

SUPPLEMENTAL SPECIFICATION**SECTION 106 -- CONTROL OF MATERIAL****Amend** the Disposal Agreement form under 106.10 to read:

Rev. 2/07	STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION DISPOSAL AGREEMENT (This does not apply to disposal areas operated by a public agency)
Source: NHDOT Project Name: _____ Project Number: _____	
Disposal Site: Property Owner(s): _____	
Site Address: _____ Town: _____ State: _____	
Type of Site: <input type="checkbox"/> Private Residential <input type="checkbox"/> Private Commercial <input type="checkbox"/> Under Commercial Development <input type="checkbox"/> Materials Handling Facility (pit, quarry, landfill, etc.)	
Volume of material to be disposed of (c.y.): _____ Area of disposal site (sq. ft., acres): _____ (May require payment of excavation tax per 107.02)	
Attach a drawing of the site that shows: property lines, roads, driveways, buildings, and disposal area limits.	
This form sets forth the conditions under which the Department will approve the disposal of surplus or waste material by a Contractor who, under contract as an agent of the Department, seeks to open and operate a disposal site on the referenced property in accordance with Section 106, 201 and 203 of the New Hampshire Department of Transportation Standard Specifications for Road and Bridge Construction applicable to the referenced project.	
By signature herein, the Contractor (agent) and the property owner(s) acknowledge and agree to the following conditions and specifications subject to Departmental approval:	
(1) Prior to the start of disposal operations, this agreement shall be executed by the Contractor, the property owner(s), and the Department's Contract Administrator, with written approval received from the Department.	
(2) The Contractor shall not dispose of material considered to be hazardous or injurious to public welfare, including contaminated soils and asbestos, except as permitted by federal, state, and local regulations. Solid waste shall be disposed of according to all federal, state, and local regulations.	
(3) Prior to the start of disposal operations, the Contractor shall complete a Historic and Archaeological Resources certification in accordance with the Contract, for areas affected by the disposal or by any haul road constructed for access to the disposal area.	
(4) Prior to the start of disposal operations, the Contractor shall investigate impacts on existing wetlands by arranging for a qualified person recognized by the Department of Environmental Services (NHDES) capable of performing such an investigation. The Contractor shall apply for, and receive from the NH Wetlands Bureau, any wetlands permit(s) required prior to the start of disposal operations.	
(5) Pursuant to Executive Order 11988, dated May 24, 1977, the Contractor shall not dispose of materials within the boundaries of any floodway, or within the limits of any 100 year floodplain, or within any area that violates Executive Order 11988 without the expressed written permission of appropriate federal, state, and local agencies. It shall be the responsibility of the Contractor to ascertain and mark the boundaries of such floodway and floodplain using available information from federal, state, and local resources.	

(6) Approval by the Department to open and operate the disposal area will expire at the specified or extended completion date of the project. Access roads to the area adjacent to highways shall be obliterated unless permission is given by the Department to preserve such access roads. If the Contractor has removed screening trees and brush between the highway and the disposal area, the area shall be replanted to provide a similar screen in a zone along the edge of the disposal area as directed by the Department.

(7) Disposal or transportation of material by the Contractor shall not be exempt from local zoning or other applicable ordinances. The Contractor shall apply directly to local municipalities for possible exemptions to such ordinances.

(8) Disposal of brush from clearing and grubbing operations shall be as specified in Section 201 of the Standard Specifications. Disposal of surplus and waste material from roadway excavation shall be as specified in Section 203 of the Standard Specifications. Reclamation of the disposal area shall meet the requirements of **RSA 155-E:5, I, II, III, IV, and V** (for excavation sites) prior to Project Acceptance.

Prior to acceptance of the project, the Contractor shall finish the disposal area in accordance with the noted RSA's and applicable specifications. By the box(es) checked below, the property owner(s), the Contractor, and the Department's Contract Administrator shall agree on the specific minimum landscaping treatment required in order for the reclamation to be acceptable to the Department:

- The entire area is to be covered with humus, fertilized and seeded.
- or
- The entire area is to be covered with humus and planted with seedlings.
- or
- The area is part of an active, ongoing site development and/or construction project. Landscaping will be the responsibility of the property owner.

Additional landscaping required and any pertinent information desired to be a part of the official record is attached, or noted below:

The site was reviewed and landscaping provisions approved by: _____
NHDOT Contract Administrator Date

The Contractor's attention is directed to **RSA 482-A:3**, the requirements of which must be fulfilled if this disposal area involves excavation or dredging of wetlands. Furthermore, the Contractor's attention is directed to **RSA 483-B** and **RSA 485-A:17**, the provisions of which must be fulfilled if this disposal operation involves filling on the border of the surface waters of the state or will significantly alter the characteristic natural runoff or create an unnatural runoff, and **RSA 149-M** if the Contractor intends to dispose of solid waste, including stumps. The Contractor's attention is also directed to Section 10 of the Rivers and Harbors Act of 1899, and Sect. 401 & 404 of the Clean Water Act, for which compliance may require a permit for work in or affecting "navigable waters of the U.S.," or material placed in "waters of the U.S.," including wetlands. The Contractor's attention is also directed to Executive Order 11990 if this disposal area will affect wetlands.

- This disposal area is covered by a NHDES Site Specific Permit with it's own SWPPP.
 NHDES Site Specific Permit Number: _____
- or
- The source project SWPPP will be modified to include this site. Installation, monitoring, and maintenance of erosion control measures will be the responsibility of the Prime Contractor.
- NOTICE OF INTENT TO EXCAVATE FILED OPERATION # _____

<p>_____ Signature of Owner Date</p> <p>_____ Street</p> <p>_____ Town State</p> <p>_____ Prime Contractor</p>	<p>_____ Name(s) of Joint Owner(s)</p> <p>_____ Street</p> <p>_____ Town State</p> <p>_____ By (Signature) Date</p>
<p>If joint owners are involved, the Owner signing should give all other names and addresses. Separate forms should be filed in connection with adjacent owners.</p>	
<p>Distribution: <input type="checkbox"/> Contract Administrator <input type="checkbox"/> Construction Bureau <input type="checkbox"/> Property Owner <input type="checkbox"/> Contractor <input type="checkbox"/> Environmental Coordinator</p>	