

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

DIVISION OF HIGHWAYS

SUPPLEMENTAL SPECIFICATION

FOR

SECTION 207

EXCAVATION AND EMBANKMENT

207.6.5 – Construction/Demolition Waste Material: The Code of State Rules for the West Virginia Department of Environmental Protection Title 33 Series 1 Section 2.38 defines "Construction/Demolition Waste" as waste building materials, packaging, and grubbing waste, resulting from construction, remodeling, repair and demolition operations on houses, commercial and industrial buildings, including, but not limited to, wood, plaster, bricks, blocks and concrete, and other masonry materials, but does not include asbestos-containing materials, household furnishings, burnt debris, material containing lead-based paint, pressure-treated wood, contaminated solid waste, yard waste or waste tires, and other items listed in subdivision 5.4.a of the Title 33, Series 1, in the Code of State Rules.

The Code of State Rules for the West Virginia Department of Environmental Protection Title 33 Series 1 Section 3.16.e.2.C. provides an One-Half Acre Exemption for Division of Highways Projects. The Division of Highways or its contractors working on highway construction that dispose of construction/demolition waste material, which, for the purpose of this paragraph, includes Category I Nonfriable Roofing, are exempt from the permitting requirements of the rule, provided that the disposal area does not exceed one-half acre, does not fill natural wetlands, adheres to best management practices for construction, maintains cover over the material, and the parties are obligated by contract to comply with all disposal provisions specified by the West Virginia Division of Highways Standard Specifications, Roads and Bridges, including supplemental specifications published by the Division of Highways (Standard Specifications). This exemption does not apply to multiple one-half acre sites on the same parcel of land, or to disposal of material not generated by the highway project. Eligibility for this exemption requires the Division of Highways or its contractors provide the Secretary for the West Virginia Department of Environmental Protection with seven (7) days notice prior to disposal and a copy of the landowner agreement. Eligibility also requires proper management of the site by the Division of Highways.

Hazardous Waste disposal shall be conducted in accordance with State and Federal Laws and Regulations. Hazardous Waste shall be taken to an EPA approved Hazardous Waste Disposal facility.

The legitimate beneficial reuse of clean bituminous (asphaltic) concrete, Portland cement concrete and other clean masonry substances for the purpose of fill, riprap, road surfacing or road base material is exempt from the West Virginia Department of Environmental Protection permitting requirements of the rule, provided that any such fill will not be placed in natural

wetlands, adheres to the best management practices for construction and maintains cover over the material when used as a structural component of a fill, and provided further that bituminous (asphaltic) concrete may not be used for riprap material.

For the purpose of the above paragraph, "clean" will be defined as uncontaminated bituminous (asphaltic) concrete, Portland cement concrete, or masonry material that does not have protruding metal prior to its reuse. In cases where Portland cement concrete is used as riprap and that concrete contains metal, the Secretary of the West Virginia Department of Environmental Protection will decide on a case-by-case basis whether this reuse is eligible for an exemption under this rule.

Concrete, stone, brick, and other masonry materials which have been broken into pieces not exceeding 2 ft. (600 mm) in any dimension may be permitted in embankments but not within 2 ft. (600 mm) of the subgrade 1 ½ ft. (450 mm) of the top of the side slopes. Material such as wood, steel, and broken concrete matted together by steel reinforcement will not be permitted in any portion of the embankment. All voids shall be completely filled with suitable material and compacted to the density specified in 207.

Portland cement concrete and bituminous (asphaltic) concrete removed from a project may be used as fill in a waste site provided the placement is in accordance with Section 207.7.3.2.3-Rock. All Portland cement concrete and bituminous (asphaltic) concrete in the waste site shall be covered with a minimum of 2 ft. (600 mm) of soil. The fill area of Portland cement concrete and bituminous (asphaltic) concrete shall not be within 300 feet (91m) of a wetland, a perennial stream, or within the 100-year floodplain.

The Contractor shall take all precautions for the stability of slopes in any waste site containing Construction/Demolition waste by benching or other methods to prevent slides and slip outs. It may be necessary to compact the Construction/Demolition waste to ensure stability. Construction/Demolition waste materials shall not be burned. Construction/Demolition waste materials which do not qualify for the Exemptions in the Code of State Rules for the West Virginia Department of Environmental Protection Title 33 Series 1 must be recycled or disposed of in a DEP approved landfill.

The Contractor shall not allow any temporary disposal sites on the right-of-way to remain after construction is completed and must dispose of all Construction/Demolition waste in accordance with this section.