

**Oklahoma Department of Environmental Quality
Response to Public Comments
Tier II Permit Application and Draft Permit
City of Ada Transfer Station
Pontotoc County**

December 8, 2020

The following includes public comments received by the Oklahoma Department of Environmental Quality on the Tier II Permit Application and Draft Permit for the proposed City of Ada Municipal Solid Waste Transfer Station. A list of acronyms and a brief history has been provided for clarification prior to the response to comments.

List of Acronyms

DEQ – Oklahoma Department of Environmental Quality
MSWTS – Municipal Solid Waste Transfer Station
NOD – Notice of Deficiency
OAC – Oklahoma Administrative Code
O.S. – Oklahoma Statutes
cfs – Cubic feet per second

History

DEQ received the Tier II Permit Application (Application) for a new Municipal Solid Waste Transfer Station from the City of Ada on August 15, 2019. Notice of filing was provided in *The Ada News* on August 30, 2019. DEQ reviewed the Application and issued NODs and requests for supplemental information in late 2019 and early 2020. Revised pages were supplied to DEQ to address the deficiencies.

The Application proposes to construct a new transfer station which will accept and manage municipal solid waste and construction and demolition waste within an enclosed building. Once managed at the transfer station, waste will be taken to a DEQ-permitted facility for final disposal. The City of Ada currently operates a permitted municipal solid waste landfill on the property directly east of the proposed transfer station.

DEQ found the Application to be administratively and technically complete and issued the Draft Permit on April 28, 2020. Notice of the Draft Permit was published in *The Ada News* on May 14, 2020, initiating a 30-day period for public comment and opportunity to request a public meeting. Written comments were submitted by two parties, each including requests for a public meeting. The public meeting was scheduled, and notice was provided in *The Ada News* on August 8, 2020. The public meeting was held at the Irving Community Center on September 10, 2020 at 6 pm. Additional comments were received from several individuals during the public meeting.

Public Comments and DEQ Responses

The following comments have been summarized from written comments submitted to DEQ and other comments provided during the public meeting. Commenters primarily consisted of adjacent landowners and neighbors to the proposed transfer station. Some commenters raised concerns

Response to Comments
Tier II Permit Application and Draft Permit
City of Ada Transfer Station

regarding the existing City of Ada landfill, the condition of County Road 1520, and other issues that are outside the scope of this comment period and/or outside of DEQ's jurisdiction. The public comment period is confined to addressing deficiencies, errors, or omissions in the Draft Permit and/or Application. Many commenters raised concerns about aesthetic enhancement plans for the transfer station and current conditions of the transfer station property. As a result of the comments, DEQ is requiring the City of Ada to submit the following: a detailed aesthetic enhancement plan, revised disclosure statement, leachate impoundment capacity calculations, and operational procedures for minimizing dust emissions from gravel roads on site. DEQ will not issue the permit for the proposed transfer station until these deficiencies are addressed. DEQ's Water Quality Division is also providing oversight for stormwater erosion and sediment control for excavation activities at the proposed transfer station property.

Comment 1 – City of Ada landfill and related nuisances

Several commenters raised concerns regarding compliance issues and alleged nuisances associated with the adjacent City of Ada landfill, such as uncovered waste, dust from the county road, noise, and blowing litter. Commenters argued that these issues would not be handled properly or would be exacerbated by the addition of the proposed transfer station.

DEQ Response: In accordance with OAC 252:4-7-15(b), DEQ will not issue a new permit to an applicant who is not in substantial compliance with DEQ rules and the terms of any existing DEQ permits or consent orders. If there are outstanding violations at the City of Ada landfill, DEQ will not issue the permit for the proposed transfer station. However, if the City of Ada is in substantial compliance with any existing permits and DEQ rules, and the transfer station application and draft permit satisfy all administrative, technical, and legal requirements, DEQ is statutorily required to issue the permit.

All waste handling activities at the transfer station are proposed to occur within an enclosed building. The Application's operational plan includes procedures for reducing litter at the proposed transfer station as follows: The transfer station's facility doors will be closed during processing when winds are high, loads will be inspected for coverings, unloading will be performed in a manner to reduce scattering of waste, and the surrounding area will be monitored daily for blowing litter. Additionally, odors will be controlled by the requirement to process putrescible wastes within 24 hours. However, as discussed further in the response to Comment 7, DEQ is requiring the City of Ada to provide more detail on how the transmission of fugitive dust and noise from the transfer station will be reduced.

If members of the public observe environmental concerns, DEQ recommends calling the DEQ 24-hour complaints hot-line at 1-800-522-0206. Dust emanating from the county road is outside DEQ's jurisdiction as discussed further in the response to Comment 6.

Response to Comments
Tier II Permit Application and Draft Permit
City of Ada Transfer Station

Comment 2 – Adjacent landowner notification

Several attendees of the public meeting expressed concern over not being notified that the City of Ada was pursuing permitting for a new transfer station.

DEQ Response: Applicants for a new transfer station are not required to provide notice directly to adjacent landowners. However, the City of Ada provided public notice that the Application was filed in accordance with O.S. §27A-2-14-301(a). The notice of filing was published in *The Ada News* on August 30, 2019. The City of Ada also published public notice of issuance of the Draft Permit in *The Ada News* on May 14, 2020. The City of Ada has complied with the public notice requirements for the transfer station application.

Comment 3 – Location of proposed transfer station

Several commenters stated that the proposed transfer station was in a bad location due to its proximity to nearby residences.

DEQ Response: Other than the designated 50-foot waste-free area within the facility permit boundary, there are no minimum distance requirements between a disposal facility and adjacent homes. The City of Ada has met the buffer area requirement of OAC 252:515-19-38(b) and all siting criteria required by OAC 252:515-5-31 and 32 for the new transfer station.

Comment 4 – Public water supply wells

One commenter referenced DEQ's January 29, 2020 NOD, which notes the absence of public water supply wells within 2 miles of the proposed transfer station. The commenter stated that there were 4 water supply wells used for irrigation located on a property adjacent to the proposed transfer station.

DEQ Response: OAC 252:515-5-32(b) and (c) limit the location of waste disposal areas with respect to public water supply wells. Water wells used for irrigation are not classified as public water supply wells and as such would not be considered under the location restrictions in OAC 252:515-5-32. According to DEQ's Water Quality Division, there are no public water supply wells within 2 miles of the proposed transfer station property. Also, all waste handling activities at the proposed transfer station will occur within an enclosed building on concrete surfaces. The Application meets the requirements of these location restrictions.

Comment 5 – Excavation activities and stormwater runoff

Several commenters noted that excavation activities were occurring at the proposed transfer station property, suggesting that the City of Ada was already beginning construction of the

Response to Comments
Tier II Permit Application and Draft Permit
City of Ada Transfer Station

proposed transfer station. Commenters also noted that soil was being transferred from the proposed transfer station area to the existing landfill and that stormwater runoff had worsened as a result of these excavation activities. Further, one commenter pointed out that Appendix D of the Application describes existing conditions as “currently undeveloped” and stated that the application should be updated to accurately reflect the current state of the proposed transfer station area.

DEQ Response: It is common for landfill owners and operators to excavate material from offsite to use as a source of clean soil for daily cover; clean soil is not considered a waste and may be transferred between sites as needed. Under DEQ Solid Waste regulations, excavation activities for purposes of obtaining borrow soil do not constitute construction of a new site or disposal area. However, there are permitting requirements related to land disturbances and stormwater control under DEQ’s Water Quality Division that may be applicable. This matter has been referred to the Water Quality Division and is currently being addressed as a compliance matter with the City of Ada.

Appendix D (Stormwater Calculations) of the Application describes existing conditions as “currently undeveloped” for purposes of comparing stormwater discharge from pre-development conditions against stormwater discharge for proposed conditions (see response to Comment 11 for more detail). While "undeveloped" does not accurately describe current conditions as a result of excavation activities, it accurately describes the site prior to excavation activities. Stormwater controls for current conditions and interim/construction conditions are being addressed through DEQ Water Quality Division permitting as noted above.

Comment 6 – Roads and traffic circulation

Several commenters described the poor quality of County Road 1520, which serves as the haul road to the existing landfill and proposed transfer station. Commenters highlighted the damage to haul roads and resulting damage to their property caused by current landfill traffic and argued that damage would be exacerbated from traffic to the transfer station. Some commenters also stated that the Application did not describe traffic circulation or include any traffic mitigation plans. One commenter noted discrepancies in the Application regarding paved vs. unpaved roads at the site.

DEQ Response: Public roads outside of facility permit boundaries are beyond DEQ’s jurisdiction. Accordingly, DEQ regulations do not require traffic mitigation plans or descriptions of traffic circulation outside the permit boundary.

OAC 252:515-3-36(a)(11) requires permit applications to include a description of the types of road construction and materials to be used to ensure that all access roads within the site are passable during inclement weather by normal vehicular traffic. Section 4.1 of the Application

Response to Comments
Tier II Permit Application and Draft Permit
City of Ada Transfer Station

states, “The proposed MSWTS will have an aggregate based entrance road and an aggregate based road to the transfer station. There will be a concrete or asphalt paved area in front of the transfer station that will allow trucks to turn around and back into the transfer station. The inside of the building will be paved as well.” The Application meets the requirements for the description of the access roads within the site.

In accordance with OAC 252:515-19-36(c), facilities must be operated to prevent the discharge of fugitive dust beyond the property boundary that damage or interfere with the use of adjacent properties, cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards. DEQ is requiring the City of Ada to include operational procedures in the Application for preventing the transmission of fugitive dust from the aggregate-based roads on site.

The Application adequately describes and illustrates traffic flow within the permit boundary. Waste collection and transfer vehicles will enter through the north side of the property. Waste collection vehicles will use the north entrance of the transfer station to position and dump waste onto the concrete floor inside the building. Waste transfer vehicles will enter the west garage door leading into the below grade tunnel to collect waste and then exit through the east garage door of the tunnel.

Comment 7 – Aesthetic enhancement

Several commenters expressed concern regarding how the transfer station would prevent the transmission of noise, dust, and odor, as well as ensure the visual harmony of the area is preserved. Commenters noted that the Application is not clear on how many or what type of trees would be planted on the north side of the transfer station property.

DEQ Response: To mitigate odors, all putrescible waste will be processed within 24 hours of delivery in accordance with Section 9.11 of the Application and OAC 252:515-19-91. The transfer station is also required have operational controls to prevent fugitive dust emissions beyond the property boundary that could damage or interfere with the use of adjacent properties according to OAC 252:515-19-36(c). Additionally, the transfer station is required to have plans to enhance the visual harmony of the facility and to reduce the transmission of dust and noise from the facility in accordance with OAC 252:515-3-37. DEQ is requiring the City of Ada to provide a detailed aesthetic enhancement plan specifically addressing these issues.

Comment 8 – Disclosure statement

One commenter stated that the City of Ada did not complete question 11 on the disclosure statement form in Appendix A of the Application.

Response to Comments
Tier II Permit Application and Draft Permit
City of Ada Transfer Station

DEQ Response: DEQ is requiring the City of Ada to revise the disclosure statement form to adequately address question 11.

Comment 9 – Waste transfer

Some commenters questioned where waste would be transferred after being received at the transfer station.

DEQ Response: Solid waste must be transferred to a DEQ permitted solid waste disposal facility for final disposal. Section 1.0 of the Application states that waste will be transferred to a DEQ-approved landfill. Section 9.9.2.2 also states that waste will be loaded into waste transfer trucks for disposal at a DEQ-approved facility. Further, condition E(8) of the Draft Permit requires the City of Ada to dispose of all transferred waste at a site permitted to accept such wastes.

Comment 10 – Expansion vs. new facility / leachate transfer

One commenter questioned whether the proposed transfer station was an expansion of the existing landfill. The commenter noted that leachate is proposed to be transferred from the transfer station to the existing landfill's leachate impoundment.

DEQ Response: The proposed transfer station is considered a new facility with a separate permit boundary from the existing landfill. Conveying leachate from one facility to another does not suggest that one facility is an expansion of another.

All solid waste disposal facilities must manage leachate in accordance with OAC 252:515-13 Part 5. Leachate will be transferred from the transfer station to the existing landfill via a dual-contained pipe. The Application is in compliance with the leachate management requirements; however, DEQ is requiring the City of Ada to provide capacity calculations to ensure the existing leachate impoundment is capable of receiving the additional leachate generated by the transfer station.

Comment 11 – Stormwater runoff for proposed conditions

One commenter stated that the Application fails to address stormwater drainage issues to the north of the proposed transfer station. The commenter further stated that it is not clear whether the stormwater calculations in Appendix D, Table B of the Application address drainage to the north.

DEQ Response: Appendix D of the Application identifies the drainage areas that convey stormwater to the north: Drainage Area 2 (DA-2, 5.3 acres) for existing conditions and Drainage Area 5 (DA-5, 0.79 acres) for proposed conditions. Existing DA-2 and Proposed DA-5 convey

Response to Comments
Tier II Permit Application and Draft Permit
City of Ada Transfer Station

stormwater to the existing 15-inch corrugated metal pipe that runs underneath County Road 1520 for existing and proposed conditions, respectively.

As noted in the introductory sections of Appendix D, the stormwater control structures were designed to ensure that post-development runoff is less than pre-development runoff. In accordance with OAC 252:515-17-2, peak discharge was calculated based on the 24-hour, 25-year storm event for the existing and proposed drainage areas. According to Appendix D, the peak discharge from Existing DA-2 is 11.41 cfs, while the peak discharge from Proposed DA-5 is 3.63 cfs. Based on these calculations, the proposed conditions would result in less stormwater runoff to the north compared to existing conditions.

Appendix D, Table B (Drainage Structure Summary Table) summarizes the design of the proposed stormwater conveyance structures. Table B does not include the northern culvert because it is an existing feature that does not need to be designed for the proposed conditions.

The Application sufficiently addresses stormwater management in accordance with OAC 252:515 Subchapter 17.