

# SOLID WASTE DRAFT PERMIT

The Oklahoma Department of Environmental Quality hereby approves the following permit:

**PERMIT NUMBER:** TBD  
**APPLICANT:** CARDS NEO, LLC  
**FACILITY NAME:** CARDS Eastern Oklahoma Transfer Station  
**FACILITY TYPE:** Solid Waste Transfer Station  
**COUNTY:** Muskogee County

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CARDS NEO, LLC (CARDS), having submitted an approvable permit application, is hereby granted permission to construct, operate, maintain, and close the CARDS Eastern Oklahoma Transfer Station (Facility), as stated in the Permit Conditions. The Facility is located approximately 5 miles south of Muskogee, Oklahoma, more precisely described by the following legal description:

The NW/4 NE/4 SW/4 and the N/2 NW/4 SW/4 and the N/2 S/2 NW/4 SW/4 and the N/2 SW/4 NE/4 SW/4 in Section 23, Township 14 North, Range 18 East, Muskogee County, Oklahoma, less and except that tract of land taken in condemnation by the State of Oklahoma *ex rel.* Department of Transportation more particularly described as follows: beginning at the NW corner of the N/2 NW/4 SW/4; thence east along the north line of said N/2 NW/4 SW/4 a distance of 150.00 feet; thence S 01°44'11"E a distance of 206.25 feet; thence S 09°34'25"W a distance of 101.98 feet; THENCE S 01°44'11"E a distance of 600.00 feet; thence S 07°26'49"E a distance of 86.87 feet to a point on the south line of the N/2 S/2 NW/4 SW/4; thence west along said south line a distance of 138.64 feet to the SW corner of said N/2 S/2 NW/4 SW/4; thence north along the west line of said N/2 S/2 NW/4 SW/4 and said N/2 NW/4 SW/4 a distance of 992.78 feet to the point of beginning.

This Permit allows the Facility to accept and manage municipal solid waste and construction and demolition waste, subject to the conditions contained herein. Any storage or treatment of wastes not authorized in this Permit is prohibited, unless exempted from Permit requirements. Any receipt, storage, or treatment of any hazardous, radioactive, regulated polychlorinated biphenyl (PCB), regulated medical, non-hazardous industrial waste (NHIW), or asbestos waste is strictly prohibited.

This Permit has been prepared by the Oklahoma Department of Environmental Quality, pursuant to its authority under the Oklahoma Solid Waste Management Act, 27A O.S. § 2-10-101 et seq., and the Oklahoma Administrative Code (OAC) 252 (Rules) of the Oklahoma Department of Environmental Quality promulgated thereunder. It sets forth conditions and requirements for the construction, operation, maintenance, and financial assurance obligations of CARDS.

Issuance of this Permit does not convey any property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations. The provisions of this Permit are severable. If any part or provision of this Permit or the application of any provision of this Permit to any circumstance is held invalid by a court of competent jurisdiction, the court decision shall not be applied to other provisions of this Permit and they shall not be affected thereby.

# **SOLID WASTE DRAFT PERMIT (CONTINUED)**

This Permit is based on data, design criteria, plans, and specifications presented in the Application, revised and supplemented, which are hereby approved by DEQ and incorporated by reference. Any inaccuracies found in the Application or supporting documentation may provide cause for potential enforcement action against CARDS and/or the modification or revocation of this Permit.

## **Incorporated by Reference:**

1. The Transfer Station Permit Application, prepared by Terracon Consultants, Inc., submitted via email on June 15, 2023, inclusive of the following appendices:
  - a. Appendix A – Land and Building Documents
  - b. Appendix B – Maps and Drawings
  - c. Appendix C – Operating Plan
  - d. Appendix D – Closure Cost Estimate
  - e. Appendix E – Location Restriction Correspondence
  - f. Appendix F – Transfer Station Application Form
  - g. Appendix G – Landowner Notification
  - h. Appendix H – Temporary Easement
2. Response to Notice of Deficiency, dated October 17, 2023, including revisions to Appendices B and C, and submittal of a standalone Waste Exclusion Plan.
3. Revised Disclosure Statement, submitted via email on October 27, 2023.

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**CARDS is authorized to operate in conformity with the application and other items incorporated by reference. Commencing operations under this permit 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: \_\_\_\_\_

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**A. FACILITY SUMMARY**

- 1. Name of Facility:** CARDS Eastern Oklahoma Transfer Station (Facility)
- 2. Type of Facility:** Solid Waste Transfer Station
- 3. Name of Applicant, Applicant Representative and Applicant Address:**  
  
Dan Christensen, President  
CARDS NEO, LLC  
PO Box 775  
Tontitown, AR 72770
- 4. Legal Right to Property:** Lease
- 5. Map Location of Site:** Approximately 5 miles south of Muskogee, OK. Approximate coordinates of Facility entrance: 35°40'21.49"N, 95°22'30.76"W
- 6. County:** Muskogee
- 7. Type of Waste to be Accepted:** Municipal solid waste and construction and demolition waste
- 8. Source(s) of Waste:** Muskogee County residents and businesses
- 9. Number of Acres in Permitted Boundary:** 28.2 acres
- 10. Financial Assurance:** Required. 2023 closure cost estimate = \$71,573.56
- 11. Location Restrictions:** The Facility meets the requirements of all applicable location restrictions

**B. DEFINITIONS**

All words or terms, when used in this permit, shall have the meaning set forth in the Oklahoma Solid Waste Management Act and Oklahoma Administrative Code (OAC) 252:515-1-2, unless the context clearly indicates otherwise. Any term not defined in the Oklahoma Solid Waste Management Act and OAC 252:515-1-2 shall be defined as set forth in OAC 252:515-1-3.

**C. GENERAL CONDITIONS**

1. **Duty to Comply:** CARDS shall comply with the Oklahoma Solid Waste Management Act 27A O.S. § 2-10-101 *et seq.* (Act), the Environmental Quality Code (Code) and Rules promulgated thereunder, OAC 252:515, including referenced provisions of the Oklahoma Administrative Code, and all conditions of this permit. Any permit noncompliance constitutes a violation of this permit and is grounds for enforcement action, including permit modification, administrative civil penalties, summary suspension or revocation, and denial of a pending permit application.
2. **Duty to Apply:** CARDS shall apply for a permit modification when such application is required by OAC 252:4 and 515.
3. **Need to Halt or Reduce Activity Not a Defense:** It shall not be a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
4. **Duty to Mitigate:** CARDS shall take all reasonable steps to minimize or correct any adverse impact on the environment and the public health resulting from noncompliance with this permit or site operation.
5. **Proper Operation and Maintenance:** CARDS shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by CARDS. Proper operation and maintenance includes effective performance of operations and adequate funding, operator staffing and training, and the provision of appropriate waste-handling equipment.
6. **Duty to Provide Information:** CARDS shall furnish to DEQ within a time specified, any information that DEQ may request to determine:
  - a. Whether cause exists for modifying, amending, suspending, or revoking this permit;
  - b. Compliance with this permit; and
  - c. Whether a new or modified permit should be issued.

CARDS shall also furnish to DEQ, upon its request, copies of records required to be kept by this permit and OAC 252:515.

7. **Temporary Easement:** A temporary easement shall be executed allowing DEQ and/or its contractors the right to access the property to perform closure, post-closure monitoring, or corrective action in the event of default by the owner/operator. CARDS shall submit a completed temporary easement to DEQ within 60 days of signature of this permit.

- 8. Inspection and Entry:** CARDS shall allow authorized representatives of DEQ, upon the presentation of credentials as may be required by law, to:
  - a. Enter upon the permitted site or where records required by this permit are kept;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable times any site construction or waste storage, processing and management operations; and
  - d. Sample or monitor, for the purpose of assuring compliance with this permit, any substances or parameters at the Facility.
- 9. Records:** CARDS shall keep on file this permit and permit application and copies of all:
  - a. As-built Facility construction plans, drawings, and specifications;
  - b. Repair and maintenance records;
  - c. All monitoring data when monitoring is required;
  - d. A daily log to record operational information, including the quantity of waste received;
  - e. DEQ inspection records;
  - f. Personnel training records;
  - g. Reports filed with DEQ, including all incident reports; and
  - h. Other permits issued by city, county, state, and federal agencies.
- 10. Duration of Permit:** Oklahoma Administrative Code (OAC) 252:515-3-5 mandates the duration of this permit is for the life of the Facility.
- 11. Cessation of Operations:** If the Facility ceases to accept waste for thirty (30) days or more without prior notice to DEQ, OAC 252:515-3-5(c) deems the Facility to be in the process of final closure.
- 12. Suspended Operations:** CARDS may suspend development or operations of the Facility. To do so, CARDS must:
  - a. Provide prior written notice to DEQ of the intent to suspend development or operations;
  - b. Renew such notice annually;
  - c. If site development or operations remain suspended for more than one year, without DEQ approval to continue suspension, the Facility shall perform closure activities in accordance with the approved closure plan and OAC 252:515-27.
- 13. Resuming Operations:** If CARDS suspends operations, then prior to resuming such operations, the permit must be modified if, in the opinion of DEQ, the permit does not comply with all current laws and regulations.

14. **Transfer of Permit:** This permit may not be transferred to any other person or entity except after notice to and approval of DEQ. No transfer will be approved until CARDS complies with all transfer requirements in OAC 252:4 and 515.
15. **Corrective Action Requirement:** CARDS shall conduct corrective action if inspection of the site, or any monitoring results, indicate the potential for, or actual release of, contaminants into the environment.

**D. CONSTRUCTION CONDITIONS**

1. **Construction Plans:** CARDS shall submit engineering design plans for the transfer station building, the leachate storage tank and associated piping, and other waste handling equipment described in the permit application prior to beginning construction.
2. **Construction Authorization:** CARDS must receive DEQ approval of the engineering design plans required in Permit Condition D.1 prior to commencing construction.
3. **Construction of Surface Water and Runoff Controls:** CARDS shall construct and maintain the site as specified in the permit application to control surface water drainage and runoff at the site.
4. **Certification of Construction:** Upon completion of construction, CARDS shall submit to DEQ, by certified mail or hand delivery, a letter signed and sealed by an independent professional engineer registered in Oklahoma, certifying that the Facility is constructed in accordance with the plans and specifications. The certificate of construction should include a summary of construction activities, as-built drawings, and a description of any deviations from the construction plans.
5. **Review of Certification of Construction:** DEQ shall review all completion reports and certifications and may conduct an on-site inspection to verify that the construction of the Facility complies with all regulatory and permit requirements.
6. **Commencement of Operations:** CARDS shall not accept waste or commence operation of the transfer station until DEQ reviews the certificate of construction and provides written approval for waste acceptance.

**E. OPERATING CONDITIONS**

1. **Waste Acceptance:** OAC 252:515-19-31 and the Waste Exclusion Plan prohibit the following wastes from being accepted and disposed at the Facility:

- a. Hazardous waste;
  - b. Non-hazardous industrial waste (NHIW)
  - c. Polychlorinated Biphenyl (PCB) waste;
  - d. Regulated medical waste;
  - e. Radioactive waste;
  - f. Liquid waste; and
  - g. Asbestos waste.
2. **Holding Period:** No putrescible waste shall be stored at the Facility for more than twenty-four (24) hours after receipt. If appropriate odor and vector controls are implemented, processing time may be extended to forty-eight (48) hours. If processing failures occur, all putrescible wastes shall be removed within ninety-six (96) hours to an alternate permitted disposal site.
3. **Large or Bulky Items:** Large or bulky items must be managed in accordance with the Operating Plan in the Application.
4. **Blowing Litter:** CARDS shall inspect incoming loads at the Facility for adequate cover to prevent blowing litter. Unloading shall be performed in a manner that will minimize scattering of refuse. The entire site and the approach roadway to the site shall be monitored daily for blowing litter.
5. **Salvage and Recycling:** Salvage and/or recycling operations shall occur in accordance with the Operating Plan in the Application.
6. **Signage:** CARDS shall post signage to: (1) identify the site; (2) advise customers to adequately cover their loads to prevent blowing litter; (3) list the hours of operation; (4) list an emergency contact number and (5) list the DEQ solid waste permit number.
7. **Security:** CARDS shall control access to the Facility with a chain-link fence and single-access gate. Facility access will be barred during non-operating hours.
8. **Transfer of Waste:** CARDS shall dispose of all transferred waste at a site permitted to accept such wastes.
9. **Preservation of Aesthetics:** CARDS shall take measures to enhance the visual harmony of the Facility and surrounding area, including maintaining the existing trees surrounding the property. CARDS must also reduce the transmission of dust and noise from the Facility as much as possible.



- 10. Open Burning Prohibited:** The Facility is prohibited from burning any solid waste.
- 11. Air Criteria:** CARDS shall ensure that it does not violate any applicable requirements of the Oklahoma Clean Air Act, as amended, or rules promulgated thereunder. CARDS shall adhere to all applicable requirements as described in OAC 252:100. The burning of any waste at this Facility is prohibited, and Facility operations must prevent the discharge of visible fugitive dust emissions as described in OAC 252:515-19-36.
- 12. Contaminated Water Management:** All contaminated water including, but not limited to, wash down water from trucks, floors, equipment, and liquids from the compaction of waste shall be directed to a sump/drain located inside the transfer station. The contaminated water will be transported from the drain through a pipe to a storage tank located outside of the transfer station building. Leachate shall not be allowed to flow off site.
- 13. Out of State Waste:** The Facility shall not accept more than 200 tons of waste per day from outside the State of Oklahoma unless the requirements of OAC 252:515-19-34 have been satisfied. The Facility shall maintain a daily record of out of state waste tonnage and maintain this file in the Facility record at the site.

**F. REQUIRED NOTICES**

- 1. Reporting Requirements:** CARDS shall give notice to DEQ as soon as possible of any planned physical alterations or additions to the Facility and of any planned changes in the permit or activity which may result in noncompliance with permit requirements. If CARDS becomes aware that it failed to submit any relevant facts or submitted incorrect information in the permit application or in any report to DEQ, it shall promptly submit correct facts or information. Failure to make a prompt submission is grounds for enforcement action and the amendment, modification, or revocation of this permit.

All reports, notifications, or other information required by this permit to be submitted to DEQ should be sent to DEQ by verifiable delivery at the following address:

Oklahoma Department of Environmental Quality  
Land Protection Division  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

- 2. Twenty-four Hour Reporting:** CARDS 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 CARDS becomes aware of the circumstances. The report shall include the following:

- a. Information concerning release of any waste that may cause an endangerment to public drinking water supplies;
- b. Information of a fire or explosion at the Facility which could threaten the environment or human health outside the Facility; and
- c. The description of the occurrence and its cause. The description shall include:
  - i. Name, address, and telephone number of the owner or operator;
  - ii. Name, address, and telephone number of the Facility;
  - iii. Date, time, and type of incident;
  - iv. Name, quantity and generator of materials involved;
  - v. The extent of injuries, if any;
  - vi. An assessment of actual or potential hazards to the environment and human health outside the Facility;
  - vii. Estimated quantity and disposition of recovered material that resulted from the incident; and
  - viii. If the occurrence is determined to be a result of faulty equipment, then similar equipment throughout the Facility will be replaced to prevent the same occurrence.

3. **Written Incident Report:** A written report shall also be submitted to DEQ within five (5) days of the time CARDS 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 be corrected; and steps taken or planned to reduce, eliminate, and prevent recurrence of the situations.

#### **G. CLOSURE AND POST-CLOSURE CONDITIONS**

1. **Closure Performance Standard:** The Facility shall be closed in accordance with the approved closure plan and in a manner that minimizes the need for further maintenance and controls and minimizes post-closure escape of waste and waste constituents into the environment.
2. **Notice of Final Closure:** CARDS shall provide written notice to DEQ prior to beginning final closure of the Facility.
3. **Certification of Final Closure:** Within sixty (60) days after the completion of final closure for the Facility, CARDS shall submit to DEQ a notarized statement signed by an authorized agent, and a certification, signed and sealed by an independent professional engineer registered in the State of Oklahoma, that the site was closed in accordance with the approved closure plan, the permit, and applicable Rules.

4. **Post-Closure:** Post-closure is not required at this time. However, DEQ may require post-closure care if necessary due to soil, surface water, or groundwater contamination resulting from activities performed by the Facility.

#### H. COST ESTIMATES AND FINANCIAL ASSURANCE

1. **Closure Cost Estimate:** This permit approves the 2023 closure cost estimate of \$71,573.56.
2. **Establish Financial Assurance:** CARDS shall establish financial assurance according to the procedures in OAC 252:515-27 for the amount of the approved closure cost estimate using one, or more, of the mechanisms listed in Subchapter 27. Proof of financial assurance in the amount of the closure cost estimate must be in place and submitted to DEQ prior to DEQ approval for the Facility to accept waste.
3. **Increases of Approved Cost Estimate:** CARDS shall increase the approved closure cost estimate and the amount of financial assurance provided if, at any time during the active life, changes to the closure plan or facility conditions increase the maximum cost of closure.
4. **Annual Updates:** CARDS shall adjust the closure cost estimate annually and submit the revised cost estimate to DEQ for approval no later than April 9th of each year. If there are no significant changes to the Closure Plan, the closure cost estimate may be adjusted by use of an inflation factor derived from the most recent "Implicit Price Deflator for Gross National Product" or the "Implicit Price Deflator for Gross Domestic Product" published by the U.S. Department of Commerce. The inflation factors are posted on the DEQ website after February 1st of each year.