

DOCUMENTING SOIL REMOVAL FOR COST REIMBURSEMENT

There have been several claims filed recently where soil removal costs have been disallowed because the soil removed did not exceed the site-specific action levels.

Only soils removed and disposed that are documented to be above site-specific action levels are eligible for reimbursement. Therefore sampling data is needed to document that all soils that are removed and disposed are above the appropriate action levels. Owners should be sure their consultant/contractor utilizes and documents appropriate field soil screening/sampling activities in determining the amount of soil to excavate.

For small excavations, generally 100 tons or less, recently collected soil samples may be sufficient for documenting contamination levels for soil. An example would include limited over-excavation to remove a “hot spot”.

For larger volumes of soils, a procedure of field screening the soils while the excavation progresses should be followed. Assuming the property is large enough, this allows the segregation of soils into separate stockpiles for those above and below the action levels. Owners should make sure their consultant provides the field procedures followed or to be followed while screening/segregating soil to the Board in a claim or when seeking cost pre-approval.

The claim’s staff has found that in many cases the use of a mobile laboratory can be cost-effective. The soil screening process uses both an organic vapor analyzer meter (OVA) e.g., PID, FID, etc. and the mobile laboratory in conjunction with one another. The OVA meter readings of soil samples first indicate where the actionable levels are suspected and then selected samples are analyzed by the mobile laboratory which verifies the levels of chemicals of concern. A mobile lab gives a short turn-around time when deciding the disposition of stockpiles.

For sites that do not have sufficient space to allow large stockpiles, the soil screening procedure with a mobile lab becomes particularly important in documenting the soil contamination levels. Small temporary stockpiles may be created when an OVA meter indicates concentrations above the action levels may exist. A representative sample of the stockpile can then be analyzed by the mobile lab to confirm the concentration levels. The quick turn-around provided by the mobile lab versus a standard lab can prevent trucking the soils for disposal only to find out later that soil disposal was not required because analyticals were below action levels.

In cases where soils are removed from separate excavations the stockpiles should also remain separate so that only soil exceeding the site specific action levels is removed. The action levels for each excavation will be used to determine if the costs from each excavation are reimbursable.

Obtaining reimbursement for soil removal projects is best approached by first seeking cost pre-approval. Be aware there are circumstances requiring mandatory cost pre-approval (interim response actions requiring [BUSTR](#) pre-approval and RAP’s where soil removal is the chosen alternative) and in other situations, you may wish to voluntarily request pre-approval.

Pre-approval letters from the Board will qualify that reimbursement will be based on demonstrating the contamination levels in the soil and showing that all the disposed/treated soils contained contamination above the action levels.

For further information regarding documentation of soil removal for cost reimbursement contact the Board and ask to speak with a claim’s analyst at 614-752-8963.