

**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.



COMMONWEALTH of VIRGINIA

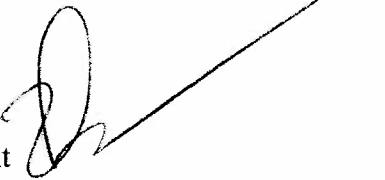
DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-2000

GREGORY A. WHIRLEY
ACTING COMMISSIONER

February 26, 2010

MEMORANDUM

TO: District Administrators

FROM: Richard L. Walton, Jr.
Chief of Policy and Environment 

SUBJECT: Maintenance Activities, Disposal Areas Policy

Last May Steve Long and I met with you to discuss problems and issues related to maintenance disposal areas. At your direction my staff has worked with the District Maintenance Engineers, L&D, Office of the Attorney General, Environmental Managers, and others to develop a disposal process and a new property owner agreement. This process, if followed, will prevent problems encountered in the past with disposal sites. One important aspect of this policy is that we followed your request and limited site use to a maximum of (6) months. At the end of the (6) months a site must be closed out according to the process. If it is desired to use the site again the site must be reopened using the prescribed process. This also would require a new property owner agreement.

I am attaching a flow chart showing the process and an explanation of each step along with the new property owner agreement. Electronically we will send further guidance on what needs to be followed on disposal areas.

I ask your assistance in making sure that this information is distributed to all maintenance staff throughout the District for use on all maintenance disposal areas.

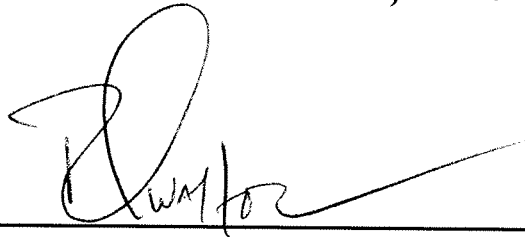
Per this memo the Maintenance Activities Disposal Area Process and Property Owner Agreement will be the official policy of the Department effective March 1, 2010.

If you have any questions please contact Steve Long or your District Environmental Managers.

Attachments

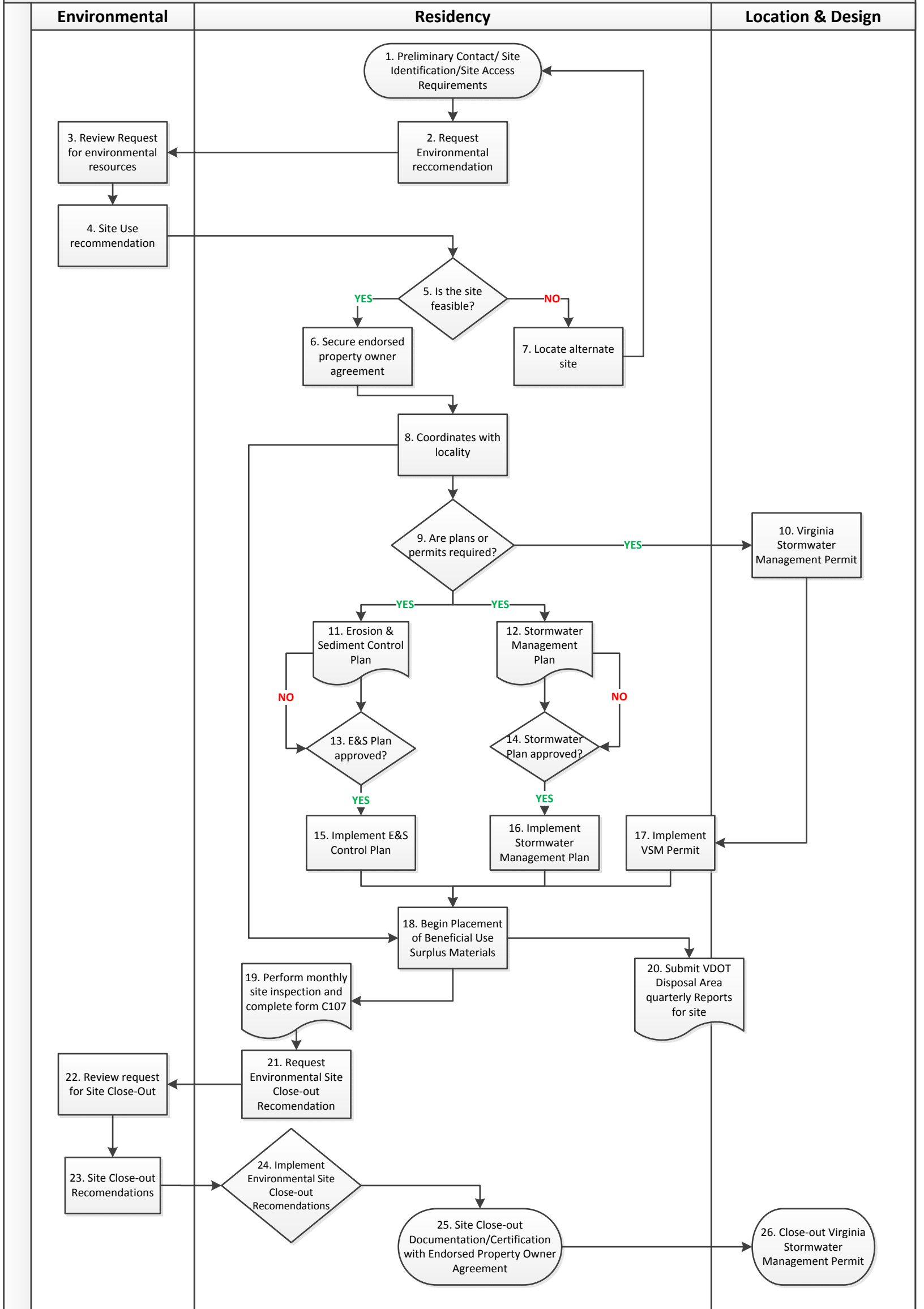
cc: Mr. Gregory A. Whirley
Ms. Constance S. Sorrell
Mr. Robert E. Prezioso, P.E.
District Maintenance Engineers
District Environmental Managers

**VDOT Maintenance Activities
Disposal Area Policy
Effective: March 1, 2010**

A handwritten signature in black ink, appearing to read 'R. Walton, Jr.', written over a horizontal line.

**Richard L. Walton, Jr.
Chief of Policy and Environment**

Clearance Process for Maintenance Activities Disposal Areas



Clearance Process for Maintenance Activities Disposal Areas on Private Property	Comments
1. Preliminary Contact/Site Identification/Site Access Requirements	TOM, MOM, RA, ACE, Residency PE, Superintendents determines the need for a disposal site and then performs this action
2. Request Environmental recommendation	TOM, MOM, RA, ACE, Residency PE, Superintendents requests Environmental Manager or designee to review Disposal site location and access for effects on environmental resources in the area and request a site feasibility determination
3. Review request for environmental	Environmental reviews Disposal site location and access for Wetlands/Streams/Threatened and Endangered Species/Cultural Resources/Solid Wastes/Hazardous Materials in accordance with Environmental Division's Standard Operating Procedures
4. Site use recommendation	Environmental Manager or designee will provide requestor with an environmental resource assessment and site feasibility recommendation
5. Is the site feasible?	Feasibility determination made by TOM, MOM, RA, ACE, Residency PE, Superintendents
6. Secure endorsed property owner agreement	TOM, MOM, RA, ACE, Residency PE, Superintendents uses Standard Property Owner Agreement
7. Locate alternate site	TOM, MOM, RA, ACE, Residency PE, Superintendents determines potential site is not feasible an alternative site may be proposed (back to Step 1)
8. Coordinate with locality	TOM, MOM, RA, ACE, Residency PE, Superintendents will coordinate with locality - Varies by location in the state, if required
9. Are plans or permits required?	Determination made by TOM, MOM, RA, ACE, Residency PE, Superintendents In accordance with IIM-LD-11.25
10. Virginia Stormwater Management Permit	>1 acre land disturbance requires this permit >2,500 ft ² land disturbance thresholds in Tidewater, VA requires this permit <i>Guidance for securing permit see IIM-LD-242.2 & IIM-LD-246.1</i>
11. Erosion & Sediment Control Plan	>2,500 ft ² land disturbance thresholds in Tidewater, VA requires this plan >10,000 ft ² land disturbance thresholds outside of Tidewater, VA requires this plan - <i>Guidance for preparing plan see IIM-LD-11.25, IIM-LD-245, & IIM-LD-191.2</i>
12. Stormwater Management Plan	<i>Guidance for preparing plan see IIM-LD-195.6, IIM-LD-242.2, IIM-LD-246.1, IIM-LD-228.1 & IIM-LD-191.2</i>
13. E&S Plan approved?	Designate Responsible Disturber (RLD) – at a minimum person must have a DCR certification or is a Professional Engineer Requires a Professional Engineer or DCR Certified Plan Reviewer or Combined Administrator to approve the plan - <i>Guidance for plan approval see IIM-11.25 & IIM-LD-245</i>
14. Stormwater Plan approved?	Requires a Professional Engineer or DCR Certified Plan Reviewer or Combined Administrator to approve the plan - <i>Guidance for plan approval see IIM-LD-11.25 & IIM-LD-245</i>
15. Implement E&S Control Plan	VDOT Implements the E&S plan
16. Implement Stormwater Management Plan	VDOT Implements the Stormwater plan
17. Implement VSM Permit	VDOT complies with VSM permit conditions
18. Begin Placement of Beneficial Use Surplus Materials	TOM, MOM, RA, ACE, Residency PE, Superintendents start disposal operations
19. Perform monthly site inspection and complete form C107	TOM, MOM, RA, ACE, Residency PE, or Superintendents that are DCR Inspector Certified or a PE will perform C107 Reviews In accordance with current L&D/Construction Division instructions for completing the C107 Form
20. Submit VDOT Disposal Area Quarterly Reports for site	<i>VDOT IIM-LD-242.1 and VDOT IIM-LD-246 – quarterly reporting done in accordance with L&D Guidance 11-17-2008 e-mail. This is only required when site is covered under the VSMP General Construction Permit</i>
21. Request Environmental Site Close-Out recommendation	After 6 months of site use, TOM, MOM, RA, ACE, Residency PE, Superintendents requests Environmental Manager or designee to review Disposal site for close-out recommendations
22. Review request for Site Close-Out	Environmental reviews Disposal site close out information
23. Site Close-out Recommendations	Environmental Manager or designee will provide environmental assessment of site and provide site close out recommendations
25. Site Close-Out Documentation/Certification With Endorsed Property Owner Agreement	TOM, MOM, RA, ACE, Residency PE, Superintendents close-out site with photo documentation and close-out property owner agreement
26. Close out Virginia Stormwater Management Permit	TOM, MOM, RA, ACE, Residency PE, Superintendents terminates VSM permit - <i>Guidance for terminating coverage permit see IIM-LD-242.2 and complete form LD-445D</i>

Property Owner Agreement

PROPERTY OWNER AGREEMENT FOR BENEFICIAL USE OF SURPLUS MATERIAL

Name of Property Owner(s): _____

Property Address:

Street/Road:

City:

State:

Zip:

Anticipated use period (not to exceed 6 months from the date material first deposited):

Dates:

to

I hereby grant permission to the Virginia Department of Transportation (VDOT) to place surplus materials for my beneficial use on my property as identified above and during the noted time period. I certify that I have the right, capacity and authority to grant such rights as specified herein.

Beneficial use surplus materials may include (check one or more):

- Hydraulic cement concrete pavement
- Asphalt concrete pavement
- Concrete products (without exposed rebar)
- Brick
- Soil (ditch soils, etc., likely organic, erodible material)
- Rock
- Mulch/Compost (not to be buried)
- Wood chips (not to be buried)
- Any combination of the materials above

I agree that the beneficial use area where these materials will be placed by VDOT and all related operations are acceptable. I understand and agree that VDOT will be responsible for any required control of erosion and sedimentation and any required stormwater management in compliance with the Virginia Erosion and Sediment Control Law and Regulations and the Virginia Stormwater Management Program Law and Regulations (respectively) for all disturbed land associated with VDOT activities throughout the period of use by VDOT.

I also grant the right of ingress and egress to the beneficial use area as needed for completion of this project and periodic reviews to ensure compliance with the terms of this agreement. I agree that I have the right to full use and enjoyment of the property except for such use as may unreasonably interfere with the exercise by VDOT of the rights granted herein.

I agree to limit the use of the beneficial use area to only materials placed by VDOT for the duration of the use of the site and until final VDOT closure certification is made. I also agree to provide appropriate security and to support any VDOT site security measures to discourage promiscuous dumping by third parties.

PROPERTY OWNER AGREEMENT FOR BENEFICIAL USE OF SURPLUS MATERIAL

Name of Property Owner(s): _____

Once VDOT has terminated its use of the beneficial use area, I agree that:

1. VDOT has no further responsibilities for the management, control, handling, or placement of the beneficial use materials,
2. I will be responsible for ensuring compliance with any related federal, state, and/or local laws, regulations, and ordinances pertaining to usage/storage/handling of material, and
3. I am the owner of all beneficial use materials and other materials used and placed on my property by VDOT.

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 any liabilities arising from activities to place and stabilize beneficial use materials on my property.

VDOT agrees that all activities upon the property pursuant to this agreement shall be conducted with reasonable care to avoid damage to the property, existing structures, or to any utilities that are or may be beneath the property and that VDOT, or its agents shall be responsible for any damages that may be done to the property, structures, or to any other such utilities as a result directly or indirectly, of any such activity.

VDOT agrees that its consultants, shall have in effect and at its expense during the course of work on the property at least the following coverages and limits of insurance: General Liability insurance, Bodily Injury and Property Damage, including Contractual Liability Insurance with limits not less than \$1,000,000.00 per occurrence. Work performed by VDOT employees is covered under the Virginia Tort Claims Act.

Signature of Owner(s) or Authorized Agent of the Owner(s)

Date

Signature of VDOT Representative

Date

I hereby agree that VDOT has terminated its use of the property and the terms of this agreement have been fulfilled by both parties.

Signature of Owner(s) or Authorized Agent of the Owner(s)

Date

Signature of VDOT Representative

Date

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 rebars
- 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 rebars)
- 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.