

Oklahoma Department of Environmental Quality
Response to Public Comments
Tier III Permit Application and Draft Permit Modification
Muskogee Recycling & Disposal Facility, Muskogee County
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October 14, 2025

The following includes public comments received by the Oklahoma Department of Environmental Quality on the Tier III Permit Modification Application and Draft Permit Modification for the proposed lateral expansion of the Muskogee Recycling & Disposal Facility Municipal Solid Waste Landfill. 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
NOD – Notice of Deficiency
OAC – Oklahoma Administrative Code
OCC – Oklahoma Corporation Commission
OGS – Oklahoma Geological Survey
O.S. – Oklahoma Statutes
OWRB – Oklahoma Water Resources Board
USACE – United States Army Corps of Engineers
USGS – United States Geological Survey
WOTUS – Waters of the United States

History

DEQ received the Tier III Permit Modification Application (“Application”) for the lateral expansion of the Muskogee Recycling and Disposal Facility solid waste landfill (“Facility”) on October 13, 2023. The notice of filing was published in the *Muskogee Phoenix*, Muskogee, Oklahoma, on December 12, 2023. DEQ reviewed the Application and issued NODs and requests for supplemental information in 2024 and early 2025. Revised versions of the Application were supplied to DEQ to address the deficiencies.

The existing Municipal Solid Waste Landfill (DEQ Permit No. 3551020) currently receives residential and commercial waste, construction and demolition waste, nonhazardous “other” industrial solid waste, encapsulated asbestos waste, incinerator ash, vegetative waste, semi-solid wastes, and sludges. With this modification, the existing landfill permit boundary will increase from approximately 80.5 acres to 316.8 acres, and the waste disposal area will increase from approximately 60.9 acres to 126.4 acres. The site capacity (solid waste and cover soils) will increase by 6,707,000 cubic yards. Over the remaining life of the Facility, the expected average daily volume of incoming waste is projected to be approximately 555 tons per day. These projections are based on current market conditions and may vary as market conditions change. The existing groundwater and landfill gas monitoring systems will also be expanded to monitor the site. Surface water drainage improvements that will occur with the expansion consist of providing final cover erosion control structures, perimeter drainage channels, and stormwater ponds. The site is also designed to prevent stormwater run-on to the active portion of the landfill during a 24-hour, 25-year storm event. No variance requests are included in this modification.

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DEQ found the Application to be technically complete and issued the Draft Permit Modification on May 22, 2025. Legal notice was published in the *Muskogee Phoenix*, Muskogee, Oklahoma, on June 3, 2025, initiating a 30-day period for public comment and opportunity to request a public meeting. Based on public interest, a public meeting was scheduled and public notice provided. The public meeting was held at the Muskogee Public Library on September 4, 2025, at 5:30 pm.

Public Comments and DEQ Responses

Public comments were submitted to DEQ during the public comment period and at the public meeting. DEQ responses are made only to comments, or parts of comments, that were found to be relevant or significant to the Tier III Permit Application and Draft Permit Modification for the proposed lateral expansion of the Muskogee Recycling and Disposal Facility. Comments received in writing during the public comment period are included below in their original wording (Comments 1-16). Oral comments received at the public meeting have been summarized to provide clarity (Comments 17-26). Similar comments have been grouped together based on topic.

Written Comment(s) received – Groundwater resource and usage map

1. **Per the Oklahoma Department of Environmental Quality Land Protection Division Application Review Checklist Item # 27 as outlined in 252:515-3-72 there should be a groundwater resource and usage map. There does appear to be an inaccurate one with this application lacking the required information as outlined in 252:515-3-72. In 252:515-3-72 it lists the required map information and required details needed for this application review checklist item. At the time of filling this application not all existing water wells were listed within the one-mile radius. There are two documented (either by State or Federal agencies) water wells located within .25 miles or less of this newly planned landfill. Under section 252:515-3-72 it does not mention where this information should be collected from. The information for these water wells is readily and publicly available and has been on file prior to submittal of this application. ODEQ was notified of these wells on a previous date when this application was in the "Application Filed (by county)" status and was told by ODEQ to report this once the application was listed as a "Draft Permits" and listed for comments (currently in this status). Information can be collected from the Oklahoma Water Resources Board interactive online map tool (construction date listed as 4/18/2023) or can be seen in publication Hydrologic Atlas 1 Plate 2 Title (Information collected in 1969 documentation): Reconnaissance of the water resources of the Fort Smith quadrangle, east-central Oklahoma, by Melvin V. Marcher. More specifically if a site investigation was completed both of these sites could of easily been documented visually from the county road.**
2. **The website below (Hydrologic Atlases) is for retrieving water well locations mentioned in the original comments previously sent. OWRB also has another water well shown on their online interactive map (previously mentioned) within the 1 mile**

radius. Both of these wells were listed for public access, yet the maps in the proposed permit do not mention either well. Rather it specifically notes that there aren't any water wells within the 1 mile radius and makes note that the map was put together in 2022, yet the engineer stamped and certified that map well after both wells were documented and publicly available for collection purposes. It's being asked that ODEQ, the group applying for this permit, and the ENG whom stamped/ sealed the false map act in "Good Faith" and update these records to be honest, accurate, and legal especially now that all parties are aware of these deficiencies. If not corrected, would the ENG whom sealed/ stamped that map, ODEQ, or the party applying for the permit be held responsible for falsifying information provided to a state agency for permitting purposes? <https://www.ou.edu/ogs/maps/hydrologicatlases>

DEQ Response: In accordance with OAC 252:515-3-72(b)(1), the Groundwater Resource and Usage Map must show the location, total depth, and groundwater elevation of all known private water wells within a radius of one mile of the proposed site boundary. The Groundwater Resource and Usage Map (Figure E-1-3) included in Volume 2A of the Application notes that public water well records were obtained from the Oklahoma Water Resources Board ("OWRB") online GIS database in September of 2022; however, in April of 2023 a private groundwater well (Well 220085) was installed within a one-mile radius of the proposed expansion boundary. Figure E-1-3 does not indicate Well 220085. The OWRB online GIS database does not state on what date this well was added to the online database; thus, it is unclear if Well 220085 was added to the database before or after the submission of the Application in October 2023.

The Hydrologic Atlases referenced in the comment were published by the USGS and OGS between 1969 and 1973. Hydrologic Atlas 1 Plate 2 appears to show a historic well located northwest of the proposed landfill expansion area. It is not clear from the publication if the well still exists or if it is a private water well warranting inclusion in the Groundwater Resource and Usage Map required by OAC 252:515-3-72. Additionally, this well does not appear on current OWRB GIS viewers.

DEQ requested that the Facility update Figure 10 and Figure E-1-3 to include the private well installed in April 2023 and any other new wells appearing on the OWRB GIS viewer. DEQ received the updated figures on October 8, 2025. Because OAC 252:515 does not contain siting criteria limiting proximity to private water wells, the updated figures are for informational purposes to reflect current conditions. Accordingly, no changes to the draft permit modification result from submission of the revised maps. In accordance with OAC 252:515-5-32(b) and (c), the proposed expansion area meets the requirements for minimum setback distances from public water supply wells and surface water intakes.

Written Comment(s) received – Groundwater wells, borrow activities

3. Also, what background information does this facility and or ODEQ have for groundwater studies downgradient of the planned site between these newly discovered water wells and the newly proposed landfill? If none, will there be studies

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and or monitoring wells put in place to document benchmark water quality conditions, levels, etc? Are there any setbacks requirements for water wells within 1 mile or less of this planned landfill? There does appear to be driller logs listed that mention the depth to groundwater. When comparing these driller logs with the most recent publicly available lidar and historical USGS maps and OCC and or OWRB driller logs, current borrowing activity in this newly planned landfill has gone past this groundwater zone/ depth of saturation in most instances already. There is nothing mentioned in the application about correcting this issue or that this issue exists. There should be 5 feet of separation as documented in depth to the groundwater zone of saturation correct?

4. Regarding groundwater and the wells located within .25 miles or less of the solid waste site. What buffers will be put in place to assure borrowing activities will not disturb or manipulate the down gradient flow of groundwater? Is this an ODEQ concern for the proposed site? If so, what has the applicant done to address that concern?

DEQ Response: In accordance with OAC 252:515-9-2, the Application includes a groundwater monitoring program that is designed to monitor: (1) groundwater that has not been affected by the Facility; and (2) groundwater that has passed underneath the Facility. In accordance with OAC 252:515-9-4 and 9-5, monitoring wells will be installed within 150 meters of the proposed waste disposal boundaries on land owned by the owner/operator at locations upgradient and downgradient of the waste disposal areas. Groundwater samples will be collected at least semi-annually and analyzed in accordance with OAC 252:515 Subchapter 9 and the Facility's Groundwater Sampling and Analysis Plan included in Volume 2B, Appendix F of the Application. The intent of the groundwater monitoring program is to compare groundwater unaffected by landfill operations to groundwater that has passed underneath the landfill to determine any potential groundwater impacts before groundwater travels off site. The proposed groundwater monitoring program meets the requirements of OAC 252:515 Subchapter 9.

OAC 252:515-5-32(b) and (c) prohibit the location of waste management and disposal areas within specified distances from public water supply wells and surface water intakes. OAC 252:515 does not include location restrictions or require setbacks for private water wells. The Application complies with OAC 252:515-5-32(b) and (c).

In accordance with OAC 252:515-11-3(a), landfill liner systems must be designed to maintain a minimum five-foot separation between the highest groundwater elevation and the lowermost surface on which waste, including leachate, will be placed. DEQ rules do not prohibit borrow operations from occurring within five feet of the groundwater table. Prior to construction of future disposal cells, the Facility must demonstrate that the five-foot separation required by OAC 252:515-11-3(a) will be maintained. This information can be found in Volume 3, Appendix L, Section 7.2 "Groundwater Separation Verification Prior to Construction", in the Application submittal dated April 22, 2025 (file titled "NOD Response 3" on DEQ's website). This revised version of Appendix L complies with OAC 252:515-11-3(a). Additionally, the Draft Permit

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Modification sets forth a condition (see Condition 2) and requirements to ensure such separation is maintained.

Written Comment(s) received – Fault areas

- 5. It is also noted that this newly planned landfill will be located directly above a publicly documented fault line in which the application does not make note of. This fault has possibly been documented as active within the Holocene time period. This information can be provided if the applicant cannot find this (please let me know), as it is required?**
- 6. A fault line was also mentioned in the original comments. Went ahead and attached the information for this US Geological Survey published fault. This fault has possibly been documented as active within the Holocene time period. The attached images list where this information can be collected for additional research and also shown is the overlay onto Google Earth showing that the planned landfill would be directly overtop this fault without any setbacks, is this allowed and if so, please explain how and could this effect water quality in the nearby wells located .25 miles or less of this proposed landfill? Generally speaking, and you all may need to speak to a geologist to get there input but groundwater tends to either speed up or slowdown in and around fault lines. With that being said, does this need to be looked into or considered since it hasn't been to date and could it impact these water wells?**

DEQ Response: In accordance with OAC 252:515-5-52(b), no new waste management or disposal areas of a land disposal facility shall be located within 200 feet of a fault that has had displacement in Holocene time. The fault line identified in the comment is from a 1928 publication by OGS. As discussed in the Application and supported by the 2016 interpretive fault data published by OGS, no faults are present within 200 feet of the proposed expansion area. The fault line identified in the comment is considered to reflect outdated information, and the commenter did not provide evidence that any faults have had displacement in Holocene time. Additional site-specific investigation performed by the Facility to ensure no fault activity was present within 200 feet of the expansion area is discussed in Volume 1, Section 2.13 of the Application. The Application complies with OAC 252:515-5-52(b).

Written Comment(s) received – Public recreation/preservation areas, litter control

- 7. Located in the Tier III Permit Modification Volume 1 of 4 Eve Atkinson, Planner II, Federal Grant Office, Oklahoma State Parks makes mention of a church that's located within a half mile of the newly planned solid waste site. Eve states "I am concerned when a solid waste site is within a half mile of a settlement with a church, but I have no information, other than what I can see on the navigational maps and/or air photos." This church is Mountain View Baptist Church that also has an adjoining playground/ park located on a sprawling 10 acres of land which the local community (public) has access to. What has the applicant done to correct the concerns**

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from this state agency (Oklahoma State Parks)? It appears the solid waste site will still be located with one half mile of the Mountain View Baptist Church and its adjoining playground/ park. If it's decided that this state agency's concerns can be overlooked it's being asked that a public hearing be held to discuss this concern more along with the others listed. For example, additional BMP's may be required to keep windblown trash on the potentially proposed permitted site by installing a permanent and substantial netting litter fence similar to the Republic Services Stillwater Landfill to keep debris off the concerned site and out of the water that flows through this property. This may include installing this type of fence around and along the immediate solid waste disposal area to limit the amount of wind-blown debris from coming onto the concerned area and to limit the amount of wind-blown debris from entering the planned stormwater structures onsite and flowing offsite.

DEQ Response: In accordance with OAC 252:515-5-31(b)(1), no area within the expansion of the permit boundary of an existing solid waste disposal facility is allowed to be located within one-half mile of any area formally dedicated and managed for public recreation or natural preservation by a federal, state, or local government agency. The Mountain View Baptist Church and adjoining playground is not indicated by the federal or state government, nor the City of Muskogee, to be a public recreation area. The Application complies with OAC 252:515-5-31(b)(1). DEQ regulations do not have requirements regarding the proximity of solid waste disposal facilities to privately-owned recreation areas.

Volume 1, Section 8.5 of the Application states that blowing litter will be controlled in accordance with OAC 252:515-19-35; more specifically, that the working face will be covered at the end of each day and during the operational day when necessary, litter fencing will be placed downwind of the active area during windy weather periods, the entire landfill site and approaching roadways within ½ mile will be cleaned by landfill personnel at least once a week or whenever the site or surrounding area deems necessary, and signage will be posted advising customers to adequately cover their loads to prevent blowing litter.

DEQ's solid waste compliance personnel conduct routine landfill inspections to monitor compliance with permit requirements and DEQ regulations, including ensuring waste is covered daily and litter is controlled. If members of the public observe environmental concerns, violations of permit requirements, and/or non-compliance with DEQ regulations at any time, DEQ recommends calling the 24-hour complaints hotline at 1-800-522-0206 and the issue will be addressed promptly.

Written Comment(s) received – DEQ website

- 8. It appears not all Volumes of the Tier III application have been posted and available online to allow for public review in its entirety. Does this need to be relisted to allow for the general public to review and make informative decisions and comments on the complete application, instead of ODEQ hiding this information from the general public if they only have access to the internet?**

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DEQ Response: Title 27A O.S. § 2-14-301 and 302 require applicants to publish legal notice in a newspaper local to the facility and identify locations where the application and draft permit may be reviewed, including a location in the county where the facility is located. The Facility published the Notice of Application Filed in the *Muskogee Phoenix*, Muskogee, OK, on December 12, 2023, and the Notice of Draft Permit Modification in the *Muskogee Phoenix* on June 3, 2025, indicating that copies of the Application and Draft Permit Modification were available for review at the Muskogee Public Library. Additionally, all documents submitted to DEQ and DEQ responses are available for public review upon request through DEQ's Central Records Section.

DEQ's website provides an additional convenient option for public review but is not required by regulation or statute. As shown in the screenshot submitted by the commenter, DEQ's website included all volumes of the Application (Volume 1, Volume 2A, Volume 2B, Volume 3, and Volume 4), supplemental information and NOD responses submitted in support of the Application at the time the comment was made, and the draft permit modification.

Written Comment(s) received – Borrow soil

- 9. It also appears that one of the smaller proposed landfill alternatives has a side note that borrow material would have to be hauled into this site for that configuration. Will the proposed landfill have enough borrow to account for the proposed option they wish to move forward with, if not does this facility need to be permitted for what borrow this site currently has available or access to?**

DEQ Response: In accordance with OAC 252:515-25-32 and OAC 252:515-19-55, DEQ requires plans for reshaping and revegetating borrow areas to blend with surrounding terrain upon closure or within 180 days of ceasing use of a borrow area. In accordance with OAC 252:515-3-56 DEQ requires borrow areas to be indicated on the site map. The Application addresses each of these requirements and complies with all applicable rules. DEQ regulations do not have requirements regarding the volume of cover available on or off-site, nor the issuance of permits based on borrow soil availability. The Application indicates that the Facility has access to on-site and off-site borrow sources.

Written Comment(s) received – Waters of the United States

- 10. Finally, are waters of the state or WOTUS allowed to be rerouted? It appears either WOTUS or waters of the state will be rerouted from the southern end to the north west end of the proposed solid waste site. Looking into Volume 3 of 4 of the application there will be a planned borrow source along the west side and stormwater channel that will have water rerouted around the proposed solid waste site to this stormwater retention pond. Once this stormwater retention pond is full where will the majority of the water spill out of DP4 or DP5 & DP6 as it currently does (this information is not provided in the application). It's concerning that WOTUS or waters of the state**

will be altered/ rerouted from the historical amounts from direct activities influenced by the proposed facility and could impact FEMA floodplain boundaries and or causing flooding on currently utilized county roads. Also, what stormwater retention structures will be installed for outfalls DP5 & DP6, unless it's being rerouted? Are waters of the state or WOTUS allowed to be rerouted or CFS amounts allowed to be significantly increased or decreased once this stormwater retention structure is empty or full? Attached a topo map showing the historical contours and drainage area. In comparing this to the proposed solid waste site and stormwater retention structure, over 140 acres of drainage including waters of the state and potentially WOTUS (unless previously approved) will be rerouted through DP4. Have also attached lidar showing the elevations of all the historical drainage areas for reference and documentation. It also appears landfill construction has been started as shown in the ownership map; is this allowed as the permit modification has several other factors that must be met prior to construction?

11. It appears WOTUS has been considered and taking into account. Looking into Oklahoma Statutes Title 82 Waters and Water Rights how has the applicant or ODEQ documented all Waters of the State on the expansion area? If this is not required to be documented under the permit what State Agency would be concerned with Waters of the State being impaired or rerouted? Section §82-1084 has information regarding this criteria.
12. Finally do historical drainage areas need to be maintained or can WOTUS, waters of the state, etc regarding water be allowed to be rerouted into a different outfall/ ditch/ stream (where it leaves the property) as to increase or decrease flow rates leaving this property? Attached is a historical aerial image from 1964 & topo map (1974) for documentation. These maps show the original contours and acres that flow to each outfall and the aerial image backs up this topo map showing terraces (built on the contour) and waterways showing direction of water flow and the original outfalls.

DEQ Response: In accordance with OAC 252:515-5-32(d), new waste management or disposal areas of a solid waste disposal facility shall not be located in wetlands unless the demonstrations outlined in OAC 252:515-5-32(d)(1) are met and, in accordance with OAC 252:515-5-32(d)(2), verified by the appropriate agency, which in this instance is the U.S. Army Corps of Engineers ("USACE"). Volume 1 Section 1.1.1 of the Application provides an overview of the process to address Jurisdictional Waters of the United States ("WOTUS") at the proposed expansion area, and the Jurisdictional Determination Request is found in Appendix I of the Application. A Section 404 Individual Permit Request was submitted by the applicant to the USACE in September 2023, which was approved by the USACE on July 3, 2025. The USACE will enforce its issued permit. The applicant has met all requirements outlined by OAC 252:515-5-32(d)(1).

OAC 252:515-19-38(a) states that solid waste shall not be placed or allowed to enter waters that communicate with waters of the state located outside the permit boundary. However, OAC

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252:515 does not include requirements for identifying waters of the state within a proposed expansion area.

Volume 3, Appendix H of the Application models that drainage outflow from the site is expected to remain consistent or decrease following the development of the expansion area compared to the existing drainage outflow. The design presented in the Application complies with OAC 252:515-17-2(2), which requires that all land disposal facilities be designed, constructed, and maintained with a run-on and run-off control system with sufficient capacity to collect and control all stormwater from a 24-hour, 25-year storm event. Volume 3, Appendix I, Section 3.1 of the Application notes that FEMA 100-year floodplains are not impacted by the project.

Please note that the proposed expansion area is an existing soil borrow area for the Facility, and thus it is expected that excavation for soil borrow purposes will continue to occur in the proposed expansion area prior to the issuance of the Tier III Permit Modification. Under solid waste regulations, excavation and grading of soil does not constitute commencement of landfill construction. Rather, landfill cell construction begins upon placement of the clay portion of the liner system. In accordance with OAC 252:515-11-5(a) and the Quality Assurance / Quality Control Plan included in Volume 3, Appendix K of the Application, DEQ must be notified at least two weeks before liner construction begins.

Written Comment(s) received – Land ownership

- 13. Attached a land ownership map of the area of interest. It appears the planned landfill is not connected to the existing landfill, rather there is another landowner between the 2 separate properties (city of Muskogee). It's on a good basis (and potentially documented under board meeting minutes) that the acreage owned by the city of Muskogee is rented/ leased out to someone other than the adjoining landowner who is requesting for the landfill site expansion. What documentation has been or needs to be listed with the permit to show they either own or lease/ rent some sort of connection between the 2 properties? If the party requesting the landfill expansion does own a strip connecting the 2 properties would this be a newly planned landfill and not an expansion? If the party requesting the landfill expansion does own a strip of land between the 2 properties, why are they not recorded on record as the owner and paying taxes on that property? Is this allowed under Oklahoma Statutes or Oklahoma law to avoid paying taxes on land given the party in which is applying for the permit?**

DEQ Response: DEQ does not regulate property taxes, and it is outside of the scope of this permitting action to address property taxes. OAC 252:515-3-34(a) requires that an Application for the expansion of the permit boundaries of an existing landfill contain a true and correct copy of a legal document filed in the county in which the facility is located, demonstrating that the applicant possesses a legal right to access and use the property in the manner for which the permit is sought, including any on- or off-site soil borrow areas, throughout the life of the site and the required post-closure monitoring period, and a certification, by affidavit, that the applicant owns the real

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property, has a current lease or easement which is given to accomplish the permitted purpose, or has provided legal notice to the landowner. Exhibit A: Permit Boundary Exhibit found in Volume 1 of the Application displays land ownership information for the existing landfill permit boundary and the proposed permit boundary. The proposed expansion of the permit boundary is continuous as shown in Exhibit A, connected by a portion of land described in Muskogee County Book 4846, Page 546 for which the grantee is Waste Management of Oklahoma, Inc. In accordance with OAC 252:4-7-60(2)(B), the Application was processed as a Tier III Permit Modification at an existing landfill to expand the permitted boundary and waste disposal area. Section 1.5 of Volume 1 of the Application generally discusses land ownership of the proposed expansion area. Volume 1, Appendix B-3 shows the property ownership within the proposed expansion boundary and includes the deeds associated with each tract owned by Waste Management of Oklahoma, Inc. A certification, by affidavit, that the applicant owns the real property is provided in Volume 1 of the Application. The Application satisfies all requirements of OAC 252:515-3-34(a).

Written Comment(s) received – Limitations on waste received

- 14. Title 27A: §27A-2-10-801----- has all portions of this been met by the applicant and documented?**

DEQ Response: Title 27A O.S. § 2-10-801 and the equivalent regulation at OAC 252:515-19-34 set limitations on waste received at solid waste disposal facilities. In accordance with 27A O.S. § 2-10-801(B) and OAC 252:515-19-34(a)(1), the Application includes design specifications demonstrating the expansion area will be constructed with a composite liner and leachate collection system meeting applicable regulatory requirements. Additionally, the Facility has an approved out-of-state waste disposal plan that remains in effect and allows the Facility to accept greater than 200 tons per day of solid waste from out of state when needed. The Facility has demonstrated compliance with 27A O.S. § 2-10-801 and OAC 252:515-19-34.

Written Comment(s) received – Hours of operation

- 15. Title 50: Nuisances §50-2. Public nuisance----- In the permit application will this facility have a set schedule of operation and closure hours during non-use. With this expansion being located next to a church/ local park and major neighborhood/ subdivision can this facility have a set hour of operation? Will they have set hours of operation? This would help meet the criteria for this Oklahoma Statute as to avoid being a nuisance during church services, Wednesday fellowship, and any other get togethers after 5 o'clock PM, and being closed on the weekends. Also, what management practices will be implemented to control windblown debris as to causing a nuisance to this church/ park and major neighborhood/ subdivision?**

DEQ Response: Volume 1, Section 8.1 discusses the hours of operation for the Facility. DEQ regulations do not set out specific timeframes for which a disposal facility may operate. The requirements of Oklahoma Statutes Title 50 are outside the scope of this permitting action.

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Please see DEQ's response to Comment 7 regarding litter control.

Written Comment(s) received – Surface water

- 16. Title 60: Property §60-60----- It appears under this section a continued natural stream flow needs to maintained equal to what it would have been prior to manipulation. Looking into the permit application, the 2 south outfalls in the proposed landfill expansion have been substantially reduced by a factor of close to a 90% reduction of outfall water flow rates. How is this allowed given this Oklahoma Statue? Does this applicant not need to follow Oklahoma Statutes? Please site in Oklahoma Statues were this allowed.**

Reference will be made so that ODEQ and the applicant are aware that this facility is changing originally documented Hydrologic Unit Codes (HUC 8) boundaries and substantially increasing acreage into the Pecan Creek Watershed, this is not allowed according to the USACE. What permitting has been done in order to allow for this HUC boundary/ acreage increase? If permitted/ allowed where can this information be accessed?

DEQ Response: OAC 252:515 does not require the applicant to address the requirements of Title 60 of Oklahoma Statutes. Additionally, DEQ does not enforce USACE requirements. In accordance with OAC 252:515 Subchapter 17, the proposed expansion will include a stormwater run-on and run-off system designed to handle flow from the 24-hour, 25-year storm event. Please see DEQ's response to Comments 10-12 regarding surface water flow and the authority of USACE.

Comment(s) received during public meeting – Location

- 17. Some commenters asked about the location of the expanded disposal area and future entrances.**

DEQ Response: The expanded portion of the Facility is proposed to be located west of the current disposal area and will be bound to the north by Hancock Road and to the west by 64th Street. DEQ does not have requirements for landfill entrances, but according to the Application, a new entrance will be added along Hancock Road. More detailed location information is shown in the Application drawings, and entrances are discussed in Volume 1, Section 8.2.

Comment(s) received during public meeting – Life of site

- 18. One commenter asked about the lifespan of the proposed disposal area.**

DEQ Response: Volume 1, Section 1.11 discusses the additional capacity and life of site added by the proposed western disposal area. The added life is approximately 24.4 years.

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Comment(s) received during public meeting – Borrow operations

- 19. During the meeting, commenters discussed the discharge of stormwater accumulating in the current borrow area and damage to the adjacent road. One commenter asked if borrowing operations and stormwater removal would be moved to another location.**

DEQ Response: The removal of accumulated stormwater from the borrow area and its effect on the adjacent road is outside the scope of this permitting action. During the public meeting, the applicant clarified that the borrow area is not proposed to be relocated. Please see the response to Comment 9 for information regarding borrow area requirements. If members of the public have concerns with stormwater discharges related to landfill activities, they may contact DEQ's 24-hour complaints hotline at 1-800-522-0206, and DEQ will investigate the issue.

Comment(s) received during public meeting – Landfill operation, litter control

- 20. Commenters voiced concern with how the existing landfill is being operated, particularly regarding blowing litter. Commenters asked what would be done to address these issues in the landfill expansion. Another commenter asked who to contact if waste is left uncovered after working hours.**

DEQ Response: The draft permit modification and this response to comments are not intended to address alleged compliance issues with the existing landfill operation. Please see the response to Comment 7 for litter control procedures that are included with this permit modification. DEQ's solid waste compliance personnel conduct routine landfill inspections to monitor compliance with permit requirements and DEQ regulations, including ensuring waste is covered daily and litter is controlled. If members of the public observe environmental concerns, violations of permit requirements, and/or non-compliance with DEQ regulations at any time, DEQ recommends calling the 24-hour complaints hotline at 1-800-522-0206 and the issue will be addressed promptly.

Comment(s) received during public meeting – Buffer zone

- 21. One commenter asked how far away the landfill would be from the adjacent property owner's land.**

DEQ Response: In accordance with OAC 252:515-19-38, municipal solid waste landfills must maintain a waste-free buffer zone of at least 100 feet between waste disposal areas and adjacent properties. The proposed landfill expansion area is designed with buffer zones exceeding the 100-foot requirement.

Comment(s) received during public meeting – Subsurface conditions, groundwater monitoring

- 22. One commenter asked about subsurface conditions, depth to groundwater, and the groundwater monitoring network for the landfill.**

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DEQ Response: The Application includes the results of the subsurface investigation, including a description of the site hydrogeology, the results of the 12-month groundwater study and establishment of the highest groundwater contour, and designs for a perimeter groundwater monitoring system. The groundwater monitoring network will be installed around the perimeter of the waste disposal area and will monitor groundwater quality in the uppermost aquifer. This information can be found in Volume 2, Appendix E and Appendix F of the Application and meets the requirements of OAC 252:515 Subchapters 7 and 9.

Comment(s) received during public meeting – Location restrictions

- 23. Commenters asked whether the proximity of the landfill expansion to a nearby church was taken into consideration with this permitting action.**

DEQ Response: The Application meets all the siting criteria set out by OAC 252:515-5-31, 32, 51, and 52. Please see DEQ's response to Comment 7 regarding the applicability of public recreation and preservation areas.

Comment(s) received during public meeting – Groundwater separation, well logs

- 24. One commenter asked what information is used to determine the highest groundwater elevation and the five-foot separation requirement. The commenter asked if oil and gas drilling logs and other historical or offsite data would be useful in characterizing subsurface conditions.**

DEQ Response: As part of the subsurface investigation and groundwater study required by OAC 252:515 Subchapter 7, the applicant drilled and logged borings across the expansion area, installed piezometers, and monitored groundwater levels for 12 months. The highest measured groundwater elevation collected at each borehole, monitoring well, or piezometer in the expansion area was used to establish a potentiometric surface to ensure future waste disposal areas will be designed with at least five feet of separation in accordance with OAC 252:515-11-3. Landfills are not required to use offsite well log data or other historical oil and gas drilling logs to characterize subsurface conditions. Please note that the requirement to document wells within 1-2 miles from the disposal area is a separate requirement and is not used for purposes of determining groundwater separation. Please see the response to Comments 1-4 for more discussion on these topics.

Comment(s) received during public meeting – Well logs

- 25. One commenter asked if the Application would need to be updated to include a well located within 1-2 miles from the facility that was installed prior to the date the Application was submitted but was not included in the Application maps.**

DEQ Response: Please see DEQ's response to Comments 1-2.

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Comment(s) received during public meeting – Well setback distances

26. One commenter asked if there were setback distances for nearby water wells.

DEQ Response: Please see DEQ's response to Comments 3-4.