

Memorandum of Understanding
VDEQ & VDOT
Centralized Burning of Vegetative Debris from VDOT Roadside Maintenance Operations

Article 1: VDEQ Responsibilities

Section 1 - VDEQ shall:

- a) Provide VDOT adequate opportunity to comment on proposed changes to applicable regulations or this MOU; and
- b) Allow VDOT, within a reasonable timeframe, to find an alternative method of disposal and/or use of the vegetative debris should the provisions of Article 2 preclude VDOT from burning the vegetative debris at a given time or location; and
- c) Provide VDOT, upon request, a list of currently identified facilities that manage vegetative debris; and
- d) Maintain the right to revoke, suspend, or revisit this MOU under conditions including the following:
 - o Proposed changes to applicable regulations impact the practices detailed herein, or
 - o VDEQ becomes aware of instances of potentially non-compliant activities by VDOT concerning any relevant law contained within the Code of Virginia, Virginia Air Pollution Control Regulations, or requirements of this MOU, or
 - o Other circumstances or findings warrant additional restrictions to ensure compliance with the intent of Virginia Air Pollution Control Regulations; and
- e) Maintain the right to take appropriate enforcement action if VDOT fails to adequately demonstrate compliance with the requirements of this MOU.

Article 2: VDOT Responsibilities

Section 1 - Prior to all burning activity, VDOT shall:

- a) Sell merchantable timber where feasible; and
- b) Establish a Best Management Practice (BMP) for VDOT's management of vegetative debris. The BMP shall:
 - 1. Consider and document the reason(s) for exclusion of other available waste management and disposal alternatives to burning the vegetative debris including mulching, chipping, composting, recycling, and energy recovery; and
 - 2. Establish a burn site approval process; and
 - 3. Be reviewed by VDOT annually, and updated as appropriate; and