



## ACCESS AGREEMENT

THIS AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by and between \_\_\_\_\_,  
hereinafter referred to as Grantor (property owner), whether one or more, and  
\_\_\_\_\_, hereinafter referred to as Grantee.

In consideration of the mutual promises and agreements contained herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows:

1. **Subject of Agreement.** Grantee has made application to the Oklahoma Department of Environmental Quality (DEQ) to use suitable portions of the solid waste stream to reclaim and restore Oklahoma lands as authorized by statute. The lands selected for this project are owned by the Grantor, and Grantor agrees to the use of the property for the purposes and under the terms as set out herein.

2. **Use of Property.** Subject to the terms hereof, the Grantor does hereby grant to Grantee the right of ingress and egress and the use of the property owned by Grantor and described as:

3. **Activities Described.** In order to reclaim and restore portions of the property described above, Grantee will utilize certain material as specified in a Memorandum of Agreement (MOA) to be executed by and between Grantee and the DEQ. The MOA will set out terms and conditions under which the land restoration and reclamation will occur. The Grantee agrees to conduct the following activities, as authorized by the MOA, on the property described above:

4. **Term.** The access rights granted herein shall extend until three (3) years following certification of closure of the project.

5. **Location of Activities.** Grantee shall conduct the activities on the property as necessary for the project, as determined by Grantee, with the intent to minimize any damage to structures and/or other improvements and minimal inconvenience to the Grantor.

6. **Contractors of Grantee.** Grantee may contract for the performance of the activities described herein with third parties. Any such party contracting with Grantee for the performance of such activities shall have the same rights and privileges as Grantee for the purpose of performing the contracted services.

7. **Indemnification of DEQ.** The parties hereto agree to indemnify and/or hold DEQ harmless for any liability associated with all aspects of the reclamation project.

8. **Notice to Land Records.** Grantor agrees to allow Grantee to file a notice to be indexed with the land records of the county in which the subject property is located. The notice will specify the legal description and type and quantity of material utilized in the project. Grantor is aware that because of the project, future use of the reclamation site may be restricted.

9. **Ownership of Property.** The Grantor represents and warrants that Grantor is the owner of the property described herein, and has the right, power and authority to grant and does grant to Grantee the rights described herein.

10. **Binding Agreement.** This agreement shall be binding upon the respective heirs, devisees, personal representatives, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date set forth above.

\_\_\_\_\_  
GRANTOR

\_\_\_\_\_  
GRANTEE

\_\_\_\_\_  
GRANTOR

by \_\_\_\_\_  
Title

### ACKNOWLEDGEMENT

State of Oklahoma,            )  
  )  
County of \_\_\_\_\_        )            ss.

Before me, the undersigned, a Notary Public in and for said County and State, on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_



# NOTIFICATION OF DEMOLITION AND RENOVATION

Date Received						
I. Type of Notification (O=Original R=Revised C=Canceled)						
II. FACILITY INFORMATION (Identify owner, removal contractor, and other operator)						
Owner Name:						
Address:						
City:			State:		Zip:	
Contact:				Tel:		
Removal Contractor:						
Address:						
City:			State:		Zip:	
Contact:				Tel:		
Other Operator:						
Address:						
City:			State:		Zip:	
Contact:				Tel:		
III. TYPE OF OPERATION (D=Demo O= Ordered Demo R=Renovation E=Emer. Renovation)						
IV. IS ASBESTOS PRESENT? (Yes/No)						
V. FACILITY DESCRIPTION (Include building name, number and floor or room number)						
Bldg. Name:						
Address:						
City:			State:		County:	
Site Location:						
Building Size:		# of Floors:		Age (in years):		
Present Use:		Prior Use:				
VI. PROCEDURE, INCLUDING ANALYTICAL METHOD, IF APPROPRIATE, USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL:						
VII. NAME OF ACCREDITED INSPECTOR WHO PERFORMED INSPECTION AND SAMPLING, OKLAHOMA DOL LICENSE NUMBER:						
VIII. APPROXIMATE AMOUNT OF ASBESTOS INCLUDING:		RACM To Be Removed	Non-friable Asbestos Material To Be Removed		Indicate Unit of Measurement Below	
1. Regulated ACM to be Removed 2. Category I ACM Not Removed 3. Category II ACM Not Removed			Category I	Category II	UNIT	
Pipes				LnFt:	Ln M:	
Surface Area				SqFt:	Sq M:	
Vol. RACM Off Facility Component				CuFt:	Cu M:	
IX. SCHEDULED DATES ASBESTOS REMOVAL (MM/DD/YY) Start:			Complete:			
X. SCHEDULED DATES DEMO/RENOVATION (MM/DD/YY) Start:			Complete:			

XI. DESCRIPTION OF PLANNED DEMOLITION OR RENOVATION WORK, AND METHOD(S) TO BE USED:			
XII. DESCRIPTION OF WORK PRACTICES AND ENGINEERING CONTROLS TO BE USED TO PREVENT EMISSIONS OF ASBESTOS AT THE DEMOLITION OR RENOVATION SITE:			
XIII. WASTE TRANSPORTER #1		Name:	
Address:			
City:		State:	Zip:
Contact Person:			Tel:
WASTE TRANSPORTER #2		Name:	
Address:			
City:		State:	Zip:
Contact Person:			Tel:
XIV. WASTE DISPOSAL SITE		Name:	
Address:			
City:		State:	Zip:
Tel:			
XV. IF DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:			
Name:		Title:	
Authority:			
Date of Order (MM/DD/YYYY):		Date Ordered to Begin (MM/DD/YYYY):	
XVI. FOR EMERGENCY RENOVATIONS:			
Date and Hour of Emergency (MM/DD/YY):			
Description of the sudden unexpected event:			
Explanation of how the event caused unsafe conditions or would cause equipment damage or an unreasonable financial burden:			
XVII. DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NONFRIABLE ASTESTOS MATERIAL BECOMES CRUMBLED, PULVERIZED, OR REDUCED TO POWDER:			
XVIII. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR PART 61, SUBPART M) WILL BE ONSITE DURING THE DEMOLITION OR RENOVATION, AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.			
(Signature of Owner/Operator)		(Print Name)	(Date)
XIX. I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT:			
(Signature of Owner/Operator)		(Print Name)	(Date)



## CHECKLIST FOR DEQ LAND RECLAMATION PROGRAM

- Site is not located within a 100-year floodplain.
- Site is not located within a known wetland.
- Attached recommendations for vegetative cover "Vegetation Guidelines for DEQ Land Restoration Program" These are general specifications which would be used by DEQ and the applicant to develop site specific vegetation plans.

**If any of the above criteria are not met, the site/project should not be approved.**

The \_\_\_\_\_ Conservation District has reviewed the reclamations site for suitability of the above listed criteria. If vegetation and erosion practices are put in place as recommended, we approve the \_\_\_\_\_ reclamation project. (Name of Applicant)

\_\_\_\_\_  
Conservation District Chairman

\_\_\_\_\_  
Date

## **VEGETATION GUIDELINES FOR DEQ LAND RESTORATION PROGRAM**

Project Title or Applicant Identification \_\_\_\_\_

The following guidelines were developed to aid in vegetation of projects sites included in the Oklahoma Department of Environmental Quality (DEQ) Land Restoration Program. These are recommendations based on NRCS practices standards that have shown to have high levels of success and only apply to subject program.

Planting specifications will vary depending on site conditions, so best results are based on site by site evaluations and design. In each case considerations should include soils types, landscape location, the plant community that existed prior to disturbance, the plant community adjacent to work areas and landowner requests and objectives (if on private lands).

Native grass plantings should be recommended due to benefits to wildlife and low maintenance requirements. Specific varieties should be selected based on site and area of adaptation. Table 1 provides seeding guidance for developing seeding mixes based on specific sites for the project areas in Oklahoma.

If site conditions or adjacent plant community do not warrant native grass plantings, then introduced grasses may be considered. Refer to Table 2 for recommendations for introduced plants.

If planting cannot be accomplished within the specified dates, a temporary cover crop (i.e. small grains, sorghums, cover crop mixes) should be planted and then destroyed prior to planting. Mulching may also need to be considered to aid in establishment, control erosion, preserve moisture and reduce weed impacts.

### **Seedbed Preparation**

Reclamation sites will typically involve fill material. Fill material should be of adequate quality to support the establishment and long term persistence of vegetation, free of debris or other foreign materials that would inhibit planting and management and placed at a minimum depth of 3 feet.

Prepare the final seedbed by any method that will result in a friable, smooth, firm seedbed without excessive competitive cover, herbicide residue carryover and without compaction layers (plowpan or hardpan). The seedbed is considered firm when you can walk on it without sinking more than ½ inch (sole of shoe).

Firming of the seedbed may be needed after placement of fill or tillage operations by rolling or cultipacking prior to planting.

### **Planting Methods**

Planting methods will be selected that plant to the proper depth ensuring seed or planting material will contact soil moisture uniformly and be firmed around the seed or planting material.

Native grasses and other fluffy grass seed will be seeded with a grass drill equipped with double disc or coulter furrow openers with depth bands and press wheels, cultipacker, or drag chains. Seed should be planted ⅛ to ½ inch deep.

Legumes and species with small seed should be planted through a legume seed box or other drill equipped to handle small seeds.

Drills used to plant into cover (no-till) shall have the capability to ensure proper placement of the seed into the soil and firming of soil after placement.

Broadcast seeding should only be used with prepared (tilled) seedbeds. Cultipacking, rolling, light disking with disks pulled straight, drag chains or other suitable method to insure good seed contact with soil is generally needed and preferred following broadcast seeding.

Sprigging of bermudagrass will be done with traditional sprigging equipment into a tilled seedbed. No-till sprigging is an option when erosion is a concern, although special no-till equipment will be required. Sprigs shall be placed 1 - 3 inches deep with row spacing not to exceed 24 inches. Sprigs shall be well distributed in rows and not more than 18 inches apart.

Hydroseeding / Hydromulching may be a viable option for some sites when use of typical planting equipment is not feasible or practical based on site conditions (i.e. steep slopes)

Mulch shall be 100% wood fiber or a 70/30 blend of wood fiber and recycled paper. Tackifier shall be applied at manufacturers' recommended rates. Recommended rates will be 2500 lbs per acre.

Hydroseeding will be applied in one of the following manner:

One-step Application: Used when seedbed is good and clean of debris, rocks and existing vegetation. Mulch, tackifier, fertilizer, seed, and water shall be blended to a homogenous slurry, and applied in a one-step application. Seed shall be added just prior to application to prevent seed swelling.

Two-step Application is used, mix the seed, fertilizer and enough fiber mulch to visually meter the application rate and uniformity. Immediately after the seeding application, apply the fiber mulch and tackifier slurry uniformly over the seeded area at the rates specified in Item (6) above.

### **Seed Quality and Definitions**

All seed and planting materials shall meet state quality standards. All seed analyses will be conducted in accordance with the Oklahoma Seed Law and Rules which specify the kind and amount of weed seed permitted, the requirements for a current analysis report and labeling of all seed to show its purity, germination, date of last germination test, and weed content. The germination test used to determine PLS is valid for 9 months after the end of the month the test was made so long as the seed remains in Oklahoma. When seed is purchased and shipped across state lines, the germination test is valid for 5 months after the end of the month the test was made, according to Federal Seed Law.

If the seed is to be planted later than the current seed test, a new germination test shall be obtained.

Seed should not contain any state identification invasive (i.e. sericea lespedeza) or noxious weeds (i.e. musk thistle)

### **Fertilizer**

All grass plantings done on disturbed sites should be fertilized based on current soil test if feasible. If not, a fertilizer application of 40 lbs/ac N, 40 lbs/ac P<sub>2</sub>O<sub>5</sub>, and 40 lbs/ac K<sub>2</sub>O should be applied.

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**Table 1. Native Perennial Plants and Mixtures adapted statewide** (Seeding dates should be from December 1 to June 15, with the months of March and April being the optimum dates)

Species 'Variety'	Full Rate/Ac. PLS Lbs.*	Max % in Mixture	Max lbs. in Mixture	Remarks
big bluestem 'Earl' 'Kaw'	12	40	4.8 (5)	
Blue grama Lovington, Hachita	5	20	1	
buffalograss 'Texoka' unhulled 'Bison'	12	30	3.6 (4)	Not on sandy sites
Dropseed, tall or sand	4	10	.4	Western Oklahoma
Indiangrass 'Osage' 'Cheyenne' 'Lometa'	9	40	3.6 (4)	'Osage – eastern OK only
little bluestem  'Aldous' 'Cimarron'	6.8	40	2.72 (2.75)	'Cimarron' – western OK only
sideoats grama 'El Reno' 'Haskell'	9	40	3.6 (4)	sod forming
Sand Bluestem 'Chet' 'Woodward'	12	40	4.8 (5)	Sandy sites, western Oklahoma
switchgrass 'Blackwell", Caddo'  'Alamo', "Kanlow"	6	30	1.8 (2)	Upland sites  Only on bottomlands
Green sprangletop	Include 2-3 PLS for quick cover in all plantings			
Forbs / Legumes	Multiple species and should comprise 5-10% of total mix.			

*\*If hydroseeding /hydromulching – rates should be increased by 150-200%.*

### **Calculating Seeding Mixtures**

In order to compute seeding rates for mixtures, decrease the given Full Seeding Rate for individual species proportional to the percentage of the species desired in the mix. Example:

SPECIES	FULL SEEDING RATE	% OF MIX	LBS PLS / AC
little bluestem	6.8	25	1.7
Indiangrass	9	25	2.25
sideoats grama	9	30	2.7
switchgrass	6	10	0.6
Forbs/legumes	4.0	10	0.4
<b>TOTAL</b>		<b>100</b>	<b>7.65*</b>

**Table 2. Introduced species**

Species	Rate/Ac.	Planting dates	Remarks
bermudagrass sprigs (Greenfield, Midland, Ozark, Quickstand) Local "common"	60-80 bu.	Dec. 1 - June 15	Adapted to >25 inch rainfall belt
bermudagrass - seeded species 'Guymon' 'Wrangler' 'Cheyenne'	8 lbs. PLS	April 15 - June 15	not on shallow, clayey soils Dates or very important due to reliance on temperatures for germination and early growth.
tall fescue	30 lbs. PLS	Sept. 1 - Oct. 31 Mar. 1 - Apr. 30	East of I-35; pH of 5.5 - 8.0 is optimal. Can be used on wetter sites in central part of state. Not adapted to deep sands. Endophyte infected fescues are more hardy than non-endophyte infected fescue. Can be invasive and move off-site.
weeping lovegrass	5 lbs. PLS	Last frost until June 15	Southern 2/3 of state.

### **Management During and After Establishment**

Areas with concentrated flow will have water flow diverted to facilitate vegetation establishment and minimize erosion through the reclamation site. Any diversion of water must spill on stable outlets to reduce risk of creating new erosion problems.

Do not graze until plants have fully established and reached a cover of greater than 70%. This may take up to two years.

Low places which allow water to concentrate, preventing plant establishment, should have measures in place to allow excess water to drain.

During the establishment period, excessive amounts of competitive weedy plants or re-growth of volunteer cover crops (generally, when 3 weeds per square foot or a 50% canopy) should be controlled by herbicides or mowing.

Monitor sites for erosion, vegetation performance and other issues that may arise. Following vegetation establishment, vegetation will need to be maintained to ensure sustained cover and protection. Avoid overgrazing by livestock and livestock trailing. Maintain any structures in place needed to divert excess runoff as well as outlets. Introduced plantings may need periodic fertilization according to soil test recommendations.