THE UNIVERSITY OF MICHIGAN-FLINT CAMPUS

Due Care Notification to Contractors & Signature Page

UM-Flint William S. White Building, Adjacent Properties, Northbank Center property, Parking Lot A and adjacent properties, Student Housing and former Parking Lot G and adjacent properties, Hubbard compound and parking area and miscellaneous areas on campus

This notification is to inform you that the Regents of the University of Michigan are subject to due care obligations for construction related activities conducted at the UM-Flint Campus including, but not limited to the William S. White building property, adjacent properties, Northbank Center property, Parking Lot A and adjacent properties, and Parking Lot G. The requirements are a result of previous existing environmental site conditions that existed prior to UM acquiring the property. Additionally, due care is required when working in the vicinity of the Hubbard/CEP Parking lot area.

Portions of the Flint Campus property are classified as a “facility” (in accordance with Part 201 of P.A. 451, 1994, as amended) because contamination has been detected in soil and groundwater at concentrations exceeding generic residential cleanup criteria. The Regents of the University of Michigan and its contractors have legally enforceable responsibilities for ensuring that:

- Its actions do not exacerbate existing contamination
- The intended use of the property will not result in unacceptable exposures to hazardous substances
- It takes reasonable precautions with regard to acts or omissions of third parties.

To comply with these due care obligations, The Regents of The University of Michigan require that all contractors, and their subcontractors become familiar with and adhere to the requirements outlined in Due Care documents specifically associated with each of the referenced properties where construction or utility related activities are scheduled as well as strictly comply with all other applicable federal, state, local rules, regulations, standards, ordinances and permits. Due care plans and related documents are available for review and copying by contacting UM-Flint Environment, Health and Safety Department at 810-766-6763. Each contractor is responsible for (1) ensuring that its subcontractors are provided the appropriate due care information specific to their activities and location and (2) enforcing the provisions of these due care specifications.

Contact The University Prior to Conducting Any Subsurface Activities. The contractor shall notify The University of Michigan at least 72 hours before conducting its intended activity. All questions regarding contractor obligations during construction should be addressed to:

Michael Lane  
Environment, Health and Safety  
The University of Michigan – Flint  
303 East Kearsley, 204 University Pavilion  
Flint Michigan 48502-1950  
Fax - (810) 424-5572  
Phone - (810) 766-6763 or Cell - (810) 919-1709

Summary of Contamination. Various contaminants have been detected in the fill material and groundwater beneath the referenced properties. In the case of the Perry Printing Site, most of the contaminated fill material has been removed from the property. In most cases, with the exception of Lot A and surrounding area, the contaminants onsite are typically at concentrations and depths that would not be expected to pose an unacceptable human health exposure for construction workers following the appropriate due care precautions. However, due to the nature of fill material, the
University recognizes that other areas of contamination may exist and that certain precautions should be taken when conducting subsurface activities at the site.

The primary documents needed by contractors when planning and conducting work at the referenced properties include, but may not be limited to those compiled by NTH Consultants dated May 1999 Appendix B, Appendix C, & Appendix D for the WSW properties, Clayton Environmental and SME’s due care documents for the Former Perry Printing Site, NTH, SME, Halley and Aldrich’s environmental reports summarizing the conditions at Lot G, and Consumers Energy Due Care document dated 2000 and any subsequently related documents. These referenced documents and others contain the summary of the site conditions and contaminants present. The complete due care plans and related documents are available for review, and copying by contacting UM-Flint Environment, Health and Safety Department at 810-766-6763. A site map is also attached.

**Prepare a Health and Safety Plan.** The University requires that each contractor prepare a Health and Safety Plan suitable for its intended activities and consistent with the University’s due care obligations. The plan should describe methods and procedures for minimizing oral, dermal, and inhalation exposure to contaminated soil and groundwater.

The University requires each contractor to wear personal protective equipment, as necessary, and prohibits eating, drinking, and smoking in contaminated areas.

A copy of the Health and Safety Plan shall be submitted to The University of Michigan for review prior to its intended activity.

Additionally, the University requires that each contractor (and its subcontractors) ensure that their employees have Health and Safety training suitable for its intended activity. Documentation of such training and written programs must be provided before start of work and upon request by the University.

**Manage Construction-Related Hazardous Substances.** The contractor is required to store all construction-related hazardous substances (i.e., fuels, oils, herbicides, etc.) at an offsite location or in an area with secondary containment approved by UM-Flint’s EHS department. The secondary containment must be adequate to protect the subsurface soil and groundwater from spillage and runoff as well as be adequately designed/constructed to prevent pollutants from entering the storm drain and or surface water.

If a release of hazardous substances occurs, the following response actions shall be conducted:

1. Immediately stop or prevent the release at its source.
2. Immediately report the release to each of the following:
   - UM – Flint, Department of Public Safety - (810) 762-3333
   - UM – Flint, Environment, Health and Safety - (810) 766-6763
3. Determine the extent of the release and cleanup the spill to the extent possible.

**Follow Soil Handling and Management Plan During Construction.** If it is necessary to handle contaminated soils during the proposed activity, the following plan was developed as a general procedure for handling contaminated soil. The purpose of the proposed plan is to prevent exacerbation in accordance with Section 20107(a)(1)(a) of Act 451.

- If possible and if authorized by the University Environment, Health and Safety Department, contractors will be asked to re-use the contaminated soil at the same location where it was originally excavated.
• If soil cannot be re-used at the same location, then stockpile contaminated soil in an area designated by the University. Each stockpile should consist of soil derived from the same excavation area. Stockpiled soil must be placed upon plastic as well as covered with plastic.

• Allow for possible collection and analysis of soil samples by the University.

• **Depending on the analytical results and/or the University’s preference**, the stockpiled soil can be either (1) re-used at different areas of the same property or (2) disposed at a licensed facility.

**Reuse of Soil Onsite.** In certain situations the soil can be relocated onsite with prior permission from the University Environment, Health and Safety Department.

**Offsite Disposal.** If soil must be stockpiled for offsite disposal, sampling and analysis of soil for waste characterization and landfill authorization will be conducted/coordinated by the University’s Environment, Health and Safety Department.

In general, the soil at this facility is not suitable for disposal in a Type III (construction debris) landfill and must be disposed in a Type II (non-hazardous waste) landfill, or in the unusual situation it may be necessary, a Type I (hazardous waste) landfill.

If necessary, the University will collect a representative composite sample of soil from each stockpile and analyze the samples for Toxicity Characteristic Leaching Procedure (TCLP) VOCs, TCLP semi-volatile organic compounds, and TCLP metals, or for the criteria necessary for landfill disposal approval. This analysis is required to evaluate if the soil is classified as “hazardous” or “non-hazardous”.

Each contractor is required to implement/maintain dust control measures as well as soil erosion and sedimentation controls (SESC) as necessary. In some cases, a SESC permit may be required. Whether a SESC permit is required, SESC protective measures must be implemented and maintained for the duration of the project.

**Manage Groundwater and Stormwater.** To prevent exacerbation of contaminated groundwater, the contractor is required to control stormwater and minimize the pumping of groundwater during construction. If it necessary to conduct de-watering activities during construction, the contractor is required to:

1. Contact the University Environment, Health and Safety Department to allow for collection and analysis of a sample of groundwater to evaluate groundwater quality.
2. Pump the groundwater/stormwater into a temporary storage tank (i.e., frac tank), if it is necessary to minimize construction delays during analysis of the groundwater quality.
3. Wait for final disposal instructions that will be determined by the University.

**Storm Water Permit, SW Management Program and SESC Requirements** UM-Flint is currently operating under UM-Ann Arbor's storm water permit and management program requirements. Therefore, the contractor and all subcontractors must comply with the University of Michigan's storm water permit (NPDES Permit MIS040090) as well as the University's Storm Water Management Program and Soil Erosion and Sedimentation Control (SESC) Program requirements. This includes, but is not limited to, ensuring that any and all activity follows the best management practices identified in the permit and SWM program to ensure that pollutants, contaminants or other prohibited materials do not enter the storm drain system which leads to the Flint River. Additionally, only those materials permitted by the City of Flint may be permitted to enter the City's sanitary drains.

The University requires that appropriate filter fabric drain inserts or other equally protective measures that are designed to catch sediment, oil, grease and other polluting materials from entering the sewer system are installed properly, inspected routinely, repaired/replaced immediately when appropriate,
handled/managed and disposed in accordance with all federal, state, and local/city environment, health and safety rules regulations and ordinances. Below are a few UM OSEH web links to the University’s SESC and SW Management programs, related documents and permit applications.

Storm Water Program: http://www.oseh.umich.edu/stormwater/permits.html

Soil Erosion and Sedimentation Control Program: http://www.oseh.umich.edu/stormwater/emsec.html

**Notify the University of Contamination Not Previous Known.** If contamination is encountered by the contractor or subcontractors during the proposed activity that does not appear to be consistent with known types of existing contamination, it is necessary to stop work and notify the University immediately. This contamination will be characterized by the University in-place or will be staged by the contractor in a designated area until characterization is complete.

**Notify the University of Contamination if Buried Drums or Tanks are Encountered.** If drums or underground storage tanks that contain hazardous substance are encountered, the contractor must stop work and immediately notify the University. It will be necessary to empty the drums or tanks of their contents, therefore, the contents will be sampled and analyzed to evaluate appropriate management and disposal requirements.

**Other Occupational Safety and Environmental Health Requirements**

The Contractor must ensure that all work is performed in accordance with all federal, state, and local rules, regulations/ordinances as well as established University of Michigan guidelines. The Contractor is responsible for communicating, monitoring and enforcing all health and safety rules, regulations and contract terms with its employees and all Subcontractors. The University of Michigan, Contractor Safety Requirements document (pdf format) is available at the following UM website http://www.oseh.umich.edu/pdf/ContractorSafetyRequirements.pdf

The Contractor must have all applicable written health and safety programs as well as provide their own employees with all appropriate health and safety training/certification and the equipment required to safely perform the job tasks to successfully complete this project in accordance with state and federal regulations. This includes but is not limited to hazard communication, activities that involve working with or near electrical equipment or other potentially energized equipment, lockout-tagout, electrical safety, PPE and respiratory protection, permit confined space, trenching, powered industrial equipment, hazardous chemicals, regulated or hazardous waste, and any other that may apply. These programs must be provided to the University prior to beginning work and must be readily available upon request for the University to review.

I have reviewed, received copies appropriate for scheduled work activities and agree to comply with all due care document while working at the Site.

COMPANY NAME: _________________________________________________

AUTHORIZED SIGNATURE: ___________________________________________

TITLE: ____________________________________________________________

PRINT NAME: ______________________________________________________

PHONE #: _________________________________________________________

TOLL FREE #: ___________________________________________ FAX #: __________

Return 2 completed/signed documents to the following individuals prior to starting work activities:

Michael Lane, Env., Health and Safety Manager
UNIVERSITY OF MICHIGAN-FLINT
Room 204 University Pavilion (UPAV)
303 East Kearsley, Flint MI 48502
FAX: (810) 424-5572
Office (810) 766-6763 or Cellular (810) 919-1709

____________________, Project Manager
UNIVERSITY OF MICHIGAN-FLINT
Facilities and Operations, Hubbard Building
303 East Kearsley, Flint MI 48502
FAX: (810) 762-3535
Office (810) 762-3223