

DIRECTIONS FOR USE OF SUITABLE PORTIONS OF THE SOLID WASTE STREAM FOR LAND RESTORATION/RECLAMATION PROJECTS

STATUTE REFERENCE

27A O.S. 2-10-301(J), effective March 22, 2000

DEPARTMENT OF ENVIRONMENTAL QUALITY RULES AND REGULATIONS

(To be developed)

ENVIRONMENTAL IMPACT

27A O.S. § 2-10-301(J) allows for suitable portions of the solid waste stream to be used to reclaim damaged land. The Department of Environmental Quality (DEQ) has determined that the following types of waste are examples of wastes not suitable for use in a reclamation project and are prohibited from being used: *putrescible or other types of household waste, white goods, tires, hazardous waste, radioactive waste, friable asbestos, regulated polychlorinated biphenyls (PCB) waste, liquid waste, or regulated infectious waste*. The DEQ may identify other prohibited wastes on a site-specific basis. DEQ has determined that demolition debris from dilapidated structures, which poses little to no risk to the environment when buried, is suitable for land reclamation.

GENERAL INSTRUCTIONS

This program allows governmental entities (applicant) to use material from dilapidated structures in land reclamation / restoration projects. This program is not a method to create non-permitted C&D landfills and shall not include digging a pit to dispose of material in an area that is not in need of reclamation.

The Reclamation Specialist is responsible for the implementation of the Land Reclamation Program and is the primary contact for the DEQ.

Applicants may contact the local DEQ office or the central office for assistance in this program. If the initial point of contact is the local DEQ office, the local environmental specialist will refer the request to the Reclamation Specialist. The Reclamation Specialist or his designee will conduct a preliminary evaluation of the site and material. If the site and material appear to be acceptable the requesting party will be provided with an application packet, which includes the Application For Land Reclamation Project, Legal Access Agreement and Land Reclamation Projects fact sheet. (The fact sheet can also be found on DEQ's Web Page.) The Reclamation Specialist will meet with the applicant's representative regarding the proposed project. The Reclamation Specialist or his designee will conduct site visits of the proposed reclamation site(s) and will inspect the material to be used in the project. During these site visits it will be determined if: (a) the land chosen for the reclamation / restoration site is a legitimate site that is not already usable or productive (e.g. land that has a ravine, gully, exhausted gravel pit, silage pit, etc. that renders the land non-productive); and (b) the material (solid waste) to be used in the project is suitable for the project.

Personal safety during these visits is of primary concern. Entry into the structure(s) to check the material to be used in the project may or may not be necessary. In any case, entry shall not take place until a NESHAP inspection has been performed on the structure with results showing no friable asbestos.

The Reclamation Specialist and/or his designee will assist the applicant by contacting the local conservation district regarding the conservation plan for the project site. If necessary, the Reclamation Specialist and/or his designee will accompany the local conservation district representative to the site.

APPLICATION FOR LAND RECLAMATION PROJECT

To obtain written approval for a Land Reclamation Project in the form of a Memorandum of Agreement (MOA) between the agency and the applicant, the applicant must first submit an application. An application form may be obtained from the Reclamation Specialist. The Reclamation Specialist and/or his designee will assist the applicant in completing the application. The application must be completed and submitted along with the required attachments to the Reclamation Specialist. (See attached application.)

The application consists of the following five sections:

1. **APPLICANT**

This section contains general information about the applicant—i.e. address, phone number, fax number, and the responsible individual's name and title. The individual listed here should be the person who will sign the application. Usually, this will be a city manager, mayor, county commissioner, school superintendent, or the person who is legally authorized to enter into a contract on behalf of the applicant.

2. **LAND RECLAMATION SITE**

This section contains specific information regarding the site to be reclaimed. It includes the legal description of the site, the county, the name and mailing address of the owner of record, the reason the land needs to be reclaimed and the anticipated use of the land after the project. After inspecting the proposed reclamation site, the Reclamation Specialist or his designee must sign and date the application in this section and note whether the site is APPROVED or DISAPPROVED by circling the appropriate word.

3. **DESCRIPTION OF SOLID WASTE TO BE USED IN PROJECT**

This section contains specific information regarding the material (solid waste) to be used in the reclamation project including the types and estimated volume of the material to be used and the specific origin of the material. The Reclamation Specialist or his designee must sign and date the application in this section and note whether the material is APPROVED or DISAPPROVED by circling the appropriate word.

4. REQUIRED ATTACHMENTS

The Reclamation Specialist or his designee will assist the applicant in obtaining the required attachments.

The application requires the following attachments:

- **Deed For Reclamation Site** – This is a copy of the deed or instrument showing ownership. It should be on file at the county court house in the county the site is located.
- **Legal Access Agreement** – If the reclamation site is to be located on property that is not owned by the applicant, a legal access agreement between the applicant and landowner is required.
- **NESHAP Inspection** – A copy of the NESHAP inspection for each structure from which material will be used in the reclamation project must be included.
- **Conservation Plan** – This is a plan approved by the local conservation district that states whether the site is located within a 100-year flood plain or known wetlands, provides recommendations and guidance regarding the type and depth of cover material, recommends the type of vegetation to be established, and provides recommendations and guidance for erosion control.
- **Other** – The Memorandum of Agreement is site specific and additional information may be required for any given site.

5. APPLICANT'S SIGNATURE

The application must be signed and dated by the authorized individual named in Section 1 and notarized before it is submitted for approval.

The Reclamation Specialist will review the application and attachments and, if acceptable, will sign and date the application. The application will then be forwarded to the Land Protection Division (LPD) Division Director or his designee for review and routing to the LPD staff attorney for drafting of the MOA. After the MOA has been drafted, it will be sent or given to the applicant for signature(s). The MOA, signed by the applicant, will be returned to the DEQ and routed to the Executive Director for his signature through the LPD attorneys and LPD Division Director. At any point throughout the process, the documents may be returned to the applicant for further information.

After the MOA has been approved and signed by the Executive Director a copy will be sent to the applicant. A copy of the MOA will also be sent to the Reclamation Specialist and the appropriate local DEQ office. Each local DEQ office will create a file labeled

Reclamation Projects and file all information and materials including the MOA for each project in that file.

TECHNICAL ASSISTANCE AND MONITORING

The project may begin after both parties sign the MOA. The applicant will have a total of 120 consecutive days to place material at the site once placement begins with the final cover being placed on the site within 15 days after placement ends. *See the Land Reclamation fact sheet for other requirements.* The Reclamation Specialist or his designee will provide technical assistance to the applicant regarding the placement of material. The material should be placed and compacted in a manner that will minimize future settling. The practice of simply dumping and covering the material is generally not sufficient. The material should be spread and compacted on a regular basis before covering. The applicant should be reminded that the site is to be monitored and maintained for a period of three (3) years after final inspection of the project.

The Reclamation Specialist or his designee will monitor the project for compliance with the MOA. If the project is not in compliance with the provisions of the MOA, the Reclamation Specialist will issue a warning letter to the applicant that identifies the non-compliance issues and provide a time for correction. If a follow-up investigation determines that the applicant has not corrected the non-compliance issues, the Reclamation Specialist shall submit an enforcement status update to the LPD Division Director who will review the update and determine if further enforcement is needed. If enforcement is needed, the LPD Division Director will refer the matter to the LPD staff attorney for appropriate action.

INITIAL CLOSURE

When the applicant notifies DEQ that the site is closed, the Reclamation Specialist or his designee will conduct an evaluation of the site and document the condition of the site using the enforcement status update. If the initial closure is acceptable the Reclamation Specialist shall submit an enforcement status update to LPD. This information will be entered into the tracking system and will begin the three-year post closure period.

NOTICE FOR LAND RECORDS

The Reclamation Specialist will provide the applicant a notice form to be indexed with the land records of the county in which the reclamation site is located. The notice shall specify the legal description and type and quantity of waste utilized in the project. A certified copy of the recorded notice shall be returned to the Reclamation Specialist within thirty (30) days after closure of the site.

FINAL CLOSURE

Prior to the end of the three-year post closure period the Reclamation Specialist will be notified to conduct a final evaluation of the site. The Reclamation Specialist and/or his designee will conduct an evaluation of the site. The Reclamation Specialist will document the condition of the site using the enforcement status update. The enforcement

status update will be reviewed to determine if the site meets all conditions of the MOA and can be removed from the tracking process.

The Reclamation Specialist will be responsible for maintaining a record of the reclamation projects both completed and ongoing and provide the LPD Division Director with a quarterly report on each project.