

# Maintenance Advisory

MA 2018-03

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## Environmental Requirements for the Disposal of Surplus and Unsuitable Soils

Department maintenance personnel are prohibited from disposing of surplus and unsuitable soils from a maintenance activity into a floodplain or wetland within a Department-owned right-of-way or other public or private property. Any unauthorized material disposal in floodplains or wetlands is illegal and could result in the Regulatory Agencies (Michigan Department of Environmental Quality or United States Army Corps of Engineers) issuing a Notice of Violation with potential fines. In addition, they could require the material to be removed with the disturbed areas to be restored and stabilized. Following are the requirements for the proper disposal of surplus or unsuitable soils within a Department owned right-of-way:

### **Maintenance Activities:**

Any disposal of surplus or unsuitable soil within a Department owned right-of-way, during maintenance activities, may require an environmental review to ensure that protected plants, wetlands, floodplains or other sensitive environmental resources are not impacted. Please coordinate with the Region Resource Specialist/Analyst and/or Permit Coordinator to determine if an additional environmental review is required.

The same requirements apply to any request from a contractor or private property owner to dispose of surplus or unsuitable material within a Department owned right-of-way.

Any request from private property owners to receive surplus or unsuitable soils from Department maintenance projects must follow subsection 205.03.P. of the Standard Specifications for Construction. The disposal area must be inspected to ensure the area is not a wetland or floodplain, as well as determine if additional environmental review is required prior to disposal. These requests will require an approved MDOT right-of-way permit prior to placing material in the MDOT right-of-way.

The above requirements apply regardless of funding source used for the work (federal or state).

Last reviewed 9/26/2024