of experience in conducting construction activities and/or environmental clean-up at contaminated properties List examples of projects:
    - 
    - 
    -

**TO BE SUBMITTED WITH BID. WORKERS.** For each employee that will be on site provide proof of recent:

- Lead awareness
  - HAZWOPER
  - Asbestos awareness/abatement licenses

**TO BE SUBMITTED WITH BID. HASP INCLUDES:**

- Acknowledgement of Due Care Obligations and Environmental Reports
  - Spill/Emergency Contingency Plan
  - Identification of water source for fugitive dust control
  - Fugitive Dust Control Plan identifying:
    - Specific measures necessary to ensure impacted soil does not leave the site during performance of the Work including but not limited to: demolition, stockpiling, and transportation.
  - Identification of ambient air monitoring plan at site perimeter

**TO BE SUBMITTED WITH BID. WORK PLAN INCLUDES:**

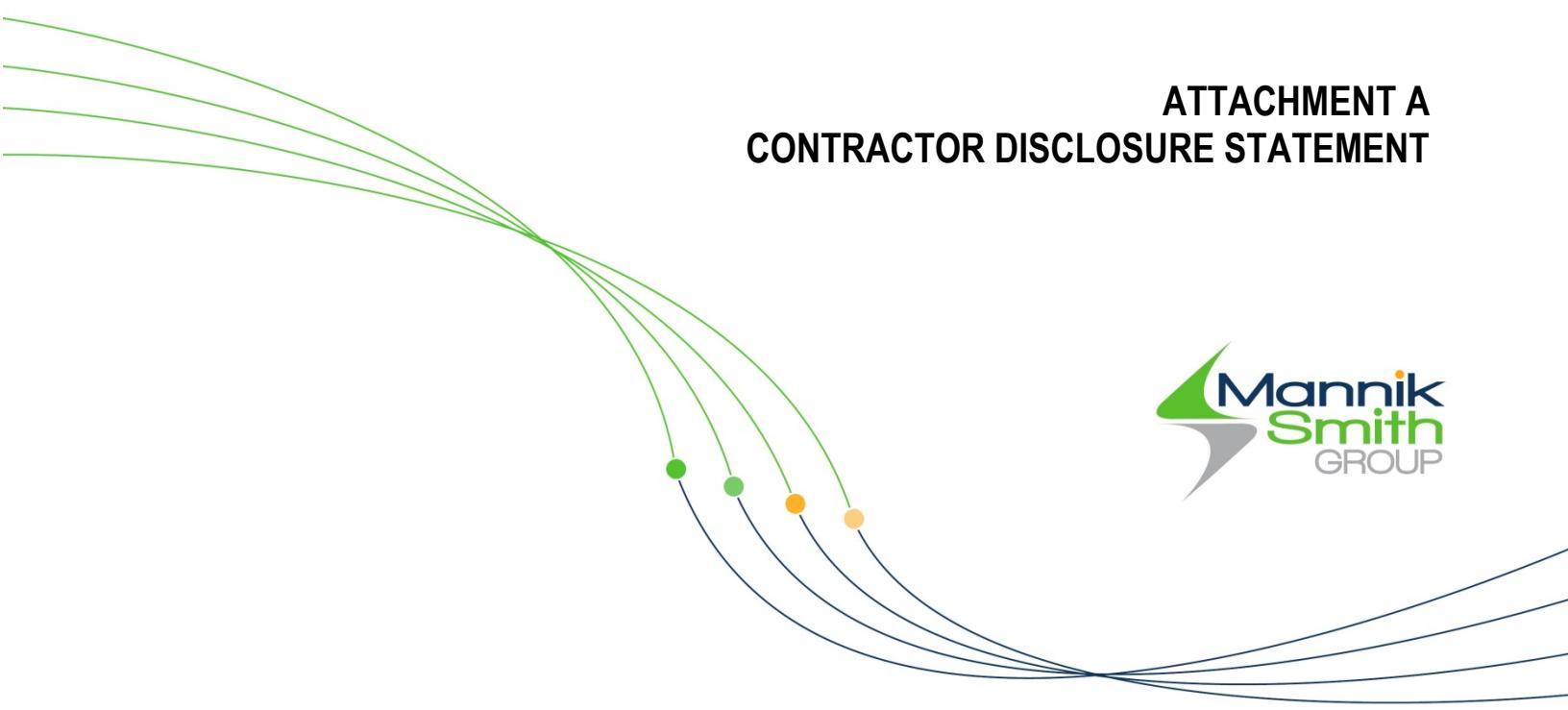
- Address specific schedule with sequence of work including a listing of all materials to be removed and any that will remain
  - Sampling and analysis protocols- identification of business that will conduct sampling and analysis if necessary.
  - Quality Control protocols

**TO BE SUBMITTED PRIOR TO AWARD WORK PLAN INCLUDE**

**Before an award is made, bidders likely to be awarded a contract may be requested to supply the following:**

- If subcontracting*, you must provide proof that the subcontractor is in compliance with the Michigan Workers' Disability Compensation Act requirements and appropriately licensed.
- Insurance Accord for subcontractors listing the OWNER and CONTRACTOR.
- Supply appropriate worker certifications/licenses and proof of medical monitoring
- Contractor Disclosure Statement for each worker that will be on site
- Backfill/topsoil - Statement of confirmation that backfill or topsoil is below EGLE GRCC and backup documentation (Lab results from imported material samples or source certification) prior to bringing backfill or topsoil on site.
- Seed label from seed mix used on projects. (*OWNER may request random samples of seed mix from CONTRACTORS*)

**Bidders that are unable to produce these documents will not be awarded a contract.**



**ATTACHMENT A**  
**CONTRACTOR DISCLOSURE STATEMENT**



**CONTRACTOR DISCLOSURE STATEMENT**  
**IFB #: 21-004 1014 GRAHAM RD.**  
**PARCEL #: 07-15-501-038**

This CONTRACTOR Disclosure Statement serves as the Genesee County Land Bank Authority's (OWNER) notification to CONTRACTORS, that certain commercial properties where demolition is to occur are known or suspected to be contaminated. Several environmental investigations have been completed at the property.

A Phase I Environmental Site Assessment (ESA) has been completed at the property. The results of the Phase I ESA indicate that recognized environmental concerns (RECs) were identified. Subsequent to the Phase I ESA, additional subsurface investigations and other corrective action activities were completed at the site, including UST removal, a pre-demolition hazardous materials survey, and a Leaking Underground Storage Tank Closure Report.

**ENVIRONMENTAL REPORT SUMMARY**

Several documents describing the environmental history at the site have been prepared and are available upon request. These include the following reports, but other information is also available.

**Phase I ESA**

A May 8, 2017 Phase I Environmental Site Assessment (ESA) conducted by AKT Peerless identified the following Recognized Environmental Conditions (RECs) at 1014 North Graham Road in Flint, Michigan.

- The subject property operated as a gasoline filling station from 1968 to 2013. Three 10,000- gallon gasoline USTs, one 2,000-gallon fuel oil UST, and one 500-gallon fuel oil UST remain onsite.
- The subject property is currently listed as an open LUST site. During the completion of a 2015 subsurface investigation, concentrations of VOCs and PNAs were identified within on-site soil and groundwater samples in excess of the Part 201/213 Generic Residential Clean-up Criteria (GRCC).

**UST Removal Activities**

In an August 8, 2017 report; AKT Peerless documented the results of UST removal activities at 1014 North Graham Road in Flint, Michigan.

The USTs were removed and subsequent site assessment activities were completed in accordance with EGLE and LARA requirements. Based upon laboratory analytical results, a confirmed release was reported to LARA due to concentrations of ethylbenzene, toluene, and xylenes within on-site soil. Further, due to concentrations of ethylbenzene and xylenes identified within on-site soil excess of the Part 201GRCC, the subject property met the definition of a facility under Part 201/213. Due to facility status of the subject property, AKT Peerless recommended compliance with Section 20107a of Part 201, and Section 21304c, Leaking Underground Storage Tanks, of NREPA (Michigan Public Act (PA) 451, 1994, as amended). These obligations include:

- Undertake measures as are necessary to prevent exacerbation of existing contamination; Exercise due care by undertaking response activities necessary to mitigate unacceptable exposure to hazardous substances and allow for the intended use of the facility in a manner that protects the public health and safety;
- Take reasonable precautions against the reasonably foreseeable acts or omissions of a third party and the consequences that could result from those acts or omissions;
- Provide notifications to the EGLE and others in regard to mitigating fire and explosions hazards, discarded or abandoned containers, contamination migrating beyond property boundaries, as applicable;
- Comply with any land use or resource use restrictions established or relied on in connection with the response activities at the facility; and
- Not impede the effectiveness or integrity of any land use or resource restriction employed at the facility in connection with response activities.

### **Leaking Underground Storage Tank Closure**

Environmental Consulting & Technology, Inc. (ECT) was retained by EGLE to conduct corrective action activities after the UST removal activities took place. These corrective action activities culminated in the completion of a Part 213 Closure Report and the recording of a restrictive covenant for the site. The Closure Report and restrictive covenant define and identify the concentrations, locations, and quantities of chemicals of concern and impacted materials on site. CONTRACTORs are to review the closure report and restrictive covenant. Due to facility status of the subject property, CONTRACTOR is to take care in the handling of all soil and groundwater throughout the property.

### **Asbestos and Hazardous Material Survey**

ECT conducted an asbestos and hazardous material survey, documented in a July 8, 2019 report in accordance with AHERA guidelines that require suspect materials be identified, located, documented, and classified. The following table provides a summary of ACMs associated with the Building (excluding the bathroom, which was inaccessible).

Material	Location	Approximate Volume	Type	Condition
Gray Window Panel Caulk	West Exterior Wall	50 linear feet	Miscellaneous Category II Non-Friable	Slightly Damaged

The Building may be demolished after the Category II Non-Friable asbestos material is abated using standard construction practices. Because the bathroom was not accessible, it should be surveyed prior to demolition.

In addition, the following wastes must be disposed pursuant to State of Michigan requirements.

Units	Description
1	55-gallon Drum – Unknown Contents
1	Ventilation/Air Conditioning Unit on Roof

Due to the presence of known or suspected environmental contamination, the CONTRACTOR shall take all necessary precautions as required by laws, regulations and the contract documents for protection of the CONTRACTOR's personnel, as well as the adjacent properties.

The OWNER has retained a Qualified Environmental Professional (QEP) for the project. The QEP shall provide independent oversight to ensure that all environmental due care/environmental construction management plan obligations are being met during demolition. The QEP shall provide oversight of all invasive demolition activities including but not limited to work with subsurface infrastructure, foundation removal, opening monitoring wells or sewers, handling of existing soil, sediments, or groundwater, and storage tank removal activities. The QEP must be made aware and provided the opportunity to conduct independent oversight/observation during all soil disturbance and subsurface demolition/ construction/ excavation activities to ensure proper material handling, disposal, and site restoration protocols are followed. QEP/ OWNER must be provided at least 48 hours' notice prior to the CONTRACTOR undertaking any activity as defined herein.

A Due Care Obligations document was prepared to provide guidance to the OWNER and the CONTRACTOR for the management of contaminated soil, sediments, storm water and groundwater (if encountered) at the subject property. The Due Care Obligations document describes the recommended policies and procedures to protect human health and the environment; manage soil/groundwater, and to ensure due care responsibilities for the subject property are met during the demolition and site restoration activities.

By signing the Disclosure Statement, CONTRACTOR (and its Subcontractors) understand that the site is a facility under Part 201 and Part 213 and that CONTRACTOR agrees to comply with OWNER's Due Care Obligation responsibilities including, but not limited to the following.

- All soil generated from performance of the Work at the Site shall be managed by redistribution of soil on the Site in a manner that is compliant with the OWNER's Due Care Obligations, or removal from the property to an appropriately licensed, OWNER/QEP approved landfill. Off-site reuse of soil is expressly forbidden.
- Subsurface work activities cannot result in a new release, exacerbation of existing contamination, or any other violation of laws and regulation.
- Groundwater shall not be utilized for construction purposes or for obtaining potable water.
- All demolition work is to be conducted utilizing safe work practices. CONTRACTOR is responsible for all worker protection and monitoring. CONTRACTOR shall not cause or contribute to any contamination on the subject property as a result of their work.
- CONTRACTOR is responsible for all necessary waste characterization. Collect representative samples to the extent required by the approved off-site disposal facility receiving the material. All analytical testing and fees required shall be paid for by the CONTRACTOR and is incidental to the Contract.
- CONTRACTOR is responsible for all necessary permits, licenses, coordination of waste profiles and manifests, submittal of all notices, notifications, and associated fees.
- For hazardous and non-hazardous contaminated liquid waste, utilize a State of Michigan approved manifest system in conformance with the requirements identified in 40 CFR Part 262, 40 CFR Part 263 and 40 CFR Part 761.
- CONTRACTOR is responsible to conduct all air monitoring necessary to demonstrate compliance with worker and public safety protection and applicable laws and regulations.
- Due to the presence of contaminants at concentrations, which exceed Part 201/213 GRCC, excavation on the property should be restricted except for authorized licensed, trained, and insured CONTRACTORS.
- All activities will be conducted under CONTRACTOR's Health and Safety Plan (HASP). All CONTRACTORS shall prepare a HASP, which will include, at a minimum, emergency contact numbers, hospital locations, personal protective equipment requirements, monitoring, and decontamination procedures. *The HASP must be read and signed by all workers assigned to the project.*
- Precautions must be taken to ensure that impacted soils are not exacerbated and are separated from the public. If subsurface soil become exposed, through demolition/ excavation activities, appropriate action must be taken by the CONTRACTOR to prevent an unacceptable risk to the public health or degradation of the environment. Appropriate actions include: (1) promptly returning impacted soil to the excavation, (2) removing the impacted soil to a proper disposal facility, and backfilling with clean fill material, (3) covering exposed soil with tarps or clean fill material, (4) properly managing soil through the use of erosion controls to prevent contaminated soil runoff, (5) implementation of a dust management plan, and (6) prevent track-off of soils to public right of ways and roadways.
- Due to the presence of contamination, procedures must be developed and implemented to protect against fugitive dust emissions. Plans should include specific measures necessary to ensure impacted soil does not leave the site during performance of the Work, including but not limited to: demolition, stockpiling, and transportation.
- CONTRACTOR must ensure that contaminated soils are protected from rainfall and storm water. Exposed subsurface soil generated by excavation, grading, etc., may leach contaminants when exposed to storm water. CONTRACTOR shall utilize appropriate actions to prevent leaching of contaminants due to storm water by: promptly returning impacted soil to the excavation; disposing of soil to a proper disposal facility, and backfilling with clean fill material; covering exposed soil with clean fill material; covering impacted material with plastic sheeting; and/or placement of impacted soil beneath an on-site berm, paved area or other impermeable cover, approved by OWNER/QEP.
- Soil must be handled in a manner that prevents erosion and runoff to a surface water or beyond the property boundary. Soil erosion and sedimentation control plans shall be followed for construction activities. Erosion

controls must be utilized: around the perimeter of the Site; around any areas where excavated soil is stockpiled; and around catch basins/manholes.

- All soil that is not re-used on site will be disposed of at an approved landfill. In no instance is soil to be transported off-site other than to an appropriate landfill.
- Erect 4 foot tall construction fence around all open excavations.
- Promptly fill excavations, below grade areas or voids to ensure water does not collect within the area. If excavations remain open and groundwater accumulates in the excavation, all groundwater must be handled as described in the following paragraph. If surface water from precipitation accumulates in below grade areas, the water must be handled as described below and treated as if it is contaminated. Analytical testing may be conducted to confirm the presence of contamination within accumulated water. If contamination is present in accumulated surface water at concentrations exceeding groundwater surface water interface criteria, any such surface water must be handled in accordance with protocols described in the following paragraph. If contamination is below groundwater surface water interface criteria, it may be discharged as acceptable to local, state, and federal regulations. Characterization must be conducted prior to each potential discharge event.
- Dewatering must be conducted in accordance with the Contract Documents and the Due Care Obligations document, and applicable rules and regulations. If dewatering is required for open-hole inspections, for proper placement and compaction of backfill, and/or for any other reason, water must be properly characterized, transported and disposed in accordance with applicable rules and regulations, or water shall be discharged to storm or sanitary sewers after discharge permit is obtained from local municipality/agency (sanitary sewer) or the EGLE (storm sewer).
- If dewatering is conducted prior to obtaining disposal site approval or obtaining discharge permit, water must be pumped into tanks or other suitable storage container(s) until disposal site approval is received or discharge permit is obtained. Water is not to be discharged from the property in any manner other than described herein or as approved by local, state, federal authorities.
- A groundwater surface water interface shall not be created on the subject property.
- Hazardous substances and petroleum products, including fuel for heavy equipment shall not be stored at the Site without controls (double walled tanks, secondary containment, locked secure location, signage, etc.). If CONTRACTOR conducts refueling or equipment maintenance activities at the Site, CONTRACTOR shall install temporary engineering controls to prevent a spill/release during refueling or equipment maintenance. If a spill /release occurs, CONTRACTOR must perform the following response activities
  - Notify the OWNER and QEP immediately;
  - Implement immediate measures to minimize impact to environment;
  - Retain environmental consultant to submit regulatory required release notifications/reports,
  - Conduct VSR sampling and analysis, and prepare required report(s) for submission to EGLE;
  - Properly characterize, transport and dispose of media impacted by release.
  - All release/spill response activities shall be at no cost to OWNER.
- Any buried abandoned containers (such as USTs, drums, pipelines, etc.) that are discovered during construction must be appropriately characterized and removed. Any abandoned containers that are discovered should not be disturbed and any activities that could result in damage to buried containers ceased. Construction activities should not resume until the abandoned container(s) are properly assessed and removed.
- Although UST removal activities and additional corrective actions were conducted at the Site, storage tanks or abandoned containers may be present at the property. CONTRACTOR shall perform exploratory excavations/test pits under the direction and oversight of the QEP to determine the presence or absence of USTs and/or hoists. Notify QEP 48 hours in advance of exploratory excavations/test pits.
- Precautions to prevent the reasonably foreseeable acts or omissions of a third party will be implemented. CONTRACTORs shall keep unauthorized persons off the Site during the Work by installing and maintaining a 6-foot chain link fence around property perimeter, with lockable gates and appropriate signage. Site

visitors must be informed of Site hazards and must be equipped with Personal Protection Equipment (PPE), in accordance with CONTRACTOR HASP, prior to accessing the Site.

- Subcontractors working at the Site are required to review and sign disclosure statement.
- Subcontractors will not be brought onto the property without oversight of the authorized CONTRACTOR and completion of this disclosure statement.
- Concrete debris, and equipment impacted with oil or other contamination should be handled and disposed in accordance with applicable regulations. Soil shall be segregated from recyclable materials and left on site. Oil stained or painted/coated concrete, or concrete mixed with contaminated soil cannot be recycled and must be disposed appropriately in accordance with applicable laws and regulations. CONTRACTOR shall provide all labor, equipment and materials to segregate soil from recyclable debris.
- CONTRACTORs and workers must possess proper experience, training, licensing and PPE to perform site activities.

We have read, understand, and will conduct site work in accordance with this Contractor Disclosure Statement and the Due Care Obligations document.

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Name and Title

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Signature

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Company

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Date