



FILE COPY

August 15, 2023

Mr. Michael Meriwether, General Manager
Clean Harbors Lone Mountain, LLC
40355 S. County Road 236
Waynoka, Oklahoma 73860-6302

**RE: Class 3 Tier III Permit Modification Request for Proposed Land Addition
Clean Harbors Lone Mountain, LLC
EPA ID No. OKD065438376, RCRA Permit No. 3547005**

Dear Mr. Meriwether:

On May 13, 2022, the Land Protection Division of the Department of Environmental Quality (DEQ) received a Class 3, Tier III permit modification request dated May 6, 2022, from Clean Harbors Lone Mountain, LLC (CHLM). The modification request is for an expansion of the CHLM facility permit boundary. DEQ requested additional information in correspondence dated September 8, 2022, and February 7, 2023. CHLM submitted a response to DEQ's comments in correspondence dated October 12, 2022, and April 7, 2023, respectively.

DEQ found the modification request to be technically complete and provided a preliminary courtesy draft of the modification to CHLM in correspondence dated July 7, 2023, along with suggested language for the public notices that will be published and broadcast. No comments were received on the courtesy draft.

DEQ has enclosed a Draft Class 3 Tier III Permit Modification for public review and comment. Also enclosed are the newspaper and radio notices to be published and broadcast. CHLM is required to publish notice of opportunity to comment and request a public meeting on the Draft Permit Modification in at least one (1) local newspaper of general circulation. Concurrently, a notice should be broadcast on a local radio station. These notices will announce the opening of a forty-five (45) day comment period.

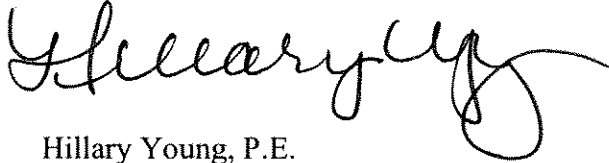
A fact sheet is also included for public information. Please ensure that a copy of the Draft Permit Modification and fact sheet is made available at the Fairview Public Library; a copy will also be available at the DEQ office and on DEQ's website at <https://www.deq.ok.gov/land-protection-division/permit-public-participation-process/>. CHLM must also send a notice of the draft permit modification to all persons on the facility mailing list as specified in 40 CFR 124.10(c)(1)(ix).

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If you have any questions regarding this correspondence, please contact Brigette Haley of my staff at 405-702-5104 or brigette.haley@deq.ok.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Hillary Young", with a large, stylized flourish at the end.

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

Enclosures: Draft Permit Modification
Fact Sheet
Radio Notice Language
Newspaper Notice Language

cc: Harry Shah, US EPA Region 6 (6LCR-RP)

DRAFT HAZARDOUS WASTE PERMIT MODIFICATION

The Oklahoma Department of Environmental Quality (DEQ) hereby approves the following modification:

Permit Number: 3547005
Permittee: Clean Harbors Lone Mountain, LLC
Facility: Clean Harbors Lone Mountain, LLC
Facility Type: Hazardous Waste Treatment, Storage and Disposal Facility
County: Major

Modification:

Modify the permit to authorize a lateral expansion of the existing permit boundary. The proposed expansion area includes 720 acres of undeveloped ranch land located adjacent to the west side of the existing facility. The land is currently owned by Clean Harbors Lone Mountain, LLC. The boundary expansion is classified as a Class 3 Tier III permit modification in accordance with Title 40 of the Code of Federal Regulations (40 C.F.R.) § 270.42 and Oklahoma Administrative Code 252:4-7-54(3).

Incorporated by Reference:

The Class 3 Tier III Permit Modification Application ("Application"), dated May 6, 2022, followed by additional information and revisions dated October 12, 2022, and April 7, 2023, submitted by Clean Harbors Lone Mountain, LLC, inclusive of the following appendices:

- A. RCRA Part A
- B. Flood Plain Review
- C. US Fish and Wildlife Service IPAC
- D. Seismic Study
- E. Boring Logs
- F. Soils Testing Reports
- G. USDA Soil Survey
- H. Groundwater Measurements and Graphs
- I. Proposed Landfill Cell Design
- J. Oklahoma State University Department of Geology Review and X-Ray Diffraction Test Results

Conditions:

1. This permit modification is based on data, design criteria, plans, and specifications presented in the documents incorporated by reference. Any inaccuracies found in the Application or supporting documentation may provide cause for potential enforcement action against Clean Harbors Lone Mountain, LLC, and the amendment, modification, or revocation of this permit modification.
2. Clean Harbors Lone Mountain, LLC must comply with all the applicable parts of Title 40 of the Code of Federal Regulations, the Oklahoma Hazardous Waste Management Act and the rules and regulations promulgated thereunder, and all conditions of the Hazardous Waste Operations Permit. Any noncompliance constitutes a violation of the Hazardous Waste Permit and is grounds for enforcement action, including: permit modification, administrative civil penalties, suspension or revocation, and denial of a pending permit modification application.

DRAFT HAZARDOUS WASTE PERMIT MODIFICATION

- Clean Harbors Lone Mountain, LLC must submit a Class 3, Tier III permit modification request to DEQ for facility expansion which must be approved prior to commencing any construction within the boundary expansion area.

The permittee is authorized to operate in conformity with the documents incorporated by reference. Commencing operations under this modification 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: _____

Scott A. Thompson
Executive Director
Oklahoma Department of Environmental Quality

Date: _____

CLEAN HARBORS LONE MOUNTAIN

FACT SHEET

Potential Permit Conditions for a Tier III Modification of a Resource Conservation and Recovery Act (RCRA) Operations Permit.

Type of Proposed Action: Class 3, Tier III Modification of RCRA Operations Permit.

Type of Facility: Hazardous Waste Treatment, Storage and Disposal Facility.

Facility Name: Clean Harbors Lone Mountain, LLC.

EPA ID Number: OKD065438376

Location: 40355 South County Road 236, Waynoka, OK 73860

Legal Description: The South Half (S/2) of Section 28, the North Half (N/2) of Section 33, the North Half (N/2), Southeast Quarter (SE/4) of Section 33, Township 23N, Range 15W, Indian Meridian.

Geographic Location: Latitude: 36° 25' 44.832" North
Longitude: 98° 48' 01.008" West

Land Owner: Clean Harbors Lone Mountain, LLC
40355 South County Road 236
Waynoka, OK 73860

Facility Operator: Clean Harbors Lone Mountain, LLC
40355 South County Road 236
Waynoka, OK 73860
(580) 697-3500

Comment Period: 45 days from the date of publication

Basis of the Draft Permit Modification

On May 13, 2022, the Oklahoma Department of Environmental Quality’s (DEQ) Land Protection Division received a Class 3, Tier III RCRA Permit modification request dated May 6, 2022, from Clean Harbors Lone Mountain, LLC (CHLM) for an expansion of the CHLM Permit boundary. Additional information was submitted on October 12, 2022, and April 7, 2023. After review, DEQ has determined that it is appropriate to tentatively approve the modification request and issue a Draft Permit Modification for public review and comment.

The basic requirements of the Oklahoma Hazardous Waste Management Act (27A O.S. §§ 2-7-101 through 2-7-134), the Oklahoma Administrative Code Hazardous Waste Management Regulations (OAC 252:205) as amended, the Federal Resource Conservation and Recovery Act (RCRA), and the Federal Hazardous Waste Regulations have been met, and DEQ has prepared the Draft Permit Modification.

The Draft Permit Modification was prepared by DEQ and incorporates applicable conditions from OAC 252:205 and Title 40 of the Code of Federal Regulations (40 C.F.R.) Part 270, and other such conditions as are required to achieve environmentally sound hazardous waste management.

The administrative record supporting the potential Permit modification conditions consists of the Class 3 Tier III Permit Modification Application, additional supporting documentation, the Draft Permit

Modification and this Fact Sheet. The administrative record will be supplemented with any comments received during the public comment period.

Information Resources

Copies of the Draft Permit Modification, this Fact Sheet, and the Class 3, Tier III Permit Modification Application are available for review during normal business hours at the locations listed below:

Fairview City Library
115 S 6th Ave
Fairview, OK 73737
(580) 227-2190

Central Records
Oklahoma Department of Environmental Quality
707 North Robinson
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677
(405) 702-1188

DEQ Website: <https://www.deq.ok.gov/land-protection-division/permit-public-participation-process/>

Telephone inquiries may be directed to:

Hillary Young, Chief Engineer
Land Protection Division, DEQ (405) 702-5100

Michael Meriwether, Facility General Manager
Clean Harbors Lone Mountain, LLC, (580) 697-3500

Comment Period and Procedures

Persons wishing to comment on the Draft Permit Modification may submit their comments in writing to the agency at the address listed below. DEQ will consider and formally respond to all relevant comments in the issuance of a proposed Permit modification. Comments should be directed to the appropriateness of the permit modification decision and the permit modification conditions and should be of a factual nature. All comments must be received at the agency no later than forty-five (45) days after publication of notice of the Draft Permit Modification. Comments should be directed to:

Hillary Young
Chief Engineer
Land Protection Division
Oklahoma Department of Environmental Quality
707 North Robinson
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

The applicable comment and public hearing procedures may be found in OAC 252:4 and 40 C.F.R. Part 124. The comment period during which written comments on the Draft Permit Modification may be

submitted extends for forty-five (45) days from the date of Notice of the proposed action.

Public Meeting

Pursuant to 40 C.F.R. Part 124 and the Uniform Permitting Act, Title 27A of the Oklahoma Statutes, Section 2-14-303, interested parties may request a public meeting on the Draft Permit Modification. The request must be in writing and submitted prior to the closing date of the comment period which expires forty-five (45) days from the date of publication. Persons wishing to request a public meeting should submit their request and/or comments in writing to Hillary Young, Chief Engineer, Land Protection Division at the above address no later than forty-five (45) days after publication.

If no comments are received during the comment period, a proposed Permit Modification will be issued. At that time, notice will be provided offering a 20-day opportunity to request an administrative hearing. The opportunity to request a hearing shall be available to the applicant and any person or qualified interest group who claims to hold a demonstrable environmental interest and who alleges that the construction or operation of the proposed facility or activity would directly and adversely affect such interest.

Notice of Final Determination

DEQ will notify the applicant and each person who has submitted written comments or requested notice of the final Permit modification decision. Within thirty (30) days after a RCRA Permit modification decision has been issued, any person who filed comments on the draft Permit modification or participated in the public meeting/hearing may petition the Executive Director of DEQ to review any condition of the decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period, and when appropriate, a showing that the condition in question is based on a finding of fact or conclusion of law which is clearly erroneous, or an exercise of discretion or important policy consideration which DEQ should review. A petition to DEQ is a prerequisite to judicial review under OAC 252:205-3-2 which incorporates 40 C.F.R. § 124.19 and should be directed to the address listed below:

Scott Thompson, Executive Director
Department of Environmental Quality
707 N. Robinson
Oklahoma City, Oklahoma 73101-1677

Newspaper Notice Text

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
NOTICE OF DRAFT PERMIT MODIFICATION
OF AN EXISTING HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL
FACILITY**

The Oklahoma Department of Environmental Quality (DEQ) has reviewed a Class 3 Tier III permit modification application submitted by Clean Harbors Lone Mountain, LLC, for expanding the permit boundary of its commercial hazardous waste treatment, storage and disposal facility located in the South Half (S/2) of Section 28, the North Half (N/2) of Section 33, the North Half (N/2), Southeast Quarter (SE/4) of Section 33, Township 23 North, Range 15 West, Indian Meridian, Major County, Oklahoma. The street address for the facility is 40355 South County Road 236, Waynoka, OK 73860. DEQ has made a tentative determination to approve the permit modification application and has issued a Draft Permit Modification for public review and comment.

The Draft Permit Modification and its conditions propose that Clean Harbors Lone Mountain modify its permit to authorize a lateral expansion of the existing permit boundary. The proposed expansion area includes 720 acres of undeveloped ranch land located adjacent to the west side of the existing facility. The land is currently owned by Clean Harbors Lone Mountain, LLC. The Permit Modification, if made final, would be issued under the authority of the Oklahoma Hazardous Waste Management Act and the federal Resource Conservation and Recovery Act.

The Application, Draft Permit Modification, Fact Sheet, and related documents may be reviewed during normal business hours at DEQ's Office of Central Records located on the 2nd floor of the DEQ building at 707 North Robinson, P. O. Box 1677, Oklahoma City, OK 73101-1677; the Fairview City Library at 115 South 6th Ave, Fairview, Oklahoma, 73737; and on DEQ's website at <https://www.deq.ok.gov/land-protection-division/permit-public-participation-process/>. The DEQ and Clean Harbors Lone Mountain, LLC contacts are:

Hillary Young, P.E., Chief Engineer
Land Protection Division,
Oklahoma Department of Environmental Quality
P. O. Box 1677
Oklahoma City, Oklahoma 73101-1677
(405) 702-5100

Michael Meriwether, General Manager
Clean Harbors Lone Mountain, LLC
40355 South County Road 236
Waynoka, Oklahoma 73860
(580) 697-3500

Persons wishing to comment on the draft permit modification should submit their comments in writing to DEQ at the above address. Also, any person may request, in writing, a formal public meeting to present written or oral statements and data concerning the draft permit modification. A request for a public meeting must identify the nature of the issues to be raised in the meeting. If DEQ

determines, based on the requests it receives, that there is significant degree of public interest in the draft permit modification, it will schedule a public meeting and provide notice of the date, time and place.

Written comments and requests for a public meeting must be received by DEQ within forty-five (45) days after the date of this publication at the DEQ address given above. More specific information may be obtained by contacting Clean Harbors Lone Mountain, LLC or DEQ at the contacts listed above.

Radio Broadcast Text

Oklahoma Department of Environmental Quality Notice of Draft Permit Modification For a Hazardous Waste Treatment, Storage and Disposal Facility

The Oklahoma Department of Environmental Quality has reviewed a Class 3 Tier III permit modification application submitted by Clean Harbors Lone Mountain, LLC, for expanding the permit boundary of its hazardous waste treatment, storage and disposal facility located in the South Half of Section 28, the North Half of Section 33, the North Half, Southeast Quarter of Section 33, Township 23 North, Range 15 West, Indian Meridian, Major County, Oklahoma. The street address for the facility is 40355 South County Road 236, Waynoka, OK 73860. DEQ has made a tentative determination to approve the permit modification application and has issued a Draft Permit Modification for public review and comment.

The Draft Permit Modification and its conditions propose that Clean Harbors Lone Mountain modifies the permit to authorize a lateral expansion of the existing permit boundary. The proposed expansion area includes 720 acres of undeveloped ranch land located adjacent to the west side of the existing facility. The land is currently owned by Clean Harbors Lone Mountain, LLC. The Permit Modification, if made final, would be issued under the authority of the Oklahoma Hazardous Waste Management Act and the federal Resource Conservation and Recovery Act.

Further information, including the Application, Draft Permit Modification, and a Fact Sheet may be reviewed by visiting the DEQ website at deq.ok.gov. This information may also be reviewed during normal business hours on the second floor of the Oklahoma Department of Environmental Quality building, 707 North Robinson Avenue, Oklahoma City, Oklahoma, telephone number 405-702-1188; and the Fairview City Library at 115 South 6th Ave, Fairview, Oklahoma, telephone number (580) 227-2190.

Persons wishing to comment on the Draft Permit Modification or to request a public meeting should submit their comments or requests in writing to DEQ no later than forty-five (45) days from the date of this broadcast. DEQ's mailing address is P. O. Box 1677, Oklahoma City, Oklahoma, 73101-1677. Comments may also be submitted on DEQ's website at deq.ok.gov.

For further information about this notice, please contact Hillary Young with DEQ at 405-702-5100. That number again is 405-702-5100.