

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Solid Waste Licensing Program

LICENSE TO OPERATE A SOLID WASTE MANAGEMENT SYSTEM

LICENSE NUMBER: **528**

DATE: **February 14, 2013**

NAME OF FACILITY:

**OAKS DISPOSAL LANDFILL
DAWSON COUNTY ROAD 448
GLENDDIVE, MT 59330**

This license authorizes the licensee to operate a Class II Solid Waste Management System on 129.8 acres in the NW ¼ of Section 35, Township 18 North, Range 52 East, M.P.M, Dawson County, Montana. Of the 129.8 acres available for the solid waste management facility, only 23.1 acres will be used for active landfilling activities. The facility is located on private property at Dawson County Road 448, approximately 25 miles northwest of Glendive, Montana. (See Attachment A for facility location and license boundary map)

SIZE BY TONNAGE OR TYPE: **Intermediate (accepts more than 5,000 tons and less than 25,000 tons annually)**

SHORT DESCRIPTION OF SYSTEM: A Class II Solid Waste Management System for the management and disposal of only RCRA-exempt solid waste generated from oilfield exploration and production activities. Wastes are delivered to the site by commercial or private vehicles.

LICENSEE:

**Oaks Disposal Services, LLC
PO Box 592
Glendive, MT 59330**

LANDOWNER:

**Oaks Disposal Services, LLC
PO Box 592
Glendive, MT 59330**

SITE CLASSIFICATION: **Class II Solid Waste Management System**

THIS LICENSE IS BASED ON THE MANAGEMENT OF THE SYSTEM AS APPROVED BY THE DEPARTMENT. THE LICENSEE SHOULD BE AWARE THAT ITS FAILURE TO COMPLY WITH APPLICABLE LAW OR RULE, IN PARTICULAR TITLE 75, CHAPTER 10, PARTS 1 AND 2, MONTANA CODE ANNOTATED, AND ADMINISTRATIVE RULES OF MONTANA TITLE 17, CHAPTER 50, SUB-CHAPTERS 4, 5, AND 10-14, MAY RESULT IN ENFORCEMENT ACTIONS OR LICENSE REVOCATION OR DENIAL OF AN APPLICATION FOR ANNUAL RENEWAL.

 **MD**
HEALTH OFFICER
(License must be validated before it is effective.)


EDWARD A. THAMKE, BUREAU CHIEF
Waste & Underground Tank Management Bureau

MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Permitting and Compliance Division
Waste and Underground Tank Management Bureau
Solid Waste Section

**Response to Public Comments Received for the
Proposed Oaks Disposal Landfill**

February 14, 2013

Mr. Ross Oakland (applicant) of Oaks Disposal, LLC., submitted a solid waste management system license application to the Department of Environmental Quality's (DEQ) Solid Waste Program (SWP) for the licensure of a proposed Class II landfill to manage oilfield solid waste. The proposed landfill is located approximately 25 miles northwest of Glendive, in the NW ¼ of Section 35, Township 18 North, Range 52 East, MPM, Dawson County, Montana. At the present time, the property is used only intermittently for livestock grazing. The proposed landfill will be developed in four separate phases with a total waste disposal capacity of 1,142,000 cubic yards (yds³) over an expected 14-year life.

The Department published an Environmental Assessment (EA) of the proposal on December 21, 2012, and initiated a 30-day public comment period. The SWP received five written comments on the proposed landfill during the public comment period. The comments received that are outside the context of the regulatory purview of the SWP are not addressed in this response. The comments with similar content that are within the context of the proposed action have been combined for the purpose of providing an inclusive response to comparable issues. The response is provided in the context of the proposed license action - that is, whether or not the proposal meets the requirements of the Solid Waste Management laws and rules. If the proposal meets the minimum requirements of the laws and rules, the license must be approved by the Solid Waste Program. However, the Department may require additional license conditions to protect human health and the environment. To that end, the Department's responses to the comments received during the public comment period are organized as follows:

- Traffic Concerns
- Groundwater Quality
- Site Operations and Inspections
- Imported Waste Fees
- Conclusions and Recommendations

Traffic Concerns

Comment:

The increase in truck traffic on the roads will create additional dust, noise, and cause more wear and tear from loaded vehicles. In addition, spill cleanup should be the responsibility of the transporter, not the Dawson County Road Department. The road maintenance plan should be established prior to the opening of the landfill.

Response:

Comment noted. The scope of the Department's EA was to determine whether or not the roads accessing the site were capable of supporting the projected loads, not the potential increase in road maintenance requirements. At the present time, the roads in the area that will be used to access the site by loaded trucks and trailers already routinely support loaded farm and ranch trucks and trailers. While the increase in truck traffic destined for the landfill may impact the surface of the road, the road surface remains capable of supporting loaded trucks. The applicant has worked with the Dawson County Road Department and the Dawson County Commissioners to develop a road use and maintenance plan. The plan requires the implementation of dust control measures as deemed necessary by the road superintendent. In addition, road repairs will be made to correct any damage or deterioration to the road that can be attributed to the increased truck traffic to the facility. Finally, a maximum speed limit of 35 miles per hour will be required on all trucks hauling to and from the landfill.

Comment:

Spill cleanup should be the responsibility of the transporter, not the Dawson County Road Department.

Response:

Comment noted. Individual haulers and hauling contractors are completely liable for expenses and proper clean-up related to accidental spills resulting from hauling materials to and from the facility. Spills that occur during transportation must be reported to the Department's Spill Hotline and all clean-up efforts must be completed in accordance with the state and/or federal requirements.

Groundwater Quality

Comment:

Facility activities will contaminate groundwater and surface water in the area. Baseline testing of neighboring wells should be performed.

Response:

Comment noted. The facility is required to perform groundwater monitoring. Monitoring wells have been installed in the uppermost aquifer within the boundary of the facility. Groundwater samples will be collected to establish the baseline water quality at the facility before wastes are landfilled at the site. The facility will perform groundwater monitoring on a semi-annual basis and report the results of that monitoring to the SWP. The facility will also perform statistical analyses of the monitoring results to detect any potential releases. If a potential release is indicated, the facility is required to perform additional monitoring to verify the presence of contaminants and may be required to install additional monitoring wells. If a release exceeding groundwater protection standards is confirmed, corrective action is required to ensure water quality is restored to below groundwater protection standards at and beyond the point of compliance. These rigorous groundwater monitoring requirements ensure that any release from the facility will be detected and remediated before any impacts to neighboring water users could occur. Because of these on-site monitoring and corrective action requirements, baseline testing of water supply wells near solid waste facilities is not required.

The natural soils at the site consist of loams and sandy loams. Soil characteristics trend toward deep and well-drained with low available water capacity. The facility will follow erosion, drainage control, and sediment Best Management Practices (BMP's). A storm water control berm will be constructed on the northeast

corner of the facility prior to the start of landfilling operations to divert run-on away from active areas. The berm will be maintained until the pit reaches grade and the landfill is capped. All storm water from the active landfill operation will remain in the active area. Additional BMP's including the construction of ditches, swales, and berms around the perimeter of the disposal area to divert storm water run-on away from the active landfill unit so that surface runoff may discharge naturally off-site, and the establishment and maintenance of vegetation on closed areas and soil stockpiles. Thus, no surface water impacts are anticipated due to the implementation of the BMPs during the proposed operations.

Site Operations and Inspections

Comment:

The facility and the Department need to ensure that no combination of wastes managed at the facility will create a public or environmental health hazard.

Response:

Comment noted. The facility will accept only RCRA-exempt non-hazardous solid waste generated by oil and gas exploration and production activities. Waste generators will provide the facility the results of independent third-party characterization to ensure that wastes delivered to the site do not exceed 5% total petroleum hydrocarbons, do not contain free liquids, and concentrations of Ra-226, Ra-228, and Pb-210 do not exceed 30 picocuries per gram. The facility will maintain records of incoming wastes. If hazardous wastes are discovered at the scale, or if the results of on-site radiation monitoring indicate that radiation levels in the waste exceed twice the natural background concentration at the landfill, the facility will reject the load and instruct the customer to dispose of it at an appropriate facility. The facility operator will notify DEQ's Solid Waste Program within 24-hours when prohibited wastes are discovered or loads are rejected during waste screening activities at the facility.

Comment:

The Department should allow the area residents to assist the state and monitor the site for compliance.

Response:

Comment noted. The Department is responsible for the inspection of each licensed solid waste management facility in the state. The Department places no expectations on nor gives any authority to local residents to perform inspections or to ensure that facility operations are conducted in accordance with the laws and rules. When members of the community have a concern about operations at licensed facilities, they typically contact the Department to determine whether there is a cause for concern or they file a complaint. Complaints for licensed facilities are followed up by Department staff, not by local residents or by county environmental health authorities. However, local county environmental health authorities do have a right to inspect facilities as a result of a complaint if they are the first to receive such a complaint.

Imported Waste Fees

Comment:

If the facility imports waste materials from neighboring oil and gas producing states, how does the imported waste fee rule apply to this private facility?

Response:

Comment noted. The facility may accept out-of-state wastes and is required to pay the imported waste tonnage fee to the Department on a quarterly basis. The facility must maintain records of all wastes managed at the facility, including information on wastes imported from out-of-state. This information must be reported to the Department.

Conclusions and Recommendations

The Department's Solid Waste Program believes it has thoroughly reviewed the permit application and supplemental materials from the applicant for licensure of the proposed facility. The Solid Waste Program has determined that the Oaks Disposal Landfill license application and all supporting documents meet the minimum requirements of the Solid Waste Management laws and rules. The Solid Waste Program has also reviewed and analyzed all written comments provided during the public comment period, as documented herein.

Based on the review of all the materials and comments submitted, the Solid Waste Program believes that a license that meets the requirements of the laws and rules for solid waste management and is protective of human health and the environment can be issued for the Oaks Disposal Landfill. The license application and all supporting documents are approved. The Solid Waste Program will issue the Class II Solid Waste Management System license for the Oaks Disposal Landfill. The Solid Waste Program will inspect the site to ensure that all systems required for site operation and monitoring are in place and functional prior to the start-up of facility operations.

Attachment A

SOLID WASTE LICENSE NO. 528 OAKS DISPOSAL LANDFILL SITE LOCATION AND FACILITY LICENSE BOUNDARY

