

# Construction Advisory

CA 2015-08  
April 8, 2015

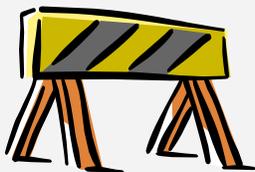
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Index: Materials

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Construction Advisory  
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BJO:JG

## Beneficial Re-Use of Materials

Public Act (PA) 178 of 2014 took effect on September 16, 2014, and provides for the beneficial re-use of certain materials that are produced as a result of various industrial processes. Road building is specifically referenced as one of the uses in PA 178. Some of the referenced materials are or have been used for road building, while other materials have not been considered for road building. PA 178 also includes a stipulation that MDOT may seek additional data or information regarding these materials, or may require the materials to meet department specifications and standards.

On September 11, 2014, in response to this public act, MDOT implemented the Special Provision for **Industrial By-Products and Beneficial Re-Use** (12SP-900A-01). This special provision is placed in all MDOT let projects and states the following:

**For this project, regardless of the application, the use of industrial by-products, covered in 2014 PA 178, is prohibited unless the use and application of a particular material is covered elsewhere in the contract.**

The special provision is intended to prevent the use of unfamiliar materials on projects until MDOT has the opportunity to perform appropriate testing for suitability and environmental compliance.

All questions and inquiries directed to construction staff regarding the use of any of the materials included in the public act are to be evaluated as follows:

1. If the material is "covered elsewhere in the contract" as stated in the special provision, the other contract provisions will apply. One example of this coverage is the use of crushed concrete which is not prohibited by the beneficial re-use special provision; however, all other contract provisions regarding crushed concrete apply such as the Special Provision for Crushed Concrete Near Water (12SP902(C)).
2. If the material is not referenced elsewhere in the contract, the material is not to be approved for use unless approved by Construction Field Services. Requests of this nature are to be coordinated and discussed with Construction Field Services so appropriate material testing and evaluation can be performed. One example of these materials is pulp from paper mills.

Please share this construction advisory with local agencies and consultants within your jurisdiction as well as TSC staff.