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Linda Hatfield - Payne County Clerk  
State of Oklahoma

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AND PROTECTION DIVISION  
**NOTICE OF REMEDIATION AND EASEMENT**  
DEPARTMENT OF ENVIRONMENTAL QUALITY

Stillwater Regional Airport

**LEGAL BASIS FOR NOTICE:** The City of Stillwater, Oklahoma, a municipal corporation, hereby files this Notice of Remediation pursuant to its authority under the Constitution and laws of the State of Oklahoma and the Stillwater City Code. This Notice does not grant any right to any person not already allowed by law and shall not be construed to authorize or encourage any person or other legal entity to cause or increase pollution, to avoid compliance with State or Federal laws and regulations regarding pollution or to escape responsibility for maintaining environmentally sound operations.

The City of Stillwater may take administrative or civil action to recover costs or to compel compliance with the "Land Use Restrictions" and to prevent damage to or interference with the "Engineering Controls" and "Continuing Operation, Maintenance of said Engineering Controls" herein described.

The Land Use Restrictions, Engineering Controls and Continuing Operation, Maintenance of said Engineering Controls shall apply to the Affected Property and to persons who own and/or use the Affected Property until such time as the City of Stillwater files a subsequent Notice of Remediation that changes or removes one or more of them. Activities that cause or could cause damage to the Remedy or the Engineering Controls or recontamination of soil or groundwater are prohibited.

The owner of the Affected Property has the legal authority to create, and does hereby voluntarily create, an easement granted to the City of Stillwater, Oklahoma, a municipal corporation, and its employees and agents and to the Oklahoma Department of Environmental Quality (DEQ) and its employees and agents, for ingress and egress through, across and onto the parking and other outside areas of the Affected Property as they exist from time to time to assure the ongoing protection of the Remedy, Engineering Controls and Land Use Restrictions. This easement touches and concerns the land and runs with the land, is legally binding on all current and future owners and tenants of the Affected Property.

**REASON FOR NOTICE:** The below described Affected Property was a solid waste landfill upon which materials from another solid waste landfill were consolidated and capped.

**AFFECTED PROPERTY:** The Relocated Trash Primary Site located by the north end of Runway 17-35, more particularly described as follows:

A tract of land lying in the East 2/3 of the North 1/2 of the Northeast 1/4 of Section 33, Township 20 North, Range 2 East of the Indian Meridian, Payne County, Oklahoma, more particularly the area shown as "Relocated Trash Primary Site" in the layout plan in Attachment A (Exhibit 4 from the Work Plan) attached.

This property lies within the Existing Landfill Boundary, more particularly described as follows: A tract of land lying in the East 2/3 of the North 1/2 of the Northeast 1/4 of Section 33, Township 20 North, Range 2 East of the Indian Meridian, Payne County, Oklahoma, And A tract of land lying in the West 2/3 of the North 1/2 of the Northwest 1/4 of Section 34,



Township 20 North, Range 2 East of the Indian Meridian, Payne County, Oklahoma, more particularly the area shown as "Existing Landfill Boundary" in the layout plan in Attachment A (Exhibit 4 from the Work Plan) attached.

**REMEDY:** To allow construction of the northerly extension of the Runway 17 at Stillwater Regional Airport, solid waste from a portion of an inactive, capped municipal solid waste landfill was excavated, placed and compacted on top of the cap of another portion of the same landfill, and subsequently capped with three feet of clean soil and revegetated in accordance with the Work Plan, Attachment B. The relocated waste was placed in the area shown as "Relocated Trash Primary Site" on Attachment A. Remediation activities were completed in 2003 or 2004 except for revegetation, and revegetation work has been ongoing.

**ENGINEERING CONTROLS:** The Property must remain fenced to exclude trespassers and livestock.

**CONTINUING OPERATION, MAINTENANCE AND MONITORING:** The area is to be inspected periodically for the presence of livestock. The fence, cap and vegetative cover are to be inspected at least annually and any damage to the fence or erosion of the soil cover must be repaired promptly.

**LAND USE RESTRICTIONS:** The land use restrictions at the above-described Affected Property are:

1. No digging at or below two feet from the surface;
2. No grazing and no other activities that will cause erosion of the soil;
3. No use of the ground water for any purpose;
4. No residential use of the Property.

**CHANGING LAND USE RESTRICTIONS:** Changes to land use restrictions must be approved by the City of Stillwater and the Department of Environmental Quality (DEQ) or its successor agency. The person requesting the change in land use must demonstrate that contamination at the site has reached levels appropriate for the proposed new land uses and that further remediation is not necessary or that additional institutional or engineering controls are adequate to achieve levels protective of human health and the environment for the proposed uses.

The DEQ may require oversight costs, work plans, sampling, reports, and public participation as part of its review of the new information to support the requested change in land use restrictions. The person requesting the change will be required to follow agency procedures effective at the time of the request.

The DEQ at its discretion may determine, based on the new information submitted, that contaminants are present at the Affected Property at levels that will not pose a risk to human health or the environment if the new land use restrictions being requested are allowed. Upon making this determination, the City of Stillwater will file a recordable notice of remediation in the land records in the office of the county clerk where the Site is located designating the new land use restrictions.

1811 0623

This Notice of Remediation and the restrictions and requirements contained herein run with the land and no change of ownership of the Affected Property will change the Land Use Restrictions.

Executed and delivered this 18<sup>th</sup> day of August, 2008.

City of Stillwater, Oklahoma  
A Municipal Corporation

By: Roger L. McMillian  
Roger L. McMillian, Mayor



Attest  
(seal)

Marcy Alexander  
Marcy Alexander, City Clerk

I hereby certify that the Stillwater City Council approved granting of the Notice of Remediation set forth above, and that the undersigned, Roger L. McMillian, Mayor of the City of Stillwater, has the legal right and authority to execute the foregoing document, creating an easement and encumbering the real property as described in the foregoing Notice of Remediation. The City of Stillwater grants an easement to the DEQ and its employees and agents, for ingress and egress through, across and onto the Affected Property to assure the ongoing placement, operation and protection of the remedy, engineering controls and land use restrictions described herein above.

The City of Stillwater has had notice and an opportunity to meet with representatives of the Oklahoma Department of Environmental Quality to comment on the foregoing Notice of Remediation and agree herewith. The City of Stillwater hereby agrees to the filing of the foregoing Notice of Remediation and Easement.

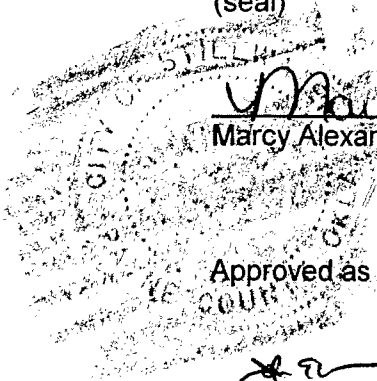
Executed and delivered this 18<sup>th</sup> day of August, 2008.

City of Stillwater, Oklahoma  
A Municipal Corporation

By: Roger L. McMillian  
Roger L. McMillian, Mayor

1811 0624

Attest:  
(seal)



Marcy Alexander  
Marcy Alexander, City Clerk



Approved as to form and legality this 18 day of Aug, 2008.

John E. Dorman  
John E. Dorman, City Attorney

Rtn.  
Stillwater Regional Airport  
2020 - 1 W. Airport Rd  
Stillwater, Ok.  
74075