October 21, 2019

Oklahoma Department of Environmental Quality  
Land Protection Division  
707 North Robinson Avenue  
Oklahoma City, OK 73101-1677  

Attn: Ms. Hilary Young, P.E.  
Chief Engineer – Land Protection Division  

RE: Response to Notice of Deficiency Dated September 26, 2019  
Tier II Permit Application  
City of Ada Transfer Station  
Ada, Pontotoc County, Oklahoma  

Dear Ms. Young:  

On behalf of the City of Ada, Civil and Environmental Consultants, Inc. (CEC) is responding to the September 26, 2019 Notice of Deficiency from the Oklahoma Department of Environmental Quality (ODEQ) for the Tier II Permit Application that was submitted on August 15, 2019. Comments received from ODEQ as well as CEC’s responses are listed below.  

*ODEQ Comment No. 1:* Section 6.3 states that determinations were made regarding the presence of endangered and threatened species per OAC 252:515-5-31(c) and that the respective response letters were provided in Appendix C. These letters could not be located in the Application.  

Response: Please find attached the response from the Department of Wildlife concerning threatened and endangered species.
ODEQ Comment No. 2: Appendix A of the Application includes a certification that the City of Ada owns the property and landowner notification is not required. However, Oklahoma Administrative Code (OAC) 252:515-3-34(a)(l) also requires a true and correct copy of the legal document filed with Pontotoc county demonstrating that the City of Ada possesses the legal right to access and use the property throughout the life of the facility. Please provide this legal document.

Response: Please find attached the Warranty Deed for the Transfer Station Property.

ODEQ Comment No. 3: Please include the contact telephone number for the applicant with the general information in Section 4.0 of the Application.

Response: Attachment 4 contains a copy of page 5 from the Application for review.

ODEQ Comment No. 4: OAC 252:515-3-37 requires new permit applications to include plans to enhance the visual harmony of the disposal facility with the surrounding area and reduce the transmission of dust and noise from the facility. Please provide a plan that specifically addresses aesthetic enhancement per OAC 252:515-3-37.

Response: Please find attached Drawing No. 17 showing the aesthetic enhancements.

ODEQ Comment No. 5: In accordance with OAC 252:515-27-1, transfer stations are required to maintain financial assurance and therefore provide closure and post-closure cost estimates unless they principally manage municipal solid waste. Please provide a statement addressing this requirement.

Response: Since this is a transfer station that is going to process municipal solid waste only, then the City of Ada is not required to maintain financial assurance and provide closure and post-closure cost estimates. Please see Attachment 5 for an updated page 22 from the Application as well as an updated page 1 to the Closure Plan.
We trust that these responses meet your requirements. If you have any other questions or comments, please do not hesitate to contact the undersigned either by phone at (405) 463-7607 or by email at jshepherd@cecinc.com.

Sincerely Yours
Civil and Environmental Consultants, Inc.

Jeff A. Shepherd, P.E.
Principal
ATTACHMENT 1
RESPONSE TO COMMENT NO. 1
Dear Mr. Shepherd,

Dec. 11, 2018

We have reviewed occurrence information on federal and state threatened, endangered or candidate species, as well as non-regulatory rare species and ecological systems of importance currently in the Oklahoma Natural Heritage Inventory database for the following location you provided:

Sec. 24-T4N-R5E (96° 43' 54.81" W, 34° 48' 36.13" N), Pontotoc County

We found no occurrences of relevant species within the vicinity of the project location as described. However, absence from our database does not preclude such species from occurring in the area.

If you have any questions about this response, please send me an email, or call us at the number given below.

Although not specific to your project, you may find the following links helpful.

ONHI guide to ranking codes for endangered and threatened species:
http://vmpincel.ou.edu/heritage/ranking_guide.html

Information regarding the Oklahoma Natural Areas Registry:
http://www.oknaturalheritage.ou.edu/registry_faq.htm

Todd Fagin
Oklahoma Natural Heritage Inventory
(405) 325-4700
tfagin@ou.edu
ATTACHMENT 2
RESPONSE TO COMMENT NO. 2
WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That Stanley E. Myers, also known as Stanley Ervin Myers, and also known as Stanley Myers, and Jo Ann Myers, husband and wife, individually, and as Trustees of the Stanley E. Myers Trust (the “Grantees”), in consideration of the sum of One Hundred, Forty Thousand and No/100 Dollars ($140,000.00) and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto the City of Ada, Oklahoma, a municipal corporation, whose address for purposes of this deed is 231 South Townsend, Ada, Oklahoma 74820 (the “Grantee”), the following-described real property and premises situated in Pontotoc County, State of Oklahoma, to-wit:

SURFACE AND SURFACE RIGHTS ONLY

The Northeast Quarter of the Northwest Quarter (NE/4 of NW/4) of Section 24, Township 4 North, Range 5 East, Pontotoc County, Oklahoma;

together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

TO HAVE AND TO HOLD said described premises unto the Grantee, its successors and assigns, forever free, clear and discharged of and from all former grants, charges, taxes, judgments, mortgages and other liens and encumbrances of whatsoever nature and kind, EXCEPT: Previously severed mineral interests, mineral leases, easements, uses, rights-of-way, building restrictions of record and special assessments not yet due.

EXEMPT FROM DOCUMENTARY STAMP TAX – 68 O.S. § 3202(11)

Signed and delivered this 20 day of June, 2018.

Stanley E. Myers, also known as Stanley Ervin Myers, and also known as Stanley Myers, Individually, and as Trustee of the Stanley E. Myers Trust

Jo Ann Myers, Individually, and as Trustee of the Stanley E. Myers Trust

STATE OF OKLAHOMA )

COUNTY OF PONTOTOC )

This instrument was acknowledged before me this 20 day of June, 2018, by Stanley E. Myers, also known as Stanley Ervin Myers, and also known as Stanley Myers, and Jo Ann Myers, husband and wife, individually, and as Trustees of the Stanley E. Myers Trust.

My Commission Expires:

(SEAL)

Notary Public State of Oklahoma
Danielle E. Pacula
Commission #08003592
Pontotoc Co., Oklahoma
Commission Exp. 03-28-2020

Rt. City of Ada
Attn: Frank Street
231 S. Townsend
Ada OK 74820
4.0 GENERAL INFORMATION

4.1 NEW APPLICATIONS
Pursuant to OAC 252:515-3-36(a), permit applications for new solid waste disposal facilities shall include all information required by the Oklahoma Uniform Environmental Protection Act, which includes the following:

- **Facility Owner**
  City of Ada
  231 S. Townsend
  Ada, OK 74820
  (580) 436-6300 Ext. 253

- **Facility Name**
  City of Ada Transfer Station

- **Mailing Address**
  231 S. Townsend
  Ada, OK 74820

- **Physical Address**
  12435 County Road 1520,
  Ada, OK 74820

- **Disclosure Statement**
  See Appendix A

- **Legal Description**
  See Appendix A and Drawing No. 5 in Appendix B

- **Latitude/Longitude of Corners and Entrance**
  Entrance: 34° 48’ 38.18” N 96° 43’ 59.92” W
  NW corner: 34° 48’ 39.56” N 96° 44’ 06.72” W
  SW corner: 34° 48’ 26.82” N 96° 44’ 06.79 W
  NE corner: 34° 48’ 39.08” N 96° 43’ 51.43” W
  SE corner: 34° 48’ 26.70” N 96° 43’ 51.14” W

- **Nearest Town**
  City of Ada
10.0 CLOSURE PLAN

All new and active solid waste disposal facilities are required to have a Closure Plan. However, the MSWTS is not required to have a Post Closure Plan. Furthermore, since the City of Ada Transfer Station will principally manage solid waste only, the city is not required to create a closure and post-closure cost estimate nor is the city required to post financial assurance as per OAC 252:515-27-1.

10.1 PLAN REQUIRED

Pursuant to OAC 252:515-25-2, the Closure Plan for the proposed facility is presented in Appendix E. The plan includes the following applicable requirements of OAC 252:515-25-32.

- Identification of site-specific closure activities, a description of how each will be performed, and a schedule for completing all activities.
- Calculation of closure cost estimates if applicable.
- Detailed plans for:
  - Identifying and removing from the site, all equipment, temporary buildings, and other improvements not designated as permanent in the permit application;
  - Reworking or replacing defective groundwater monitor wells, gas wells, and other defective monitoring equipment, if any;
  - Monitoring ground and surface water, if required;
  - Collecting and analyzing soil and water samples;
  - Disposing of final wastes and affected soils;
  - Decontamination of facility structures, if necessary;
  - Maintaining site security and access control, if post-closure monitoring is required;
  - Redesigning final closure in accordance with existing site conditions and applicable rules;
  - Preparing final closure certification and other required documents and notices; and
  - Performing any other tasks necessary to achieve final closure of the site.

10.2 RECORDS RETENTION

As required by OAC 252:515-25-3, all record copies of all Final Closure documentation shall be maintained and will be found at the site.