

**SUBJECT: Special Land Use**

**DATE: November 1, 2001 - Revised 09-01-06**

**Legal Authority:** 22-4-18(e), 38-3-3.8.a and 38-3-3.8.b

38-3-3.8.a. “With the approval of the landowner, the director may authorize the retention of drainage structures, roads, buildings, or other structures after final bond release.”

38-3-3.8.b. “With the approval of the landowner, the director may authorize, as a condition of a permit, the export of backfill material off the permitted area for beneficial purposes, or may authorize other beneficial uses of the operation, which are reasonable. Time limits shall be established for the completion of these special land uses. Drainage control may be required to minimize pollution.”

1. Special land use requests shall be submitted on the “Request for Special Use” form (MR 12) prescribed by the Secretary.
2. Special land use requests may be submitted at any time. All requests for Special Use forms (original only) will be submitted to the Release Specialist, who will ensure that it is adequately tracked on the DEP computer system (ERIS). The DEP Inspector and the Release Specialist shall review the Request for Special Use form.
3. Proposed special land uses, which may impact public health and/or safety, shall be designed utilizing sound engineering practices, constructed, and certified by a Professional Engineer.
4. Approved special land use proposals shall become a condition of the permitted site for which they are proposed and shall be subject to applicable quarry code, and rules.

Special land use requests for structures which require design and certification by an approved person (i.e. drainage control structures, roads and are not part of the approved permit) shall be reviewed by the Regional Permit Review Team prior to approval.