

New York City Clean Soil Bank Program Overview

A. Background

OER is a municipal environmental regulatory office that administers the NYC Brownfield Cleanup Program (City BCP) and E-Designation Program. These programs operate under the authority of the New York City Charter, city laws and city regulations, including the 2009 NYC Brownfield Law, regulations contained in Chapter 14 of Title 43 of the Rules of the City of New York, and a Memorandum of Agreement (MOA) established with the New York State Department of Environmental Conservation (NYSDEC) in 2010. This MOA is a collaborative intergovernmental agreement that provides NYSDEC environmental liability protection to developers that use the City BCP and governs the coordination of OER remedial program activities with those of NYSDEC's Division of Environmental Remediation (DER). In July, 2012, the MOA was extended by four years to cover NYC brownfield cleanup activities through 2016.

B. Purpose of the New York City Clean Soil Bank

Developers on brownfield cleanup projects commonly excavate deep-seated, clean native soil from beneath historic fill in order to develop basements and sub-grade parking. Clean native soil, as described here, is compliant with 6NYCRR Part 375-6.8 Track 1 Unrestricted Use SCOs or Track 2 Residential SCOs, and Protection of Groundwater Standards. Although the clean native soil has economic value, developers usually have no immediate use of this soil and often dispose of it at 6NYCR Part 360 Registration Facilities or other facilities, for which they pay a substantial disposal fee. These facilities then sell this material at substantial cost to other developers and City agencies as clean backfill on new development or capital construction projects. This process is unnecessarily costly, results in multiple handling, and causes excessive truck transport and associated emissions.

OER has established the NYC Clean Soil Bank to enable developers that perform cleanup approved by OER to transfer eligible clean native soil under an omnibus Beneficial Use Determination (BUD) issued by New York State Department of Environmental Conservation (NYSDEC) directly to government capital construction projects or private developments overseen by OER that need clean backfill, and in the process, eliminate soil tipping and soil purchase fees. This program has many important advantages including:

- By reducing costs to developers, the Clean Soil Bank acts to off-set cleanup costs and provides a powerful incentive to develop brownfield properties;
- By reducing City capital construction costs for purchase of clean soil, the Clean Soil Bank saves government financial resources and allows the limited government budgets to be extended to provide more government services;
- By matching projects that are in close proximity, truck transport mileage and associated vehicular emissions can be greatly reduced;
- By transporting soil directly to the construction site, the program eliminates double, triple or quadruple handling of soil and eliminates transfer of this soil through facilities in EJ communities and eliminate associated truck traffic and emissions burdens in these sensitive areas.

C. Requirements for properties generating clean native soil in the NYC Clean Soil Bank

To participate in the NYC Clean Soil Bank, a developer generating clean native soil must be in a remedial program under the authority of OER, and must perform a remedial investigation of the property generating the clean native soil and perform all necessary contaminant removal actions, engineering controls and institutional controls according to an OER approved Remedial Action Work Plan. These remedial program requirements are defined in City rules and regulations that govern remedial activities and are summarized below.

OER has developed two Fact Sheets which are posted on OER's website. Fact Sheet No. 1 is directed to soil generators and potential soil recipients. Fact Sheet No. 2 is directed toward soil generators.

D. Coordination with other Government Authorities

Soil transfer under the NYC Clean Soil Bank is performed under the authority of an omnibus BUD issued by NYSDEC. All projects managed by OER are subject to a rigorous evaluation to assess the potential for significant threat to the environment and public health. Under an agreement with NYSDEC, significant threat sites are not eligible for participation in OER remedial programs. OER also coordinates with NYSDEC on projects in OER's remedial programs and on petroleum spills on those projects. For instance, where there is a petroleum spill on a remedial project in the City BCP, coordination would enable, at NYSDEC's discretion, OER to provide direct oversight of the spill investigation and remedial action, with close communication with, and concurrence by, NYSDEC's project manager.

E. Overview of OER Remedial Programs

Remedial Investigation

All Remedial Investigations (RI) performed under OER authority follow the requirements of NYSDEC's DER-10 Tech Guide. Principle investigation elements are discussed below and include requirements for sampling to determine the nature, extent and fate of contaminants on each property. Investigations include sampling of soil, groundwater and soil vapor media in all cases and provide an initial review of both the Phase 1 and a site inspection followed by biased sampling to pursue the worst case environmental conditions on the property based on identified historical usage of environmental concern in addition to providing even spatial sample coverage on each property. The following elements are included in all remedial investigations performed under OER authority:

Site description. The RI (and Remedial Action Work Plan) includes a physical description of the property and sensitive land uses in the near vicinity.

Description of proposed use of property. The RI (and Remedial Action Work Plan) takes into account the proposed development of the property and considers the depth of the excavation for development purposes, the areas of building and open space, the plans for engineered cover on open space areas (concrete, asphalt, or soil), and the character of the land use (residential, commercial or industrial).

Phase 1 and site inspection. Every remedial investigation is preceded by the performance of a Phase 1 investigation and site inspection to establish the historical usage of the property and features of environmental concern. Phase 1 studies include review of available fire insurance maps and governmental databases. These studies help establish proper density of sampling and enable biased direction of sample collection to identify contaminant sources.

Sampling of soil. Sampling of shallow and deep soil is performed at multiple boring locations consistent with DER-10. Generally, sampling locations are biased toward worst case site conditions and include

shallow samples (0-2 foot depth) and at least one deep sample per boring. A variety of sampling approaches are used to determine the appropriate depth of the deep samples (sampling highest PID depth, sampling base of development depth, sampling top of the water table, etc.). Soil subject to use in the Clean Soil Bank is sampled at this stage in the remedial program. All samples used in the remedial investigation are grab samples from discrete depths within a boring. However, in some instances, composite samples are also collected for disposal characterization purposes and may include additional composite samples for consideration by the property receiving clean native soils. In addition to soil sampling for chemical analytical testing, soil is continuously sampled from the ground surface to the bottom of the boring and logged by a geologist or engineer. All boring logs and chemical results are included in the RI report.

Sampling of groundwater and soil vapor. Groundwater sampling of uppermost aquifer and soil vapor sampling in either the sub-slab horizon (if a slab exists) or at a depth greater than 5 feet, typically the depth of the proposed base of the new building slab, is performed on each property. These samples are used to identify if a significant contaminant source area is present on site and to determine the elements of the remedial action. Generally, a minimum of 3 groundwater samples are collected for each property, with greater numbers for larger properties. Monitor well and groundwater sample collection methodology complies with DER-10. Soil vapor sample collection conforms to New York State Department of Health soil vapor sampling guidance. Similar to groundwater, a minimum of 3 soil vapor samples are performed for each property, with higher numbers of samples for larger properties. All data are reported in the RI report.

Chemical analysis at ELAP certified lab for expanded parameters. Chemical analysis for soil, groundwater and soil vapor is performed at State DOH certified chemical labs. Soil and groundwater analyses are always performed for expanded parameters including TAL metals, TCL organics including VOCs and SVOCs, and pesticides and PCBs. Soil vapor is tested for TO-15 parameters. The analytical results are required to meet appropriate minimum detection levels sufficient to allow comparison to Part 375-6.8 Unrestricted Use and other SCOs for soil, 6NYCR Part 703.5 Groundwater Quality Standards for groundwater, and State DOH guidance for VOCs.

Remedial Investigation Report. After the completion of the Remedial Investigation, a Remedial Investigation Report is prepared for OER review and summarizes all data and information obtained for the property, including all soil, groundwater and soil vapor sampling data. Data tables are presented with comparisons to applicable standards, including Part 3275-6.8 SCOs. Figures typically include site location map, site boundary map, redevelopment plan, surrounding land use plan, site plan, location of soil exceedances from SCOs, groundwater exceedances from state groundwater standards, soil vapor detections, and groundwater flow direction. Tables also include construction details for groundwater soil borings, monitor wells and soil vapor probes, and depth to groundwater measurements. This report enables the distribution of the vertical and aerial extent of contaminated material and underlying clean native soil and provides sufficient information to support the selection of a remedial action.

Remedial Action Work Plan

All remedial actions performed under OER authority follow the requirements of DER-10 and are performed in accordance with an OER-approved Remedial Action Work Plan (RAWP or RAP). The RAWP provides for the protection of public health and the environment and includes elements such as contaminant removal actions, engineering controls and institutional controls. The following elements are included in all remedial actions performed under OER authority:

Certification. Remedial Action Work Plans and Remedial Action Reports (final reports) are certified by a PE licensed in New York State.

Supervision and Oversight of Removal Actions. Remedial actions including contaminant removal actions are performed under the supervision of a QEP. Prior to loadout and transport, the volunteer is required to notify OER of the name of the facility that is proposed for disposal of contaminated soil and provides copies of two letters, one to the disposal facility reporting the chemical quality of the soil and requesting approval to dispose, and the second from the disposal facility stating that it is licensed to receive the material. Removal actions are performed with rigorous oversight and record keeping. Each load of contaminated soil is loaded onto trucks and shipped with manifests that record the load number, truck license number, the driver's name and signature, the quantity of soil, the destination, the time of departure, the source of soil, the time of arrival, and the party name and signature of the party receiving the material. The progress of each day's activity is recorded in daily reports of progress that are submitted to OER. The reports include locations of removal activity, the number of trucks loaded and transported, the quantity of soil removed, the destination for the trucks, records of results of community air monitoring, plans for upcoming work and any other issues that arise in the field. Emergencies that may occur in the field are reported to OER after appropriate emergency outreach is performed. All remedial excavations are screened for visual, olfactory and PID evidence of contamination by a trained environmental professional. OER makes periodic inspections of remedial actions for each project.

End-point sampling. Removal actions to remove 'hotspots' are subject to the collection of end-point samples in conformance with DER-10. For example, for hot-spot excavations less than 20 feet in total perimeter, at least one bottom sample and one sidewall sample biased in the direction of surface runoff is collected. For excavations 20 to 300 feet in perimeter: For surface hot-spot removals, one sample from the top of each sidewall for every 30 linear feet of sidewall and one sample from the excavation bottom for every 900 square feet of bottom area; For subsurface removals, one sample from each sidewall for every 30 linear feet of sidewall and one sample from the excavation bottom for every 900 square feet of bottom area; For sampling of volatile organics, bottom samples are taken within 24 hours of excavation, and are taken from the zero to six-inch interval at the excavation floor. Samples taken after 24 hours are taken at six to twelve inches; Post remediation soil samples for laboratory analysis are taken immediately after contaminated soil removal. Post-remediation sample locations and depth are biased towards the areas and depths of highest contamination identified during previous sampling episodes unless field indicators such as field instrument measurements or visual contamination identified during the remedial action indicate that other locations and depths may be more heavily contaminated. In all cases, post-remediation samples are biased toward locations and depths of the highest expected contamination.

Petroleum spills. Petroleum spills on properties with remedial actions managed by OER are addressed under NYSDEC authority in a manner defined in the MOA between NYSDEC and OER. A petroleum spill contingency plan is established in every cleanup plan and close coordination is established between OER and DER's project manager.

Daily reports. Remedial activities are summarized in daily reports that are submitted to OER and reported in the final Remedial Action Report (RAR).

Pre-construction meeting. All remedial projects begin with the performance of a pre-construction meeting held with OER staff, the developer, the environmental consultant and the contractor performing the remedial action work.

Inspections. Remedial activity is subject to periodic inspection by OER staff. Photographic records are established for all phases of the remedial action and are submitted in the final Remedial Action Report.

Community Air Monitoring. Air monitoring is performed under a Community Air Monitoring Program (CAMP) that is approved by OER. OER remedial actions use the New York State DOH generic CAMP contained in DER-10.

Dust and odor control. Handling of soil and fill is performed in conjunction with a dust and odor control plan. Stockpiles, if any, are inspected regularly and are kept adequately covered. Direct load-out of soil and fill for transport offsite is preferred over stockpiling onsite.

Storm-water management. Storm-water management compliant with NYSDEC stormwater management regulations is required on all remedial action performed under OER authority. Typical controls include silt fencing, hay bales, filter fabrics to protect storm-water systems and tarps.

Truck management. Truck routes used through the local community upon exit from the remedial site are defined and address specific program goals to minimize community impact. Trucks are covered in accordance with applicable regulations. Trucks are inspected and cleaned prior to transportation offsite. Truck egress points are inspected regularly and kept clean.

Health and Safety Plan. Remedial contractors are required to comply with OSHA rules that are applicable to the remedial activity. A Health and Safety Plan is established and in place prior to start of remedial action and a site safety coordinator is appointed.

Remedial Action Report. All remedial data and information, including daily reports and summaries of disposal records, CAMP results, and end point sampling results, are presented in a RAR that is reviewed by OER.

F. Summary of Responsibilities under the Clean Soil Bank

Oversight by OER

Participation in the NYC Clean Soil Bank and applicability of BUD to soil transfer is at OER's discretion and is pending satisfactory compliance with program requirements. Technical information on remedial projects and most activities under the Clean Soil Bank will be included in Remedial Action Report established for the generating facility, including the final manifests for soil transfer, descriptions of excavation and loading activities performed, outcomes of soil screening, estimated total quantities of soil transferred, dates of soil transfer, identification of receiving facilities, daily reports, photographs, and soil quality data tables. Reports will be provided by receiving facilities that will include an estimate of the quantity of soil received, a certification that the soil was received and placed in a manner that is compliant with the BUD, and associated photographs. Receiving facilities that are in an OER remedial program will also include all pertinent remedial information in the Remedial Action Report including information on engineering controls and institutional controls.

OER will maintain records of activities performed on projects receiving authority under a Clean Soil Bank BUD issued by NYSDEC for transfer of clean native soil. OER will provide an annual report to NYSDEC that summarizes activity for projects that received authority under the BUD, including listing of generating and receiving site addresses and tax block and lot numbers and the quantity of soil subject to BUD authority.

Generator Obligations

The generator of clean native soil under the BUD will be required to certify each load and originate a manifest for each load delivered to a receiving facility. OER will establish a Clean Soil Bank number for the project that will be utilized on manifests. The general requirements for these documents are listed below. All soil will be screened under the supervision of a qualified environmental professional as it is being excavated using visual, olfactory and PID instrumentation. The work performed under the BUD will be reported in the daily remedial report required under OER's remedial program. Generally, that daily report will list the number of trucks, the approximate quantity of soil loaded, the location of the receiving facility, and any issues or problems encountered. Major problems or emergency conditions will be reported to OER at the time of occurrence by phone call to the project manager. Emergency conditions will be addressed by appropriate protocols, such as 911 and consistent with the HASP. Trucks will travel directly to the receiving facility. A project manager for the management of BUD materials will be identified and will be responsible for compliance. Contact information for the project manager will be supplied to OER. Generally, boulders and rocks above 12 inches will not be included in loads. Smaller tolerance on maximum rock size will be established between the parties. Truckers will follow rules established at the receiving facility. Placards will be used on trucks as required by existing state transportation regulations.

Recipient Obligations

The recipient of clean native soil under the BUD will be required to confirm the information of the manifest, sign the manifest for receipt of each load and inspect each the load for evidence of contamination at the time of receipt. The recipient will provide security for the materials received and will comply with all applicable laws, rules or regulations. Soils will not be stockpiled on site for more than 90 days without NYSDEC approval. Records will be kept at the location where the clean native soils were placed. The requirements for the manifest are listed below. Major problems or emergency conditions will be reported to OER at the time of occurrence by phone call to the project manager. Emergency conditions will be addressed by appropriate protocols, such as 911 and consistent with the project HASP. A project manager for the management of BUD materials will be identified and will be responsible for compliance. Contact information for the project manager will be supplied to OER. Tolerance on the maximum rock size will be identified by the receiving facility and agreed between the parties. Receiving facility will establish any special rules for trucker behavior on their property prior to the start of the project.

Outreach to Prospective Sites

OER will communicate with parties pursuing approval of cleanup plans regarding the availability of clean native soil transfer under the BUD. Typically this will occur at the time that conceptual plans for remedial actions are being established, and usually about 30-45 days before approval of those plans and start of construction. At that time the remedial investigation is complete, the development plan is well defined and either the need for clean soil backfill or the generation of excess clean soil can be determined. Once interest in the program is established, at OERs discretion, parties will fill out a simple clean soil availability form and clean soil request form, to initiate matchmaking for exchange of soil under the BUD. Several factors will play an important role in establishing an appropriate match for soil exchange. These

include, but are not limited to: (1) the timing of soil availability/need; (2) the relative location of match sites; (3) the quantity of soil that is available/required; and (4) the geotechnical properties of the soil. In order to facilitate a match, OER may utilize online resources (i.e. a dedicated webpage) to show the availability/need of soil by parties in OER's remedial program. Once a possible match is established, OER initiates sharing of contact information between parties and they negotiate the exchange before working with OER to prepare for transfer under the BUD.

Forms

Clean Soil Availability Form

Parties in OER's remedial program that are interested in soil exchange under the BUD may be asked, at OER's discretion, to fill out a clean soil availability form. This form will include the following information for the generating property: location of property including address, borough, tax block and lot; OER remedial project number; primary contact information including name, phone number and email address; quantity of soil available; time period that soil will be available; general soil characteristics; soil type; availability of geotechnical testing; loadout methods; and results of chemical testing with respect to Part 375 SCOs (minimum requirements for participation are compliance with 375-6.8(b) Residential and Protection of Groundwater Standards); and top and bottom depths that soil will be removed below street grade.

Clean Soil Request Form

Parties in OER's remedial program and city agencies that are interested in soil exchange under the BUD may be asked, at OER's discretion, to fill out a clean soil request form. This form will include the following information for the receiving property: location of property including address, borough, tax block and lot; primary contact information including name, phone number and email address; quantity of soil needed; property ownership (if City-owned, name of agency with site control); time period that soil is needed; general limitations on characteristics for imported soil including geotechnical limitations; whether site is subject to an OER approved Site Management Plan, whether the site is subject to an E-Designation or an environmental deed restriction; general plan for use of soil on the property (i.e. as backfill under a slab or under an approved cover); and top and bottom depths that soil will be placed below street grade.

6.5 Agreement between Parties (Minimum Provisions)

Parties that utilize soil exchange under the BUD negotiate their own terms for transfer. A tipping fee is not allowed in the program. However, responsibility for trucking soil and other logistical issues such as soil transfer rates and timing of delivery are negotiated without the involvement of OER. Other issues subject to negotiation between the parties may include: supplemental sampling; location of placement; quantity of soil transfer; terms of load rejection, coarse fraction size restrictions, insurance and indemnifications. OER is not subject to agreements between parties. However, all agreements must be compliant with requirements of the BUD and must clearly identify a Generator and a Recipient who will be responsible for action items in the Steps below.

7.0 Availability of Clean Soil Bank to NYSDEC remedial projects

Participation in the Clean Soil Bank is available to projects that are managed by NYSDEC in the State Brownfield Cleanup Program. However, OER will not include a project with NYSDEC involvement in the Clean Soil Bank without prior written approval from NYSDEC.

8.0 Steps in Operation of the Clean Soil Bank

The operation of the NYC Clean Soil Bank involves a ten-step process:

Step 1: Evaluation of soil eligibility for reuse in the Clean Soil Bank by OER. On the basis of the data and information contained in the RIR and other information established by the developer including composite soil chemical quality collected for disposal purposes, OER will evaluate the chemical quality of native soil to determine if it meets Part 376-6.8 Track 1 Unrestricted SCOs or Track 2 Residential SCOs, and Protection of Groundwater Standards. Clean native soil that meets these criteria would be eligible for transfer at OER's discretion to a receiving property under the BUD.

Step 2: Evaluation of eligibility of properties to receive clean native soil in the Clean Soil Bank by OER. OER will vet the physical characteristics of the receiving property to assess the presence and planned use for agricultural or ecological purposes. Properties that exhibit these characteristics are not eligible to receive material under this BUD. However, NYSDEC approval may be sought for properties for which ecological resources require protection and if NYSDEC approval is obtained, these sites may be included under the BUD. In general, preference for the transfer of clean native soil under this BUD will be, in order of decreasing preference, city-owned properties with capital construction including those where the clean soil will be used to improve climate resilience; and private properties in OER remedial programs. Further, the geotechnical properties that are required for soil to be imported are defined and any limitations are identified.

Step 3: Establishment of the terms of transfer and authorization of clean native soil transfer under the BUD by Generator and Recipient. All relevant data and information is shared between interested parties representing prospective clean native soil generating properties and prospective clean native soil receiving properties, including timing of transfer, quantity of transfer, location of properties and chemical and geotechnical properties of soil. Once a match is made between a property that is generating eligible clean native soil and a property that is eligible to receive this material, including a determination that the geotechnical properties are acceptable to the receiving property, parties negotiate the terms of clean native soil transfer, including the location for receipt, hours of operation, rates of inflow, total quantity of soil, additional sampling requirements and other issues of special interest to the parties. It is anticipated that the developer that is originating the clean native soil will cover transport costs. No tipping fees will be levied under the BUD. OER is informed of the tentative agreement terms. The terms between the parties are finalized and a date is established for the start of transfer of clean native soil. At this point, at OER's discretion and upon OER's written notice, the transfer of clean native soil is authorized under the BUD by OER. A pre-construction meeting that includes OER is held. Project managers for both parties are established and contact information is exchanged. Site access is defined by the receiving property and assured by its project manager. The material shall be the responsibility of OER and the generator until it is accepted at the recipient's site at which time it will be solely the recipient's responsibility.

Step 4: Pre-construction meeting by Generator, Recipient and OER. Prior to the start of delivery of soil under the BUD, a pre-construction meeting will be held between all parties involved in generation and receipt of soil and OER. The meeting will be held to establish the elements of the program and ensure that all parties understand their roles and program procedures. These issues may include: timeframe for delivery, limits on quantity of delivery, hours of operation at each facility, truck size and access restrictions, trucking limits for local bridges, receiving facility rules, receiving site access restrictions, frequency of loads, hours of operation, acceptance/rejection criterion, tolerance for coarse fraction, contact information for key parties, communication expectations, required managerial involvement, and overall expectations of the parties. If any supplemental sampling has been agreed upon by the parties (i.e.

geotechnical testing), sampling protocol will be finalized and may include sampling frequency and location, stockpile size, delivery of data, timing of analytical work and analytical methods. Generally, a list of drivers names will be provided to the receiving facility prior to the start of work and will be updated as required.

Step 5: Removal of contaminated media prior to load-out of clean native soil (by Generator). In most cases, clean native soil is overlain by light to moderately contaminated soil and/or historic fill (historic fill material” is defined in 6 NYCRR 375-1.2(x)). This contaminated material will be removed prior to excavation and load-out of the underlying clean native soil in accordance with an OER approved cleanup plan. A qualified environmental professional (QEP) will confirm that any overlying contaminated material has been removed and over-excavated to a depth of approximately one foot into clean native soils. Contaminated media will be transported and disposed as a regulated material in accordance with the approved RAWP and all activities will comply with existing environmental laws and regulations and the existing MOA between NYSDEC and OER. The load out and transfer of contaminated soil will be subject to periodic inspection by OER.

Step 6: Confirmation of excavation into clean native soil and field screening during load-out at the generating property by Generator. The determination that the clean native soil has been encountered during excavation at the site will be made in the field by a QEP and in consultation with OER. During excavation for load-out and delivery, clean native soil will be screened by means of a PID and by visual and olfactory means for evidence of contamination. Contaminated soil is not subject to this BUD and will not be recycled under this BUD. Each load of soil that departs from the generating facility will be certified under the supervision of an environmental professional. The certification will document that the load (1) contains only clean native soil; (2) that the load was screened using visual, olfactory and PID instrumentation and that there was no evidence of contamination observed; (4) and that the load is compliant with the BUD and associated stipulations. The certification will include the date, time and load number that the certification pertains to. The load out and transfer of clean native soil will be subject to periodic inspection by OER.

Step 7: Use of clean native soil transfer manifests by Generator and Recipient. Trucks that are utilized for transport of clean native soil authorized in this program will utilize manifests approved by OER to document the time and location of transport under the BUD. Each load will be tracked and accompanied with a trucking manifest. The manifest will include the Clean Soil Bank project number, project number for the originating site; project number for the destination site (if any); date; name and signature of the driver; hauling company name; a load number; the time of departure from the generating facility; the license plate number of the truck; the time of arrival at the designated receiving facility; the capacity of the truck; the approximate quantity of the load; and the name and signature of the receiving party; and an indication that the soil was inspected when unloaded. Trucking manifests will be returned to the generating facility and will be maintained and included in the Remedial Action Report submitted to OER at the end of the project. Manifests will be recognized at the receiving property. The ID number and plate number of trucks that are used on a day to day basis will be reported to the receiving facility as a quality control.

Step 8: Field screening of clean native soil at the receiving property by Recipient. Once at the receiving property, clean native soil will be inspected for evidence of contamination by representatives of the receiving property. Screening will be performed prior to sign-off on the manifest by a representative of the receiving facility. It is anticipated that soil will be staged only briefly prior to final placement at the

receiving facility. However, if it is necessary to store soil for a longer period, piles or containers must be covered and run-on/run-off controls employed to prevent wind or water dispersion. The Recipient may not store soils longer than 90 days before final placement. Soils may not be stored at another site, unless approved by OER and it is under ownership of the Recipient.

Step 9: Daily reporting by Generator and Recipient. Under terms of RAWP, daily reporting, typically in the form of an email to OER’s project manager, is required during remedial actions. These reports will include details of clean native soil transfer under the BUD in this program. Photographic documentation will be provided.

Step 10: Final reporting by Generator and Recipient. Technical information will be included in remedial documents including a Remedial Action Report established for the generating facility, including the final manifests for soil transfer, descriptions of excavation and loading activities performed, outcomes of soil screening, estimated total quantities of soil transferred, dates of soil transfer, identification of receiving facilities, daily reports, photographs, and soil quality data tables. Reports will be provided by receiving facilities, including a Remedial Action Report for projects in OER remedial programs, that will include an estimate of the quantity of soil received, a certification that the soil was received and placed in a manner that is compliant with the BUD, and associated photographs.