



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

March 16, 2021

Guy R. Campbell, Engineer/Environmental Manager
Waste Management of Oklahoma, Inc.
5012 MLK
Fort Worth, Texas 76119

Re: Proposed Permit Modification
Tier III Permit Application – Lateral Expansion
East Oak Recycling and Disposal Facility
Municipal Solid Waste Landfill
Oklahoma County
Solid Waste Permit No. 3555036

Dear Mr. Campbell:

The Oklahoma Department of Environmental Quality (DEQ) received the permit modification application for a lateral expansion of the existing municipal solid waste landfill on January 14, 2020, with supplemental information received by DEQ on May 5, 2020 and received, by email, on August 25, 2020.

Pursuant to 27A O.S. § 2-14-301(A), the application Notice of Filing was published in *The Oklahoman*, Oklahoma City, Oklahoma, on January 28, 2020. The affidavit of publication was received by email on February 3, 2020. No request for a process meeting was received by DEQ or the facility.

East Oak Recycling and Disposal Facility (East Oak) applied for two variances with the lateral expansion. The first variance request is from Oklahoma Administrative Code (OAC) 252:515-5-32(a) which restricts the locating of a waste disposal area within the currently defined 100-year flood plain. The second variance request is from OAC 252:515-5-51(a)(1) which restricts the expansion of a permit boundary into an area designated as alluvium or terrace deposits. DEQ determined that East Oak met the criteria for DEQ to grant the variances.

On March 13, 2020, DEQ determined the application to be administratively complete. DEQ found the application to be technically complete on January 26, 2021 and issued the Draft Permit Modification.

27A O.S. § 2-14-302 required East Oak to publish "Notice of Draft Permit Modification" in one newspaper local to the site and allow 30 days for public comment and for a public meeting request. The "Notice of Draft Permit Modification" was published in *The Oklahoman*, Oklahoma City, Oklahoma, on February 1, 2021. No request for a public meeting was received. A letter from the Federal Emergency Management Agency (FEMA), pertinent to two (2) conditions in the Draft Permit Modification was submitted, by email, on March 3, 2021, from Weaver Consultants Group on behalf of East Oak. The affected Draft Permit Modification Conditions and DEQ's response to the letter is discussed below.



Guy R. Campbell, Engineer/Environmental Manager
Waste Management of Oklahoma, Inc.
March 16, 2021
Page 2

Draft Permit Modification Conditions - DEQ Responses

Draft Permit Modification Condition 1: The conditional letter of map revision (CLOMR) shall be approved by the Oklahoma City Flood Plain Administrator and the Federal Emergency Management Agency (FEMA) prior to any construction within the 100-year flood plain.

DEQ Response: The March 3, 2021 FEMA letter approving the CLOMR, with the inclusion of the stamp of Approval from the Oklahoma City Engineer, meets the requirements of Draft Permit Modification Condition 1. Draft Permit Modification Condition 1 will be removed.

Draft Permit Modification Condition 2: The CLOMR approval letters from the Oklahoma City Flood Plain Administrator and FEMA and the letter of map revision (LOMR) from FEMA shall be submitted to DEQ within thirty (30) days of receipt.

DEQ Response: The March 3, 2021 FEMA letter approving the CLOMR was submitted to DEQ within 30 days of receipt which partially met the requirement of Draft Permit Modification Condition 2. East Oak is still required to submit the LOMR from FEMA within 30 days of receipt. Draft Permit Modification Condition 2 has been revised.

The next step in the permitting process is the preparation of a "Proposed Permit" with the revisions discussed above and the opportunity for a person directly affected by the facility to request an administrative hearing. The "Notice of Proposed Permit" will be published in the *The Oklahoman* in Oklahoma City, Oklahoma for compliance with 27A O.S. § 2-14-304(C). In accordance with OAC 252:4-7-13(d), within twenty (20) days after the date of publication, an applicant shall provide the DEQ with a written affidavit of publication for each notice published.

Enclosed is a copy of the Proposed Permit Modification for your review. A draft of the legal notice was submitted to DEQ for review and was approved for publication on March 3, 2021.

Should you have any questions, please contact Ms. Cindy Hailes of my staff at (405) 702-5114.

Sincerely,



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

Enclosure

cc: Pete Schultze, Waste Management of Oklahoma, Inc.
Jonathan V. Queen, P.E., Weaver Consultants Group



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PROPOSED SOLID WASTE PERMIT MODIFICATION

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

Permit Number: 3555036
Permittee: Waste Management of Oklahoma, Inc.
Facility: East Oak Recycling and Disposal Facility
Facility Type: Municipal Solid Waste Landfill
County: Oklahoma County

Modification:

Modify the existing permit to allow a lateral expansion of the permit boundary to the southwest of the current footprint and increase the waste disposal area.

The permit boundary will expand from approximately 282.96 acres to 419.19 acres. The waste disposal area will increase from 191.8 acres to 235.9 acres. The facility will have an additional 19.12 million cubic yards of airspace, and a total design capacity increase from approximately 26.20 million cubic yards to 45.32 million cubic yards.

Variances:

Two variances were requested in the application.

1. The first variance request, in accordance with 27A O.S. § 2-10-304, is from the location restriction prohibiting the siting of a waste disposal area within the currently defined 100-year flood plain [OAC 252:515-5-32(a)]. The variance is conditioned upon the subsequent redefinition of the flood plain, removing the waste disposal area from the 100-year flood plain. The conditional letter of map revision (CLOMR) must be approved by the Oklahoma City Flood Plain Administrator and the Federal Emergency Management Agency (FEMA) prior to any construction within the 100-year flood plain.

In a letter dated February 3, 2020, the Corps of Engineers, Tulsa District concluded that no jurisdictional wetlands or other waters of the United States subject to Section 404 of the Clean Water Act are contained within the footprint of the expansion area.

The variance is authorized in accordance with OAC 252:515-5-32(a)(2)(A).

2. The second variance request is from the location restriction prohibiting an expansion of a permit boundary into an area designated as alluvium or terrace deposits [OAC 252:515-5-51(a)(1)]. Per OAC 252:515-3-32(b), the applicant must demonstrate that operations under the variance will

PROPOSED SOLID WASTE PERMIT MODIFICATION (continued)

equal or exceed the protection accorded by the rule for which the variance is being requested, and will not result in a hazard to the health, environment or safety of people or their property.

The applicant has proposed a liner system that exceeds the Subtitle D design standards for a composite liner. The proposed liner system for the expansion area incorporates a two (2) feet thick clay liner with a hydraulic conductivity less than or equal to 1×10^{-7} cm/sec; overlain with a geosynthetic clay liner (GCL) with a hydraulic conductivity less than or equal to 5×10^{-9} cm/sec; overlain with a smooth 60-mil thick high density polyethylene geomembrane; overlain by a 8 oz geotextile; overlain by a one (1) foot thick leachate collection/drainage layer composed of granular material with a hydraulic conductivity greater than or equal to 1×10^{-3} cm/sec; overlain by either an additional 1 foot thick protective cover layer with a hydraulic conductivity greater than or equal to 1×10^{-3} cm/sec or a 1 foot thick layer of tire chips. The addition of the GCL increases the protection of the alluvium/terrace deposits and recharge area of the expansion. The development of the expansion area, with the addition of the GCL, shall not result in a hazard to the health, environment or safety of the people of Oklahoma.

The variance is authorized in accordance with OAC 252:515-3-32(b).

Incorporated by Reference:

The Tier III application, dated and stamped by Jonathan V. Queen, P.E., on January 10, 2020, received by DEQ on January 14, 2020 with supplemental information received on May 5, 2020 and, by email, on August 25, 2020 and March 3, 2021.

Conditions:

1. The letter of map revision (LOMR) from FEMA shall be submitted to DEQ within thirty (30) days of receipt;
2. East Oak Recycling and Disposal Facility (East Oak) 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 East Oak becomes aware of the circumstances.

PROPOSED SOLID WASTE PERMIT MODIFICATION (continued)

The report shall include the following:

- a. Information concerning release of any waste that may cause an endangerment to public drinking water supplies;
- b. Any information of a fire or explosion at the facility which could threaten the environment or human health outside the facility;
- c. The description of the occurrence and its cause shall include:
 - 1) Name, address, and telephone number of the owner or operator;
 - 2) Name, address, and telephone number of the facility;
 - 3) Date, time, and type of incident;
 - 4) Estimated quantity of waste involved;
 - 5) The extent of injuries, if any;
 - 6) An assessment of actual or potential hazards to the environment and human health outside the facility;
 - 7) Estimated quantity and disposition of recovered material that resulted from the incident; and
 - 8) If the occurrence is determined to be a result of faulty equipment, then similar equipment throughout the facility will be evaluated and repaired or replaced to prevent the same occurrence.

d. **Written Incident Report**

A written report shall be submitted to DEQ within five (5) days of the time East Oak becomes aware of the incident. The written report shall contain a description of the situation and the cause; the period(s) of the situation (including exact dates and times); whether the situation has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the situations. East Oak may request DEQ to extend the five-day written notice requirement in favor of a written report within 15 days.

3. 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 Waste Management of Oklahoma, Inc. and the amendment, modification or revocation of this permit modification;
4. Waste Management of Oklahoma, Inc. 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

PROPOSED SOLID WASTE PERMIT MODIFICATION (continued)

and is grounds for enforcement action, including: permit modification, administrative civil penalties, suspension or revocation, and denial of a pending permit modification application.

5. 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.

The permittee is authorized to operate in conformity with the documents incorporated by reference. Commencing operations under this 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
Oklahoma Department of Environmental Quality

Date: _____