



SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT  
Governor

May 6, 2021

Mr. Danny Rosencutter  
Creek County Landfill  
P.O. Box 1597  
Sapulpa, OK 74067

Re: Draft Tier III Solid Waste Permit Modification; Creek County C&D Landfill; Creek County;  
Permit Number 3519020

Dear Mr. Rosencutter:

The Oklahoma Department of Environmental Quality (DEQ) has completed the review of the above referenced Tier III application and found it to be administratively and technically complete. DEQ has completed the Draft Solid Waste Permit Modification and a copy is enclosed with this letter.

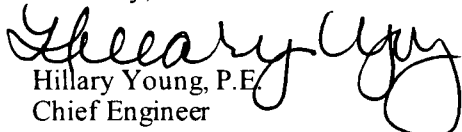
The Tier III application was received on July 27, 2020. The application was published in the Tulsa World on September 8, 2020 and proof of publication was provided to DEQ on September 14, 2020 in accordance with Oklahoma Administrative Code (OAC) 252:04-7-13(d). No requests for a process meeting were received. Administrative completeness occurred on September 27, 2020 and a technical Notice of Deficiency (NOD) was issued on December 17, 2020. The response to the NOD (Response) was received on January 20, 2021. Additional revisions were received on April 27, 2021 by email. At this time, all items of the NOD have been resolved.

The next step in the permitting process is public notice of the Draft Solid Waste Permit Modification, providing the opportunity for public comment on the application and Draft Permit Modification and/or to request a public meeting as required by 27A O.S. Sec. 2-14-303.

Please prepare and submit a draft Public Notice to DEQ for review and approval. Enclosed is a copy of the suggested format for a Public Notice. Please note that prior to publication of the Notice, the Draft Solid Waste Permit and the Application (including the NOD and Response) must be placed in the public facility referenced in the Public Notice for review by members of the public.

If you have any questions, please contact Martha Grafton of my staff at (405) 702-5144 or [marther.grafton@deq.ok.gov](mailto:marther.grafton@deq.ok.gov).

Sincerely,

  
Hillary Young, P.E.  
Chief Engineer  
Land Protection Division

cc: Kevin Carel, The Carel Corporation  
Joe B. Ramey, P.E.

# DRAFT SOLID WASTE PERMIT MODIFICATION

**The Oklahoma Department of Environmental Quality (DEQ) hereby approves the following permit modification:**

**Permit Number: 3519020**

**Facility: Creek County Landfill**

**Facility Type: Construction and Demolition Landfill**

**County: Creek County**

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**Modification:** Lateral expansion that will increase the permit area by 12.5 acres, of which 9.86 acres will be used for waste disposal. No variances were requested.

**Incorporated By Reference:**

The application stamped by Joe B Ramey, P.E., on July 17, 2020, the Notice of Deficiency (NOD) dated December 17, 2020 and the response to NOD dated January 20, 2021, are considered approved and are incorporated as part of this permit modification.

**Modification Conditions:**

1. Stormwater management at the site is subject to DEQ Water Quality Division Sector L Industrial General Permit OKR05 (Authorization No. OKR052776) which requires a stormwater Pollution Prevent Plan (SWP3). The SWP3 will be amended as surface water drainage and outfall locations are modified.
2. The current groundwater monitoring network will be modified to include two (2) new monitor wells (MW-1 and MW-2). Four (4) quarters of statistically independent data are required to be collected for each constituent in accordance with OAC 252:515-9-31 to establish background groundwater quality at each new monitor well.
3. The perimeter gas monitoring system will be modified. Three additional gas probes (GP-12 through GP-14) will be installed according to OAC 252:515-15-4 and OWRB requirements in OAC 785: 35. Eleven (11) existing gas probes will remain in place.
4. An in-situ liner will be constructed in accordance with OAC 252:515-11-71 through 11-76, and the approved QA/QC plan.

# DRAFT SOLID WASTE PERMIT MODIFICATION CON'T

5. The portion of the liner composed of compacted clay will be constructed in accordance with OAC 252:515-11-31(b) through 11-39 (applicable to Construction and Demolition landfills), and the approved QA/QC plan.
  6. A Liner Installation and Testing report shall be submitted to DEQ at the completion of construction of each cell in the expansion; that shall include the "As-built" drawings and all required information specified in OAC 252:515-11-6, including: soil testing results and top of liner elevations along with separation distances from groundwater.
  7. Placement of waste on the liner system of a new cell within the expansion shall not occur until after DEQ has inspected the liner and provides written authorization to commence waste disposal in accordance with OAC 252:515-11-7.
  8. Creek County Landfill (Creek County) shall report to DEQ any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within twenty-four (24) hours from the time the Creek County becomes aware of the circumstances; and a written Incident Report shall be submitted within 5 days.
  9. This permit modification is based on data, design criteria, plans, and specifications presented in the documents incorporated by reference. Any inaccuracies found in the application or supporting documentation may provide cause for potential enforcement action against Creek County Landfill and the amendment, modification or revocation of this permit modification.
  10. Creek County Landfill shall comply with the Oklahoma Solid Waste Management Act, the Environmental Quality Code, and Rules promulgated thereunder, including provisions of the Oklahoma Administrative Code, and all conditions of the Solid Waste Permit. Any permit noncompliance constitutes a violation of the Solid Waste Permit and is grounds for enforcement action, including: permit modification, administrative civil penalties, suspension or revocation, and denial of a pending permit modification application.
  11. The provisions of this permit modification are severable. If any part or provision of this permit modification or the application of any provision of this permit modification to any circumstance is held invalid by a court of competent jurisdiction, the decision of that court or the application of such provision to other circumstances and the remainder of the Permit shall not be affected thereby.
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**The permittee is authorized to operate in conformity with the application described above. Commencing operations under this permit modification constitutes acceptance of, and consent to, the conditions contained herein.**

\_\_\_\_\_  
Hillary Young, P. E., Chief Engineer  
Land Protection Division

**Date:** \_\_\_\_\_

\_\_\_\_\_  
Kelly Dixon, Division Director  
Land Protection Division

**Date:** \_\_\_\_\_

\_\_\_\_\_  
Scott A. Thompson, Executive Director  
Department of Environmental Quality

**Date:** \_\_\_\_\_

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**APPLICANT INSTRUCTIONS: PREPARING, PUBLISHING AND  
CERTIFYING LEGAL NOTICE**

When an application has been filed with the DEQ or when a draft or proposed permit has been prepared by DEQ, prepare the legal notice according to the attached form and as directed in the accompanying instructions.

1. Submit a working copy of the notice to the DEQ permitting representative.
2. Obtain DEQ's approval of notice prior to publishing.
3. Publish as legal notice one time in at least one newspaper local to the proposed new site or existing facility.
4. After publication, get a signed affidavit or proof of publication from the newspaper and submit it to DEQ's permitting representative within 20 days after the date of publication.

**NOTE:** You may include any other information in the notice you deem relevant to the application, draft or proposed permit.

If you have questions or need assistance, contact the DEQ permitting representative:

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(Name)  
P. O. Box 1677  
707 N. Robinson  
Oklahoma City, OK 73101-1677  
Telephone: (405) 702-5100  
Fax No: (405) 702-5101  
Email: \_\_\_\_\_

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**NOTICE – DRAFT (1)**

The Oklahoma Department of Environmental Quality (DEQ) received an application for a solid waste (1) to (2) at the (3), located in the (4). The application was filed by (5) on (6).

The DEQ has tentatively found that the application meets the requirements of Title 27A of the Oklahoma Statutes, Section 2-1-101, *et seq.*, Section 2-10-101, *et seq.*, and rules of the DEQ, Oklahoma Administrative Code (OAC), Title 252, Chapters 4 and 515, and has prepared a draft (1) for public review .

The draft (1) and its conditions propose (7) .

The application, the draft (1), and related documents may be reviewed during normal business hours at the Central Records Office, Oklahoma Department of Environmental Quality, located on the 2<sup>nd</sup> floor of the DEQ building at 707 North Robinson, P. O. Box 1677, Oklahoma City, OK 73101-1677. The DEQ contact is (8) .

Copies are also on file on DEQ's website at <https://www.deq.ok.gov/land-protection-division/permit-public-participation-process/> and locally at (9) .

Persons wishing to comment on the draft (1) should submit their comments in writing to DEQ at the above address or electronically to the DEQ at the website address above. Also, any person may request, in writing, a formal public meeting to present written or oral statements and data concerning the draft (1). A request for a public meeting must identify the nature of the issues to be raised in the meeting. If DEQ determines, based on the requests it receives, that there is a significant degree of public interest in the draft (1), it will schedule a public meeting and provide notice of the date, time and place.

Written comments and requests for a public meeting must be received by DEQ within 30 days after the date of this publication at the DEQ address given above. More specific information may be obtained by contacting the applicant at (10), or the DEQ contact listed above.

## INSTRUCTIONS FOR COMPLETING NOTICE OF DRAFT PERMIT OR MODIFICATION AND PUBLIC MEETING OPPORTUNITY

1. Insert “permit” or “permit modification”, as appropriate.
2. Insert [dispose, transfer, process, or apply] [brief description of waste types or categories].
3. Insert name and address of facility.
4. Insert legal description of the facility. Insert a sentence identifying the name and address of the applicant if different from the facility.
5. Insert applicant’s name.
6. Insert date the application was filed.
7. Give a brief description of all activities controlled under this application, including the common (or technical) names of waste handled, and types of units or processes in which disposal, processing, transfer or application will occur. Include estimates of amounts or volumes of waste to be handled. Include the following information:
  - Identify waste type.
  - Describe what changes are proposed (e.g., type or volume of waste stream, facility capacity or boundaries, methods of treatment, processing, disposal, storage, monitoring, etc.).
  - Explain how changes are to be accomplished (e.g., new processes, equipment, units, operations, construction, etc.).
  - If the application involves a variance, identify the rule name and number for which a variance is being sought and explain why it is needed.
  - If the application is related to an enforcement/compliance matter, explain how and why it would aid compliance.
  - Describe the effect of the application (and/or variance) approval. Discuss resulting outcomes. [*For new permits*: describe what is to be constructed and how it will be operated and closed. For example: construct, operate, maintain and close a solid waste landfill to accept and dispose approximately \_\_\_ tons daily of solid waste, including household waste, commercial solid waste, construction waste, demolition waste, nonhazardous industrial solid waste, non-infectious treated biomedical waste, hospital waste, non-friable asbestos waste and materials containing asbestos.] [*For modifications*: increased environmental protections, capacity changes, boundary changes, methods, drainage, monitoring, etc.]
8. Insert the name and telephone number of the DEQ Customer Services representative or DEQ Solid Waste permitting representative, as appropriate.
9. Insert name and address of the local review location. Include driving directions, if necessary. [NOTE: This location must be located in the county where the facility is

located.] The location must be open to the public during normal business hours and be staffed with an employee willing to maintain and update the local review file.

10. Insert name, mailing address, and telephone number of applicant's representative, or telephone number of applicant.



LAND PROTECTION DIVISION  
CONTROL SHEET

Subject: Creek Co UF Program Code \_\_\_\_\_

Type of Letter: \_\_\_\_\_

Date Draft Submitted: \_\_\_\_\_

Send Copies to: \_\_\_\_\_

- |   | <u>Initials</u> | <u>Date</u> |
|---|-----------------|-------------|
| 1. Typist   | _____           | _____       |
| 2. Preparer (Add or mark through names below as appropriate for review) | _____           | _____       |

**Letters to be submitted in draft (not on letterhead) form to the following:**

- |                          |       |       |
|--------------------------|-------|-------|
| 3. Preparer's Supervisor | _____ | _____ |
| 4. Compliance            | _____ | _____ |
| 5. Attorney/Legal        | _____ | _____ |
| 6. Clerical              | _____ | _____ |
| 7. Signatory             | _____ | _____ |
| 8. _____                 | _____ | _____ |

**Final letter (prepared on letterhead & ready for mailing) to be submitted to the following:**

- |  |                            |           |
|--|----------------------------|-----------|
| 1. Preparer (I have re-read this letter for content & quality) | _____                      | _____     |
| 2. Data Entry (if applicable)                                  | _____                      | _____     |
| 3. Clerical  | _____                      | _____     |
| 4. Preparer's Supervisor                                       | _____                      | _____     |
| 5. Signature   | _____                      | <u>LS</u> |
| 6. Edoctus Barcode Preparation:                                | <u>SW permit # 3519020</u> | _____     |

Letter will be returned to clerical person for copying and mailing. COVER letter, draft +  
Permit mod, Pub. notice  
template

Date letter mailed/Initial: 5/7/2021 mm  
Certified Mail # \_\_\_\_\_

(This control sheet is to be attached to file copy of **final letter** and placed in facility file.)