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DEPARTMENT OF TRANSPORTATION

Hazardous Materials Memorandum

Date: January 31st, 2024

To: Alison Krohn, Highway Environmental/NEPA Specialist, Project Development Division

From: John Buhrmann, Highway Environmental Specialist, Project Development Division

Subject: Hazardous Materials Review (HMR) & Professionally Qualified Staff (PQS) Memo for the Nebraska Department Of Transportation (NDOT) Project 33rd/Cornhusker Viaduct, Lincoln (CN 13294)

Overview

An HMR was completed by Olsson's Associates for the N 33rd & Cornhusker project and approved by NDOT on May 6th, 2022. A HMR was required for this project because the scope of work exceeds the project exemptions. The purpose of the HMR is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. This memo summarizes the conclusions and applicable mitigation measures found in the HMR and assists the Environmental Documents manager in completing the Hazardous Materials section of the CE Determination Form for Federal-Aid Projects. The HMR can be found in the NDOT project file.

Project Description

The project description updated on August 17th, 2022 was reviewed for the HMR and this PQS memo.

The Preferred Alternative would construct a new viaduct on a new alignment to create a direct connection over the railroad tracks near N 33rd Street and Cornhusker Highway (US 6). The Preferred Alternative would close two at-grade railroad crossings: N 33rd Street and Adams Street.

Visual Reconnaissance

Visual reconnaissance was conducted on November 19, 2019, and March 18, 2022, by Nicolas Anderson. The purpose of the visual reconnaissance was to assess the Project alignment for potential hazardous materials concerns associated with current land uses and observable site activities. The visual reconnaissance assessed the Project alignment for obvious evidence of potential contamination sources, such as current hazardous materials storage or use; unusually stained soils, concrete slabs, or pavements; sumps, dumps, drums, tanks, and electrical transformers; stressed vegetation; and discarded containers. The visual reconnaissance was

limited by the fact that it was restricted to existing public roads and the public right-of-way. Private property was not available for inspection.

Additional Visual Reconnaissance Observations:

Star City Auto Salvage

Star City Auto Salvage located at 2705 N 33rd Street was observed to be on/along the Project alignment near the intersection of N 33rd and St Paul Ave. What appeared to be aboveground storage tanks and numerous junk cars were observed on the property.

Azteca Motors

Azteca Motors located at 3625 Adams Street was observed to be on/along the Project alignment near the intersection of N 36th and Adams Street. This facility is an active auto sales and repair shop. Common contaminants associated with repair shops include waste oils, solvents, acids, and paints.

Window Technologies LLC

The Window Technologies LLC facility located at 3500 N 44th Street was observed to be east and adjacent to the Project alignment near the intersection of N 44th Street and Gladstone Street.

This facility has multiple commercial/industrial uses. The outdoor area of this facility appears to be used as a storage area for miscellaneous equipment, drums, automobiles, etc.

City of Lincoln Maintenance Yard

A City of Lincoln Maintenance Yard was observed at the northeast corner of the N 33rd Street and Baldwin Avenue intersection. This maintenance yard lies along the proposed path of the new local roadway preliminarily called 33rd Avenue. Potential contaminants associated with this maintenance yard include, but are not limited to, petroleum products, solvents, acids and paints. Based on the proposed scope of work in the immediate vicinity and its historical use as a maintenance yard, the City of Lincoln Maintenance Yard is considered to have medium potential to impact the Project.

Hazardous Material Site Discussion

A review of the NDEE – Interactive Mapping System and the HMR provided by Olsson Associates, revealed 45 sites with contaminated soil/hazardous materials. These sites are indicative of an industrial corridor, and run the gamut of manufacturing facilities, current and former auto repair shops, active/inactive Leaking underground Storage Tanks (LST) and Superfund sites. Of these 45 sites, after careful review, 15 were identified as having a medium potential to have contamination discovered adjacent to their location.

Any questions about these sites can be reviewed under the Consultants HMR on file.

These 15 sites have been singled out in the commitment section with business name, address, and section number for identification.

Asbestos

The scope of work described by the project description has a potential to encounter asbestos, and any structures demolished need to be surveyed for asbestos. Therefore, an asbestos commitment is required.

Lead

The scope of work described by the project description has a potential to encounter lead paint or shims, therefore lead mitigation is required.

Findings

Based upon the information discussed above, hazardous material has medium potential to impact the project.

Mitigation

If contaminated soils/water or unexpected wastes are discovered, the Contractor shall stop all work within the immediate area. The Contractor shall secure the area of the discovery and notify the RTSD representative. The contractor shall not re-enter the discovery area until allowed to do so by the RTSD representative. At the time of discovery, the RTSD representative and contractor shall coordinate appropriate actions. The actions to be carried out by the RTSD representative are (but not limited to): verification that the contractor has suspended construction activities in the area of the discovery, contact the RTSD representative and then utilize the NDOT Unexpected Waste Action Plan to properly document the extent and type of waste. The RTSD representative shall ensure that proper disposal of the waste and any required health and safety mitigation is implemented by the Contractor.

Demolition work on any structures will require the contractor to submit a written NESHAP (National Emission Standards for Hazardous Air Pollutants) notification to the Nebraska Department of Environment & Energy (NDEE). In addition, the Department of Health and Human Services shall also be notified by the contractor, using DHHS Form 5, at least 10 working days prior to commencement of bridge demolition or renovation activities where ACM was found. The 10-day clock starts with the day the Notification is postmarked, hand delivered, or picked up by a commercial delivery service, such as UPS, FedEx, etc. Faxing documents is prohibited.

There is potential for lead or toxic metal-based paint to be found on the structures to be demolished or repaired. The Contractor shall test these structures for the presence of lead/toxic metal paint. If lead-based paint/toxic metals within the paint are discovered, extreme caution shall be taken to minimize the amount of painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. If the method of removal of the components generates paint debris, the Contractor shall create an implementation plan to dispose of waste in accordance with NDOT's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128 Nebraska Hazardous Waste Regulations. The Contractor's implementation plan efforts shall be documented in OnBase.

There is a medium potential for petroleum contamination to be present in the soils/groundwater at project N 33rd & Cornhusker. The following sites are identified as having a medium potential for petroleum contamination.

Name:	Address:	Station Number:
Relique Ltd	3645 Adams St.	1010 + 720 to 1010 + 800
U-Stop convenience shop 09	3244 Cornhusker	520 + 400 to 520 + 600
Casey's General Store 2706	3010 Cornhusker	510 + 700 to 510 + 810
Joe's Body Shop	2505 N. 33 rd St.	100 + 800 to 100 + 900
Olston's Import Car Repair	243 N. 33 rd St.	100 + 575 to 100 + 700
Precision Machine Company	2933 N. 36 th St.	1500 + 0 to 1500 + 100
Star City Auto Salvage	2705 N. 33 rd St.	1200 + 900 to 1300 + 50
Cornhusker International	3131 Cornhusker	510 + 650 to 510 + 900
Star City Auto Sales	3101 Cornhusker	510 + 400 to 510 + 650
Cornhusker Body Shop	3701 Adams St.	1010 + 850 to 1020 + 0
Jones Oil Company	2930 N. 33 rd St.	1100 + 300 to 1100 + 600
Hansen Mueller Company	3001 Cornhusker	510 + 0 to 510 + 200
Blum's Auto Repair	2415 N. 33 rd St.	100 + 500 to 100 to 575
Azteca Motors	3625 Adams St.	1010 + 520 to 1010 + 720
City of Lincoln Maintenance Yard	33 rd & Baldwin	1200 + 150 to 1200 + 650

If contaminated soils/groundwater or unexpected wastes are discovered, The Contractor shall stop all work within the immediate area. The Contractor shall secure the area of the discovery and notify the RTSD Representative. The Contractor shall not re-enter the discovery area until notified by the RTSD Representative. At the time of discovery, the RTSD Representative and Contractor shall utilize the Unexpected Waste Action Plan (UWAP) to coordinate appropriate actions. The actions to be carried out by the RTSD Representative are (but not limited to): verification that the Contractor has suspended construction activities in the area of the discovery, contact the RTSD Representative and shall then utilize the UWAP Notification Form (NDOT Form 691) to properly document the extent and type of waste. The RTSD Representative will ensure that proper disposal of the waste and any required health and safety mitigation is implemented by the Contractor. The Contractor is required by NDOT's Standard Specification section 107.11 (Hazardous Material Discoveries) to handle and dispose of regulated material in accordance with applicable laws.

Contractor Commitment: If contaminated soils/groundwater or unexpected wastes are discovered, The Contractor shall stop all work within the immediate area. The Contractor shall secure the area of the discovery and notify the RTSD Representative. The Contractor shall not re-enter the discovery area until notified by the RTSD Representative. At the time of discovery, the RTSD Representative and Contractor shall utilize the NDOT Unexpected Waste Action Plan (UWAP) to coordinate appropriate actions. The Contractor is required by NDOT's Standard Specification section 107.11 (Hazardous Material Discoveries) to handle and dispose of regulated material in accordance with applicable laws.

Additional Recommendations: The Consultant (Olsson's) recommends Phase I Environmental Site Assessments (ESA's) be conducted for each property to be purchased. Phase I ESA's will allow RTSD to satisfy one of the requirements to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability.

NEPA Determination:

The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the

project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the NEPA. The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to 23 U.S.C. §326 and a Memorandum of Understanding dated September 17th, 2021 and executed between FHWA and NDOT.

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NDOT