

BID: Demolition of Playground and Soil Remediation, Pirone Park Playground
DATE: August 26, 2022
TO: Plan Holders
FROM: Town of Ayer
SUBJECT: Addendum **One (1)**
BID OPENING TIME: **Thursday, September 1, 2022 at 1:00 P.M.** (NO CHANGE)

With reference to Invitation to this bid, please note the following information contained in this addendum:

Although not indicated on the plans, the demolition of the playground will include removal of the handicap swing near the entrance of the playground and two small concrete pads in this area.

Please refer to the attached Determination of Applicability for the project.

Answers to Received Questions

1. *The Measurements and Payment Spec (01150) states that item 3 “Shall include all cost associated with the protection of trees, And off-site disposal of arsenic-impacted soil with limited backfilling....” How much fill is being imported under this item?*

Backfilling will be limited to leveling of holes created by removal of stumps and playground posts and footings.

2. *What testing will be required for the “fill material” as indicated in section 02062 sub section 3.08 FILLS, BACKFILLS AND COMPACTION – A. Sampling and Testing?*

Section 02215 lists the sampling requirements for the fill.

3. *Please provide the Attachment A referenced in section 02062 Excavation and Management of Soil - Item 1.01 B and also in Item 1.11 D.*

The Immediate Response Action Modification is not currently available. This document will include the provisions listed in the specifications and will be provided prior to initiation of the work.

4. *Please clarify if Builder’s Risk Insurance is required on this project.*

Builder’s Risk Insurance is not required for this project.

5. *Please provide a specification for the Fill material to be used to backfill the excavated areas since it is not specified in spec section 02062.*

Refer to Section 02215

6. *Please confirm that the Contractor only has to backfill the excavated areas with fill material and that no loam and seeding will be required as it is not shown on the plans or specified in the specs.*

Loam and seeding is not required. Backfilling will be limited to tree stump holes and holes created by removal of playground foundations.

7. *Live loading this volume of soil is frequently impractical and placing large volumes of soil in roll offs is not economically practical. Therefore, the 50 yard roll off box storage limit is very restrictive when it comes to means and methods. Can we reconsider stockpiling on poly sheeting for short specified periods of time ?*

Yes, stockpiling on and covered with secured 6 mil poly sheeting will be allowed for no longer than 30 days and within the fenced area.

8. *How does the Engineer plan to segregate contaminated soils from clean from a technical stand point ?*

Initial excavation will be directed by the Town's LSP and will consist of the removal of the surficial pea gravel. Confirmatory sampling will be performed after removal of this material.

9. *Is there is a field screening process for Arsenic established that will be employed to separate clean from contaminated soil and what is it ?*

No.

10. *Will the engineer conduct post excavation confirmatory sampling and analysis ?*

Yes.

11. *How long will the contractor need to be demobilized during the sampling and analysis period ?*

Confirmatory sampling will be performed using a standard laboratory turnaround.

12. *There is no good fashion to provide an economical cost for transport and disposal at the bid level with out these analysis. Does a COMM-97 sampling and analysis package with TCLP exist for the material?*

Sampling for COMM-97 and TCLP (if required) will be conducted by the Town's LSP after excavation and stockpiling. This data will be provided to the Contractor for obtaining disposal approval.

13. *Does restoration include loam & seed,*

No.

14. *Does loam need to one tested and / or approved by the engineer ?*

Not relevant, as loam is not required.

15. *Soil sampling results show Total Arsenic result of over 100 PPM. Should the contractor assume TCLP required for disposal will show the material to be RCRA D004 hazardous or should the contractor assume the material will pass TCLP and be suitable for Non-RCRA disposal?*

Disposal will be based on the results of soil sampling to be conducted after excavation.

16. Wood sampling results show the material to be very high in Arsenic and Chromium which would require TCLP to be run for disposal consideration. Should the contractor assumes TCLP will pass for these sample results or fail so item can be priced appropriately?

Contractor should detail any assumptions in their submittal.

17. Section 02062-9 – 3.09D states all vehicles used to haul soils will be properly labeled and Placarded as required for transportation. Is this because the Contractor is to assume the soil will fail for TCLP Arsenic and require Hazardous waste permitted haulers and placarding to transport this material to the end disposal facility?

Contractor is required to haul the soil in accordance with applicable regulations.

18. Who will be required to gather and run the full characterization analysis required for disposal of the Arsenic impacted items listed for offsite disposal?

Town's LSP will sample for disposal parameters.

19. Who will be responsible for producing the LSP Opinion documents to support the approval of the wastes being hauled off site?

Town's LSP will assist the Contractor with obtaining approval for disposal including providing the LSP Opinion letter.

Please sign and **include this sheet with your bid submission** to signify receipt of this Addendum.

By my signature below, I acknowledge receipt of the following Addenda to this proposal:

Dated ___/___/___

Signature: _____

Date: _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Ayer
Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
Measures will be taken to stabilize the site if site is left disturbed over the winter, these will need to be inspected and approved by the Conservation Agent.
4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
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WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on
- by certified mail, return receipt requested on

8/12/2022

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



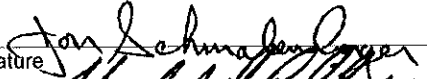
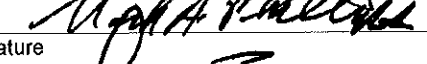
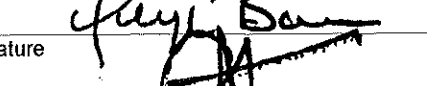
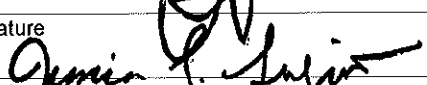
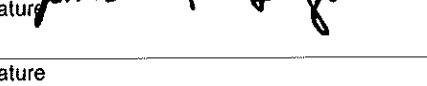
Massachusetts Department of Environmental Protection
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WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Authorization (cont.)

Signatures:

Signature 	Jon Schamalenberger, Chair
Signature 	Mark Phillips
Signature 	George Bacon
Signature 	Jen Amaya
Signature 	Jess Gugino
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
**Request for Departmental Action Fee
 Transmittal Form**

DEP File Number: _____

Provided by DEP

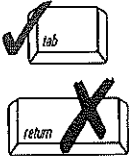
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

_____	_____
a. Street Address	b. City/Town, Zip
_____	_____
c. Check number	d. Fee amount

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

4. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):
- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
 - Superseding Determination of Applicability – Fee: \$120
 - Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
 Box 4062
 Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

Request for Departmental Action Fee Transmittal Form

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.