

## **APPENDIX K**

# **VDOT Stormwater Management Maintenance Program**

**Environmental Policy for Maintenance of Ditches and Shoulders**

**Property Owner Agreement – Maintenance Disposal Site**

**Disposal Areas – DEQ MOA**

**Hampton Roads District SWM Inventory and Inspection Manual**

## **ENVIRONMENTAL POLICY FOR MAINTENANCE OF DITCHES AND SHOULDERS**

### **§1.1 General Provisions:**

- 1) As maintenance for ditch and shoulder operations are planned, it is strongly recommended that the soil disposal areas be pre-selected, the property owner agreements be obtained, and erosion and sediment control sketches and narrative be prepared.
- 2) Any maintenance activity disturbing more than 2,500 square feet (232 m<sup>2</sup>) (length of ditch or shoulder x width of ditch or shoulder = sq. ft.) within any consecutive 30 calendar day period within the area of Tidewater, Virginia, as defined in the Virginia Chesapeake Bay Preservation Act, must have a project specific erosion and sediment control plan and narrative developed for review and approval by the district environmental section and implemented in accordance with the VDOT standards and specifications. Tidewater, Virginia is defined as the counties of Accomack, Arlington, Caroline, Charles City, Chesterfield, Essex, Fairfax, Gloucester, Hanover, Henrico, Isle of Wight, James City, King George, King and Queen, King William, Lancaster, Matthews, Middlesex, New Kent, Northampton, Northumberland, Prince George, Prince William, Richmond, Spotsylvania, Stafford, Surry, Westmoreland and York and the Cities of Alexandria, Chesapeake, Colonial Heights, Fairfax, Falls Church, Fredericksburg, Hampton, Hopewell, Newport News, Norfolk, Petersburg, Poquoson, Portsmouth, Richmond, Suffolk, Virginia Beach and Williamsburg.
  - If operations are performed in localities not listed above the E&S Plan is required for land disturbance greater than 10,000 sq. ft.
  - The E&S controls must be installed prior to or concurrent with the land disturbing operation.
  - Where original root systems are disturbed Ditches and shoulders shall be stabilized as recommended by the District Roadside Manager.
  - If the disposal occurs within the same drainage area as the excavation, the square footage impacted by both activities shall be added to determine E&S requirements.
  - The E&S plan for the disposal area must consider minimum standard #19 of the Virginia Erosion and Sediment Control Regulations where appropriate, for receiving channels.
- 3) The district environmental section shall review the disposal area site when there is the possibility wetlands or stream impacts
- 4) Unless the excavated materials are going directly to a landfill, all visible trash shall be removed from the ditch both prior to excavation and following disposition of

materials. Consideration should be made in coordinating operations with local Adopt-a-Highway volunteers or prison inmates

- 5) If obviously contaminated soils are encountered, the district Environmental Section must be notified immediately. Such contamination might include dark or unnaturally stained areas, chemical/petroleum-type odors, or the presence of broken or leaking containers of hazardous materials.
- 6) Materials shall not be placed within 100-feet of any stream, wetland, or other body of water.

## **§2.0 Specific Provisions:**

### ***§2.1 Stockpiling of Excavated Materials at VDOT Maintenance Facilities***

- 1) If excavated soil is to be stockpiled at the maintenance facility for later use:
  - A sign shall be erected on the stockpile to prevent dumping of unacceptable materials on the stockpile.
  - The stockpile need not be permanently stabilized until soil is removed. However, if material is left undisturbed for more than 15-days it shall be stabilized with a temporary seed mix as recommended by the District Roadside Manager. Once removed, the area shall be permanently stabilized with a seed mix recommended by the District Roadside Manager unless the stockpile is placed on an impervious surface.

### ***§2.2 Disposal of Excavated Materials on VDOT rights-of-way:***

- Soil or rock being disposed of shall be established on a maximum 2:1 slope and permanently stabilized with a seed mix recommended by the District Roadside Manager.

### ***§2.3 Disposed of Excavated Materials on Private Property:***

- The maintenance superintendent shall ensure that materials are not placed on the site until all approvals are received. These approvals may include permits from local government and local E & S reviews.
  - "The boundaries (perimeter) of the disposal site shall be clearly marked. Acceptable marking methods are stakes, ribbons, flags, spray paint, etc."
- A property owner agreement must be executed prior to placement of any material. The agreement and other related documentation shall remain on file at the residency for 3-years after completion.
- Maintenance superintendent or district environmental section shall photograph the site before materials are placed and as final permanent stabilization is complete.

- Soil or rock being disposed of shall be established on a maximum 3:1 slopes and permanently stabilized with a seed mix recommended by the District Roadside

**§2.4 *Disposal of Excavated Materials at a licensed landfill:***

- Disposal of excavated materials at landfill is allowable, however, consideration should be made as to disposal costs. Attempts should be made to have the landfill accept the materials at no charge for use as daily cover.

**PROPERTY OWNER AGREEMENT  
MAINTENANCE DISPOSAL SITE**

Location of Project:      Route(s) \_\_\_\_\_ County \_\_\_\_\_  
Date \_\_\_\_\_ Property Owner \_\_\_\_\_

I hereby grant permission to dispose of material which consists of topsoil, dirt, and gravel from the above referenced maintenance project onto my property at the following location

---

and grant the right of ingress and egress to the disposal area as needed for completion of this project and periodic reviews to ensure compliance with the Virginia Erosion and Sediment Control Law.

I will be responsible for any and all grading of the disposal material. VDOT will be responsible for the control of erosion in compliance with the Virginia Erosion and Sediment Control Law and Regulations for the disposal area and haul road, if any unless otherwise specified below.

I also agree to release and hold harmless the Virginia Department of Transportation, the Commonwealth of Virginia, and its employees from responsibility for damages and all liabilities arising from the use of my property to dispose of excess material from the above reference maintenance project.

\_\_\_\_\_  
Owner or Authorized Agent of the  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

The following to be completed by the property owner in the presence of a VDOT representative:  
I agree to provide and maintain the following erosion and sediment control measures to comply with the Virginia Erosion and Sediment Control Law (§10.1-560 et seq. of the Code of Virginia and §4VAC50-30-40 Minimum Standards of the Virginia Erosion and Sediment Control Regulations):

- Apply permanent or temporary soil stabilization to all denuded areas within seven days after grading is complete or if left for more than 30-days without working on the site.
- During placement of material place and maintain erosion and sediment control measures.
- Apply permanent stabilization within one year if left dormant unless used for agricultural purposes.
- Install perimeter trapping devices as a first step in the deposit of material.
- Remove all temporary erosion and sediment control measures within 30-days of establishment of permanent stabilization.

Any items not checked will be the responsibility of VDOT.

**Disposal Areas**  
**Based on Memorandum of Agreement with**  
**Virginia Department of Environmental Quality**  
**And Current Solid Waste Regulations**

Materials that cannot be disposed of in a disposal area:

- Antifreeze
- Asphalt (liquid)
- Building forms
- Concrete with exposed rebar
- Curing compound
- Fuel
- Hazardous materials
- Limbs
- Lubricants
- Metal
- Metal pipe
- Oil
- Paint
- Stumps
- Tree trunks
- Wood or metal from building demolition

Materials that may be disposed of in an approved disposal area:

- Asphalt (solid)
- Brick
- Cinder block
- Concrete (without exposed rebar)
- Dirt
- Rock

**Disposal areas located on VDOT rights-of-way** must be covered with 2-feet of clean material, placed on a maximum 2:1 slope, and seeded with the seed mix recommended on the Roadside Development Sheet or with a recommendation from the Transportation Roadside Development Manager. If the area is predominately wet or has plants that appear to be wetland species – have the District Environmental Section look at it before placement of materials.

**Disposal areas located on private property** must be covered with 2-feet of clean material placed on a maximum 3:1 slope and seeded with the seed mix recommended on the Roadside Development Sheet or with a recommendation from the Transportation Roadside Development Manager. If the area is predominately wet or has plants that appear to be wetland species avoid placement of material.

**Stumps** should not be buried either on or off state rights of way. However, if they are buried solid and vegetative waste regulations must be followed. These include:

- Notification of all adjoining property owners 14-days prior to opening the vegetative waste disposal site.
- Survey of site before material is buried and record in local courthouse.
- Survey at time of closure showing location of all materials buried, recording with property information in local courthouse.
- Notification of all adjoining property owners within 48-hours of closure.
- Installation of groundwater and methane gas monitoring wells.
- Monitoring materials collected in wells and reporting annually to Virginia Department of Environmental Quality on findings.
- Providing corrective measures should pollutants be detected in wells.

**Stumps and tree trunks (non-merchantable timber)** may be ground into mulch, stockpiled, and beneficially used. If stockpiled, the pile must be reduced by 75% within 12-months. Ground chips may be given away for use as mulch or fuel. Ground chips may be used to stabilize bare areas, however, they should not be piled more than 2-inches in depth if used for this purpose.