



SCOTT A. THOMPSON  
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT  
Governor

January 3, 2020

Mr. Todd Ray, President  
Miller Environmental Transfer, LLC  
4231 S. Elwood Ave  
Tulsa, OK 74107

Re: Technical Review Complete – Draft Permit Proposed  
Tier III Permit Application – New Non-Hazardous Industrial Waste Processing Facility  
Miller Environmental Transfer, LLC  
Material Processing Facility  
Tulsa County

Dear Mr. Ray:

The Oklahoma Department of Environmental Quality (DEQ) received a Tier III permit application from Miller Environmental Transfer, LLC (Miller) for the construction of a new non-hazardous industrial waste (NHIW) processing facility on February 20, 2019 with supplemental information submitted on February 28, 2019 and March 5, 2019. Pursuant to 27A O.S. § 2-14-301(A), the application Notice of Filing was published in the *Tulsa World*, Tulsa, Oklahoma, on March 4, 2019. No request for a process meeting was received.

DEQ inspected the proposed facility site on May 30, 2019 and found the site to be as depicted in the application.

On May 30, 2019, DEQ issued an Administrative Notice of Deficiency (NOD) to Miller. On July 12, 2019, by email, DEQ received the Response to NOD. Supplemental information was received by email on September 11, 2019.

DEQ determined the application to be administratively complete on September 13, 2019. Pursuant to Oklahoma Administrative Code (OAC) 252:4-7-8, the Solid Waste Permitting Unit conducted a technical completeness review with respect to the application and inspection. DEQ now finds your application to be technically complete.

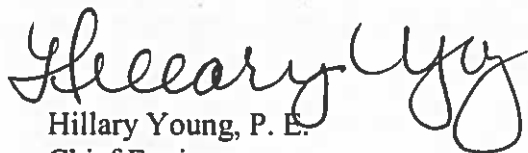
Enclosed is a copy of the Draft Permit for your review, together with instructions for the preparation, publication and certification of the legal notice as required with all Tier III applications. As noted in the instructions, please submit a draft of the legal notice to DEQ for review, prior to publication.



Mr. Todd Ray, President  
Miller Environmental Transfer, LLC  
January 3, 2020  
Page 2 of 2

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

Sincerely,

A handwritten signature in black ink that reads "Hillary Young". The signature is written in a cursive, flowing style.

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

HY/ckh

cc: Tom Blachly, Apex Companies, LLC

# SOLID WASTE DRAFT PERMIT

The Department of Environmental Quality hereby approves the following permit:

**Permit Number:** New  
**Permittee:** Miller Environmental Transfer, LLC  
**Facility:** Material Processing Facility  
**Facility Type:** Non-Hazardous Industrial Waste Processing Facility  
**County:** Tulsa County  
**Expiration Date:** Upon Department of Environmental Quality Approval of Final Closure

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Miller Environmental Transfer, LLC, having complied with the requirements of the law, is hereby granted permission to construct and operate a Non-Hazardous Industrial Waste (NHIW) Processing Facility at a leased location in Tulsa County, Oklahoma. The property owner is Miller Investments & Properties and Investments, LLC. The lease terminates on December 31, 2028 or may be terminated at any time by either party with a ninety (90) day written notice. The proposed Material Processing Facility (MPF) will be located at 3800 S. Elwood Ave, Tulsa, Oklahoma on approximately 10.21 acres.

The MPF will accept, store and process NHIW for disposal. No hazardous waste will be processed at the MPF. The processed NHIW will be transferred to a permitted municipal waste combustor or a municipal solid waste landfill for final disposal.

Waste materials will be delivered to the MPF by licensed waste haulers by either truck or railcar, in both bulk and non-bulk forms, and will consist only of NHIW in either liquid, semi-solid or solid forms. It is the responsibility of the waste generator to properly package and label the NHIW in accordance with all state and federal guidelines. Lab testing of incoming waste will be conducted to assure it meets the facility acceptance criteria. Incoming waste materials will be processed using one or more of the following operations: (1) Blending; (2) Repackaging; (3) Volume reduction; (4) Oil removal; (5) Neutralization; (6) Solids removal; (7) Filtration; (8) Solidification; and (9) Shredding. All wastes are maintained inside a fully enclosed process building until processing.

The maximum total waste processed per day is estimated to be 300 tons solid material and 100,000 gallons of NHIW wastewater. No salvage operations will be performed at the MPF. Wastewater from the MPF is discharged into the City of Tulsa Publically Owned Treatment Works (POTW). Stormwater from upgradient locations will be channeled around the processing area through grading and curbing then routed via drainage ditches to a designated outfall.

# SOLID WASTE DRAFT PERMIT (continued)

## Site Permit Boundary Legal Description

Beginning W24.75' NEC, SE/4, SE/4 of SEC 23-T19N-R12E TH W1291.30' TH S72.11' TH SW12.13' TH S473.42' TH SE272.45' TH NELY ON CRV 407.53' TH NE213.30' TH ELY ON CRV140.49' TH N358.39' TH E635' TH N100' POB, containing 10.21 acres.

**Incorporation by Reference:** The application was submitted to the Land Protection Division on February 20, 2019 with supplemental information submitted on February 28, 2019, March 5, 2019, July 12, 2019, and September 11, 2019.

This Permit is based on data, design criteria, plans and specifications presented in the Miller Environmental Transfer, LLC application, as revised and supplemented, which are hereby approved by the Oklahoma Department of Environmental Quality and incorporated by reference herein. Any inaccuracies found in the application or supporting documentation may provide cause for potential enforcement action against Miller Environmental Transfer, LLC and/or the modification or revocation of this permit.

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, Chapter 252 (OAC) of the Oklahoma Department of Environmental Quality. It sets forth conditions and requirements for the construction, operation, maintenance, closure and financial assurance obligations of the Miller Environmental Transfer, LLC NHIW processing facility.

The Permittee is allowed to accept, manage and process NHIW, as defined in 27A O.S. § 2-10-103 and OAC 252:515 Appendix F, in accordance with the conditions of this Permit. The storage, treatment, and/or disposal of wastes not authorized in this Permit is prohibited. Any receipt, storage or disposal of any weight or volume of hazardous waste is strictly prohibited.

This Permit may be further modified, revoked and reissued, or terminated for cause as specified in 27A O.S. § 2-3-502 and OAC 252:4. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any Permit Condition or any other law providing for protection of public health or the environment from an imminent or substantial endangerment.

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.

# SOLID WASTE DRAFT PERMIT (continued)

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 decision of that court or the application of such provision to other circumstances and the remainder of this Permit shall not be affected thereby.

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**The permittee is authorized to operate in conformity with the application submitted to the Land Protection Division on February 20, 2019 with supplemental information submitted on February 28, 2019, March 5, 2019, July 12, 2019, and September 11, 2019. 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  
Director  
Land Protection Division

Date: \_\_\_\_\_

\_\_\_\_\_  
Scott A. Thompson  
Executive Director  
Department of Environmental Quality

Date: \_\_\_\_\_

# TABLE OF CONTENTS

A. PERMIT SUMMARY .....	1
B. SITING CRITERIA AND LOCATION RESTRICTIONS.....	2
C. GENERAL CONDITIONS.....	2
D. CONSTRUCTION CONDITIONS .....	6
E. OPERATING CONDITIONS .....	6
F. REQUIRED NOTICES .....	7
G. CLOSURE CONDITIONS .....	9
H. FINANCIAL ASSURANCE.....	10

**A. PERMIT SUMMARY**

- 1. Name of Site:** Material Processing Facility (MPF)
- 2. Type of Site:** Non-Hazardous Industrial Waste Processing Facility
- 3. Name of Applicant, Applicant Representative and Applicant Address:**  
Miller Environmental Transfer, LLC  
Todd Ray, President  
4231 S. Elwood Ave.  
Tulsa, Oklahoma 74107
- 4. Map and Street Location of Site**  
Material Processing Facility  
3800 South Elwood Ave.  
Tulsa, Oklahoma 74107  
Tulsa County, Oklahoma
- 5. Type of Waste(s) to be Accepted:** Non-Hazardous Industrial Waste (NHIW) as defined in 27A O.S. § 2-10-103 and OAC 252:515 Appendix F
- 6. Source(s) of Waste:** Industrial manufacturing facilities and some municipality and/or county departments, but not the general public
- 7. Estimated Volume of NHIW to be Received:** The maximum total waste processed per day is estimated to be 300 tons solid material and 100,000 gallons of NHIW wastewater
- 8. Population or Population Equivalent to be Served:** 136,364 persons
- 9. Number of Acres in Permitted Boundary:** Approximately 10.21 acres
- 10. Estimated Active Life of Site Prior to Final Closure:** This Permit shall continue in effect until DEQ approves the final closure. The active life of site may also be influenced or determined by other permits issued to MPF or the Lessor.
- 11. Buffer Zone:** A 50 foot waste-free buffer zone shall be maintained between the waste handling areas and the permit boundary.
- 12. Legal right to property:** Miller Environmental Transfer, LLC operates on a current lease agreement, which expires on December 31, 2028, which is granted by the landowner, Miller Investments & Properties and Investments, LLC, to establish and operate a NHIW processing facility.

**B. SITING CRITERIA AND LOCATION RESTRICTIONS**

1. **100-Year Flood Plain:** The processing facility acreage is not contained within the 100-year flood plain; however, the entrance from South Elwood Avenue and the driveway into the facility are located within the 100-year floodplain. No waste shall be stored or processed in that area. The Federal Emergency Management Agency Flood Insurance Rate Map was used to determine the 100-year flood level and boundaries.
2. **Scenic rivers:** No area within the permit boundary is located within the drainage basin of any river designated under the Oklahoma Scenic Rivers Commission Act.
3. **Recreation/preservation areas:** The facility is located within one half mile of an area dedicated and managed for public recreation or natural preservation by a federal, state, or local government agency. Tulsa's West Bank Soccer Complex is less than one-half mile from the permit boundary of MPF and is owned by the River Parks Authority. The River Parks Authority is an Oklahoma Public Trust. A letter from the River Parks Authority stating that MPF is not expected to adversely affect the existing recreation or natural preservation area is included in the application.
4. **Endangered or threatened species:** The Oklahoma Department of Wildlife Conservation reviewed the location of the facility and determined no critical habitats are within the MPF area. The Oklahoma Biological Survey did not request a mitigation plan. The processing building is existing and the parking lot and drive are paved. MPF will implement conservation measures to minimize potential impacts to migratory nesting birds if they are determined to be within the permit boundary.
5. **Public Water Supply:** No public water supply intakes (existing or permitted) are documented by the Oklahoma Water Resources Board within one mile of the facility. No public water wells are documented within two miles of the facility.
6. **Wetlands:** No wetlands were identified by the US Army Corps of Engineers within the proposed permit boundary.

**C. GENERAL CONDITIONS**

1. **Duty to Comply:** MPF 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, including referenced provisions of the Oklahoma Administrative Code (OAC) 252:515 Management of Solid Waste (Rules), 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:** MPF shall apply for a permit modification when such application is required by Oklahoma Administrative Code 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:** MPF 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:** MPF shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by MPF. 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:** MPF 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.

MPF 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:** OAC 252:515-3-34(c) requires the lessor, Miller Investments & Properties and Investments, LLC, to execute a temporary easement 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 Miller Environmental Transfer, LLC (lessee). If a modification of the permit boundary of the facility is required by MPF, the temporary easement must be updated and submitted with the application for a permit modification.
8. **Air Criteria:** MPF shall ensure that it does not violate any applicable requirements of the Oklahoma Clean Air Act, as amended, or rules promulgated thereunder. MPF shall adhere to all applicable requirements in OAC 252:100. The burning of any waste at this facility is prohibited.
9. **Inspection and Entry:** MPF 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, transportation, waste storage, waste processing and waste management operations; and

**Miller Environmental Transfer, LLC**

**Draft Permit**

**Page 4**

- d. Sample or monitor, for the purpose of assuring compliance with this permit, any substances or parameters at any location.

**10. Laboratory Analysis:** Samples and measurements shall be taken for the purpose of waste acceptance and fingerprinting. An on-site laboratory will be maintained on-site to fingerprint the arriving waste. If the waste exhibits a hazardous waste characteristic it will be rejected in accordance with the Waste Exclusion Plan.

**11. Records:** MPF shall keep on file this permit, the permit application, all modifications to this permit, all modification applications for this permit and copies of all:

- a. Other permits issued by city, county, state and federal agencies;
- b. As-built facility construction plans, drawings and specifications;
- c. Repair and maintenance records;
- d. All calibration and monitoring data if monitoring is required;
- e. A daily log to record operational information, including the quantity of NHIW received and the quantity of NHIW shipped off-site for disposal;
- f. All training records including types of training required, all training received, duration of training, and continuing training;
- g. Reports filed with DEQ; and
- h. Closure records.

**12. Reporting Requirements:** MPF shall give notice to DEQ as soon as possible of any planned physical alterations or additions to the permitted facility and of any planned changes in the permit or activity that may result in noncompliance with permit requirements. In the event that MPF 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 an enforcement action and for the 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

- 13. Obligation to Provide Financial Assurance:** OAC 252:515 requires MPF to establish and maintain financial assurance. MPF shall ensure financial assurance mechanisms are funded in the appropriate amount based on approved cost estimates.
- 14. Renewal of lease:** MPF shall submit to DEQ a copy of the current lease, when renewed or modified. If the terms of the lease are modified between MPF and Miller Investments & Properties and Investments, LLC, DEQ may determine cause exists for modifying the Permit. Should the lease agreement not be renewed and the lease becomes null and void, MPF shall immediately notify DEQ and suspend operations or commence closure activities.
- 15. Transfer of Permit:** This permit may not be transferred to any other person except after notice to and approval of DEQ. No transfer will be approved until the applicant complies with all transfer requirements in OAC 252:4 and 515.
- 16. Corrective Action Requirement:** MPF shall conduct corrective action if inspection of the site indicates the potential for or actual release of contaminants into the environment.
- 17. Duration of Permit:** OAC 252:515-3-5(a) mandates the duration of this permit is for the life of the facility.
- 18. Cessation of Operations:** If MPF 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.
- 19. Suspension of Operations:** If MPF suspends development or operations of the facility, MPF must, in accordance with OAC 252:515-3-5(d):
  - a. Provide prior written notice to DEQ of the intent to suspend development or operations;
  - b. Suspension of development or operations beyond one year in duration requires DEQ approval and annual renewal;
  - c. If site development or operations remain suspended for more than one year, without DEQ approval to continue suspension, perform closure activities in accordance with the approved closure plans; and
  - d. Post full financial assurance in accordance with OAC 252:515-27 and the approved cost estimates.
- 20. Resuming Operations:** If MPF ceases 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.
- 21. Consent to Conditions:** Commencing construction and operation under this permit will constitute consent to all permit conditions.

**D. CONSTRUCTION CONDITIONS**

- 1. Construction Authorization:** MPF shall be constructed in accordance with the data, design criteria, plans, and specifications in the permit application, the Act and Rules and the specific conditions set forth in this permit for individual components of construction.
- 2. Construction of Surface Water and Runoff Controls:** MPF shall construct and maintain the site as specified in the permit application. MPF will not store or process uncovered NHIW outside of the enclosed processing building to minimize contact of surface water drainage and runoff.
- 3. Certification of Construction:** MPF shall submit to DEQ, by certified mail or hand delivery, a letter certifying that the facility is constructed in accordance with the approved plans and specifications.
- 4. 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.
- 5. Operation of NHIW Processing Facility:** MPF shall not accept waste or commence operation of the NHIW processing facility until DEQ provides written confirmation of an acceptance of the certificate of construction and approves MPF to accept waste.

**E. OPERATING CONDITIONS**

1. MPF shall be authorized to operate 24 hours per day, 6 days per week, every week of the year.
- 2. OAC 252:515-19-31 (Prohibited wastes):** Any acceptance, storage, treatment, and/or disposal of wastes not authorized in this Permit is prohibited, except as approved by DEQ.
- 3. OAC 252:515-19-32 (Public access control):** MPF is surrounded by a six-foot high fence with three strands of barbed wire on top. Locking driveway gates prohibit unauthorized access to the facility. The processing building and office will be locked during non-operating hours.
- 4. OAC 252:515-19-33 (Measuring waste):** All waste received at MPF shall be measured with an on-site scale, recorded in the operating record, and made available to DEQ upon request. The scales shall be tested and certified annually in accordance with the requirements of the Oklahoma Department of Agriculture, Food, and Forestry.
- 5. OAC 252:515-19-37 (Disease vector control):** MPF shall control disease vectors by applying sprays and setting traps. If MPF chooses to spray a pesticide, MPF shall use techniques appropriate for the protection of human health and the environment to prevent any pesticides from contacting stormwater and leaving the facility.

6. **OAC 252:515-19-38 (Placement of waste):** MPF shall not allow discharge of any water from the facility that has contacted NHIW. MPF shall maintain a fifty (50) feet buffer zone between all waste processing and/or handling areas and adjacent property.
7. **OAC 252:515-19-39 (Salvage and recycling):** MPF is prohibited from salvage and recycling any portion of the NHIW without an approved Salvage and Recycling Plan.
8. **OAC 252:515-19-40 (Recordkeeping and reporting):** MPF shall maintain the approved operating plan, and all operating records concerning the planning, construction, operation and closing of the facility. MPF shall maintain all records required by OAC 252:515 until the post-closure monitoring period, if necessary, is terminated.
9. **OAC 252:515-19-91 (Processing time for putrescible waste):** MPF shall process any putrescible NHIW within 24 hours of acceptance of that waste.
10. **OAC 252:515-19-93 (Residue management):** MPF shall appropriately characterize as hazardous or non-hazardous all processed waste and residues produced by the facility and dispose of them in a properly permitted disposal facility.
11. **OAC 252:515-31-1 (NHIW management applicability):** If MPF generates and disposes of more than 10 cubic yards of NHIW per calendar month then:
  - a. For each NHIW generated by MPF to be disposed in an Oklahoma solid waste disposal facility, MPF shall submit a certification to DEQ that the NHIW is not a hazardous waste.
  - b. The certification shall be made in accordance with Appendix G of OAC 252:515, or contain equivalent information.
  - c. In the event the NHIW generating process or resultant wastestream changes, MPF shall immediately notify DEQ of such change and update the appropriate certification.
  - d. DEQ may require MPF to provide documentation in support of the certification. Such documentation may include, but not be limited to, laboratory analysis, material safety data sheets, or additional information regarding the wastestream or generation process.
  - e. The provisions of this permit condition do not relieve MPR from the requirements of 40 CFR 262.11 or any other State or Federal laws, rules, or regulations.

**F. REQUIRED NOTICES**

1. **OAC 252:515-29-3(e) (Notification of rejected waste):**
  - a. DEQ shall be notified by the end of the next working day of: (A) any waste identified and rejected prior to receipt as a prohibited waste; or (B) any load identified and rejected at the gate, during random inspections, or upon disposal at the working face, as a prohibited waste.

- b. Such notification shall describe the reason for rejection and include: (A) the date of rejection; (B) the name, address, phone number and contact person of the waste generator when such data can be obtained; and/or (C) the name of driver, tag number of the vehicle, carrier name, address, telephone number and contact person when such data can be obtained.

## **2. Twenty-Four Hour Reporting**

MPF shall report to DEQ any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time MPF 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. Any information of a release or discharge of NHIW, or of a fire or explosion at the facility which could threaten the environment or human health outside the facility.
- c. The description of the occurrence and its cause shall include:
  - 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 be submitted to DEQ within five (5) days of the time MPF becomes aware of the incident. The written report shall contain a description of the situation and the cause; the period(s) of the situation (including exact dates and times); whether the situation has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the situations. MPF may request DEQ to extend the five-day written notice requirement in favor of a written report within 15 days.

## **G. CLOSURE CONDITIONS**

MPF shall close the facility in accordance with the approved closure plan and in a manner that minimizes or eliminates the need for further maintenance and controls.

### **1. Closure Cost Estimates**

MPF shall adjust the closure cost estimates no later than April 9th of each year unless instructed otherwise by DEQ. MPF must submit the adjustment to DEQ for approval no later than April 9th of each year unless instructed otherwise by DEQ.

- a. If there are no significant changes to the closure plan or facility conditions, closure cost estimates may be adjusted by use of an inflation factor in accordance with OAC 252:515-27-34(a)(2); or
- b. Increase the closure cost estimates 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. An updated worksheet containing the tasks and associated unit costs shall be submitted with the increased closure cost estimates.
- c. A reduction of the closure cost estimate and the amount of financial assurance required may be approved by DEQ if:
  - i. A part of the closure plan has been completed and approved by DEQ; or
  - ii. The cost estimate must be demonstrated to exceed the maximum cost of closure during the remaining life of the facility.

### **2. Closure Plan**

OAC 252:515-25-2 requires MPF to maintain an approved closure plan for the facility. The Closure Plan contained in the application and the regulations contained in OAC 252:515-25 will be followed for clean closure of the NHIW processing facility.

MPF shall follow the timelines below for notifications and certifications of closure to be submitted to DEQ:

- a. MPF shall give notification to DEQ at least thirty (30) days prior to closure of the facility.
- b. Closure activities shall start within ninety (90) days after receiving the last shipment of NHIW at the facility or upon DEQ approval of closure;
- c. Closure activities shall be completed according to the approved Closure Plan within one hundred eighty (180) days after closure activities are initiated;
- d. Certification of final closure: Within sixty (60) days after the completion of final closure for the entire site, MPF shall submit to DEQ a notarized statement signed by an authorized representative of MPF, 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 all applicable Rules.

- e. Closure approval: Final closure of the site must be in accordance with this permit, the approved Closure Plan, and regulatory requirements and must be approved in writing by DEQ.

If MPF proposes to alter the closure plan as set forth in the relevant sections of the application, MPF shall notify DEQ prior to altering the closure plan and shall apply for a permit modification.

If DEQ finds that MPF cannot clean - close the facility, DEQ shall require MPF to enter into post-closure care. DEQ must approve the final closure of MPF before the post-closure period can begin.

#### **H. FINANCIAL ASSURANCE**

1. Financial assurance shall be established for the performance cost of closure, and/or post-closure and corrective action if required by DEQ.
2. MPF shall establish financial assurance prior to the initial receipt of waste in accordance with OAC 252:515-27-2(a). MPF shall maintain financial assurance continuously until released from the requirement to maintain such assurance by demonstrating compliance with items (1) and (2) of OAC 252:515-27-3.