

MassDEP's Interim Policy on the Re-Use of Soil for Large Reclamation Projects

MassDEP's Interim Policy on the Re-Use of Soil for Large Reclamation Projects (#COMM-15-01) is final and may be found [here](#). Applicable to the re-use of 100,000 cubic yards or more of soil at quarries, sand pits, and gravel pits, this new policy provides a site-specific review and approval process that has been used on an *ad hoc* basis to expand opportunities for the re-use of excess soil excavated from development sites. MassDEP approval of these projects ensures that issues common to large-scale fill projects are appropriately addressed.

By providing a mechanism for safely managing soil for the reclamation of quarries, sand pits, and gravel pits, the policy facilitates the filling of these locations, which are often safety hazards; their reclamation provides opportunities for beneficial new uses, including parks. The policy also facilitates the creation of additional in-state options for the re-use of soil excavated from new development projects, which previously often had to be shipped to an out-of-state facility at substantial cost.

The policy is implemented pursuant to Section 277 of Chapter 165 of the Acts of 2014, The Massachusetts FY 2015 Budget:

Not later than June 30, 2015, the department of environmental protection shall establish regulations, guidelines, standards or procedures for determining the suitability of soil used as fill material for the reclamation of quarries, sand pits and gravel pits. The regulations, standards or procedures shall ensure the reuse of soil poses no significant risk of harm to health, safety, public welfare or the environment considering the transport, filling operations and the foreseeable future use of the filled land. The department may adopt, amend or repeal regulations establishing: (i) classes or categories of fill or reclamation activities requiring prior issuance of a permit issued by the department; (ii) classes or categories of fill or reclamation activities that may be carried out without prior issuance of a permit issued by the department; and (iii) classes or categories of fill that shall require local approval based on the size, scope and location of a project; provided, however, that local approval shall not be required for projects involving less than 100,000 cubic yards of soil.

This Interim Policy is part of a comprehensive approach to managing soil in Massachusetts which MassDEP continues to develop in cooperation with stakeholders. If you are interested in being part of this discussion, please send an email to Paul.Locke@state.ma.us and ask to be added to the DEP Soil Workgroup. Background information on the development of this policy and other soil management activities may be found at www.ReclamationSoil.org.