



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

SOLID WASTE PERMIT

The Department of Environmental Quality hereby approves the following permit:

Permit Number: 3552014
Permittee: Evans and Associates Construction Company, Inc.
Facility Name: Big Fork Ranch
CCR Unit Type(s): Landfill
County: Noble

Evans and Associates Construction Company, Inc. (EVANS), having complied with the requirements of the law, is hereby granted permission to operate, maintain, and close the existing CCR Landfill referred to as Big Fork Ranch. Big Fork Ranch is located approximately 8 miles east-northeast of Marland, OK, more particularly described by following legal description: NW/4 of Section 8, Township 24 North, Range 3 East, Noble County. No variances are being proposed as part 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 Oklahoma Administrative Code (OAC) 252 of the Oklahoma Department of Environmental Quality promulgated thereunder. It sets forth conditions and requirements for the construction, operation, maintenance and financial assurance obligations of EVANS.

EVANS is allowed to dispose CCR as defined in OAC 252:517-1-3 in accordance with the conditions of this permit. Any receipt, storage, treatment, and/or disposal of municipal solid waste, non-hazardous industrial solid waste, hazardous waste, or all other wastes not authorized in this permit are 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 EVANS 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.

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.

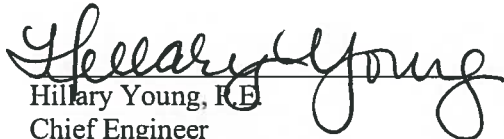


SOLID WASTE PERMIT (Continued)

Incorporated by Reference:

1. CCR Permit Application, submitted by Emera, Corp. under cover letter dated September 13, 2017.
2. Response to Notice of Deficiency, submitted by Emera, Corp. under cover letter dated April 17, 2018.
3. Additional information, including revised MP-6 and narrative page 42, submitted by Emera, Corp. and received by DEQ on July 18, 2018.
4. Disclosure Statement submitted by electronic mail on August 16, 2018.
5. Revised Statistical Method Certification, submitted by Emera, Corp. via electronic mail on October 15, 2018.
6. Revised MP-7A and MP-7B, submitted by Emera, Corp. under cover letter dated March 20, 2019.

Evans and Associates Construction Company, Inc. is authorized to operate in conformity with the application and other items incorporated by reference. Commencing operations under this permit constitutes acceptance of, and consent to, the conditions contained herein.


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

Date: 6-21-2019


Kelly Dixon
Director
Land Protection Division

Date: 6-24-19


Scott A. Thompson
Executive Director
Department of Environmental Quality

Date: 6-25-19

THIS PERMIT IS BASED ON DATA, DESIGN CRITERIA, PLANS, AND SPECIFICATIONS PRESENTED IN THE APPLICATION, AS REVISED AND SUPPLEMENTED, WHICH ARE HEREBY APPROVED BY DEQ AND INCORPORATED BY REFERENCE HEREIN. ANY INACCURACIES FOUND IN THE APPLICATION OR SUPPORTING DOCUMENTATION MAY PROVIDE CAUSE FOR POTENTIAL ENFORCEMENT ACTION AGAINST EVANS AND ASSOCIATES CONSTRUCTION COMPANY, INC. AND/OR THE MODIFICATION OR REVOCATION OF THIS PERMIT.

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A. FACILITY SUMMARY

1. Name of Facility: Big Fork Ranch

2. Name of Applicant, Applicant Representative and Applicant Address:

Evans and Associates Construction Company, Inc.
Mr. Lee Evans – Chairman & CEO
P.O. Box 30
3320 N. 14th
Ponca City, OK 74602

3. Legal Right to Property: Lease from Kaw Land & Cattle Co., Inc.

4. Map Location of Site: Approximately 8 miles east-northeast of Marland, OK. Approximate coordinates of facility entrance: Latitude = 36.57337, Longitude = -97.01468

5. County: Noble

6. Number and Type(s) of CCR Unit(s): Coal Combustion Residuals (CCR) Landfill Cell 3 – 4.2 acres; CCR Landfill Cell 8 – 2.1 acres.

7. Source(s) of CCR: Oklahoma Gas & Electric – Sooner Generating Station in Red Rock, OK.

8. Number of Acres in Permitted Boundary: 50 acres, more or less

B. SITING CRITERIA AND LOCATION RESTRICTIONS

1. Unstable Areas: No CCR units at the Big Fork Ranch are located in an unstable area.

2. 100-year Floodplain: No waste management or disposal areas of the existing CCR units at the Big Fork Ranch are located within the 100-year floodplain as designated by the Flood Insurance Rate Maps obtained through the Federal Emergency Management Agency.

C. DEFINITIONS

All words or terms, when used in this permit, shall have the meaning set forth in the Oklahoma Solid Waste Management Act and Oklahoma Administrative Code 252:517-1-3, unless the context

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clearly indicates otherwise. Any term not defined in the Oklahoma Solid Waste Management Act and Oklahoma Administrative Code (OAC) 252:517-1-3 shall be defined as set forth in OAC 252:517-1-4.

D. GENERAL CONDITIONS

- 1. Duty to Comply:** Evans and Associates Construction Company, Inc. (EVANS) shall comply with the Oklahoma Solid Waste Management Act 27A O.S. § 2-10-101 *et seq.* (Act), the Environmental Quality Code (Code) and Rules promulgated thereunder, OAC 252:517, including referenced provisions of the Oklahoma Administrative Code, and all conditions of this permit. Any permit noncompliance constitutes a violation of this permit and is grounds for enforcement action, including permit modification, administrative civil penalties, summary suspension or revocation, and denial of a pending permit application.
- 2. Duty to Apply:** EVANS shall apply for a permit modification when such application is required by Oklahoma Administrative Code 252:4 and 517.
- 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:** EVANS 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. Preservation of Aesthetics:** Applications for any lateral expansions shall include plans for enhancing the visual harmony with the surrounding area, and reducing the transmission of dust and noise from the facility.
- 6. Proper Operation and Maintenance:** EVANS shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by EVANS. Proper operation and maintenance includes effective performance of operations and adequate funding, operator staffing and training, and the provision of appropriate waste-handling equipment.
- 7. Duty to Provide Information:** EVANS 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

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- c. Whether a new or modified permit should be issued.

EVANS shall also furnish to DEQ, upon its request, copies of records required to be kept by this permit and OAC 252:517.

- 8. Temporary Easement:** OAC 252:517-3-5(c) requires EVANS 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 the owner/operator. EVANS shall submit a completed easement to DEQ within 60 days of execution of this permit.

If a modification of the permit boundary of the facility is required by EVANS, the temporary easement must be updated and submitted with the application for a permit modification.

- 9. Inspection and Entry:** EVANS 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, CCR storage, processing and management operations; and
 - d. Sample or monitor, for the purpose of assuring compliance with this permit, any substances or parameters at the facility.

- 10. Transfer of Permit:** This permit may not be transferred to any other person or entity except after notice to and approval of DEQ. No transfer will be approved until EVANS complies with all transfer requirements in OAC 252:4 and 517.

- 11. Expansion of CCR Units:** The Big Fork Ranch is an existing CCR Landfill. Should EVANS decide to expand any existing CCR unit, a permit modification application including design plans meeting all applicable requirements of OAC 252:4 and 517 must be submitted to DEQ for approval.

- 12. Duration of Permit:** OAC 252:517-3-1 mandates the duration of this permit is for the life of the facility.

E. GROUNDWATER MONITORING AND CORRECTIVE ACTION

1. **Groundwater Monitoring:** EVANS shall conduct groundwater monitoring and, if necessary, corrective action throughout the active life and post-closure care period of the CCR units in accordance with the approved groundwater monitoring program and OAC 252:517-9.
2. **Groundwater Monitoring and Corrective Action Report:** The annual groundwater monitoring and corrective action report must be submitted to DEQ for approval no later January 31 of each year and must document, at a minimum, the information required by OAC 252:517-9-1, including groundwater contours, laboratory reports, and results of statistical analysis.
3. **Statistically Significant Increase:** Should EVANS determine that a statistically significant increase over background levels for one or more constituents listed in OAC 252:517 Appendix A, EVANS must establish an assessment monitoring program or conduct an alternate source demonstration within 90 days of the determination and submit it to DEQ for approval in accordance with the requirements of OAC 252:517-9-5 and 9-6.
4. **Corrective Action:** EVANS shall conduct corrective action if inspection of the site and/or groundwater monitoring indicates the potential for or actual release of contaminants into the environment, as detailed in OAC 252:517-9-7 through 9-9.

F. OPERATIONAL REQUIREMENTS

1. **Air Criteria:** EVANS must adopt measures that will effectively minimize CCR from becoming airborne at the facility, including CCR fugitive dust originating from CCR units, roads, and other CCR management and material handling activities.
2. **CCR Fugitive Dust Control:** EVANS must operate in accordance with the approved CCR fugitive dust control plan in addition to OAC 252:517-13-1 and any applicable standards under the Occupational Safety and Health Act. The fugitive dust control plan must be amended and submitted to DEQ for approval whenever there is a change in conditions that would substantially affect the written plan in effect, such as the construction and operation of a new CCR unit.

Annual fugitive dust control reports must be submitted to DEQ for approval and must include a description of the actions taken by EVANS to control CCR fugitive dust, a record of all citizen complaints, and a summary of any corrective measures taken.

3. **Run-on and Run-off Controls:** EVANS must operate and maintain a run-on and run-off

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control system capable of preventing/controlling peak flow from a 24-hour, 25-year storm into/from the active portion of each CCR unit at Big Fork Ranch in accordance with the approved run-on and run-off control system plan and OAC 252:517-13-2.

- a. The run-on and run-off control system plan must be amended and submitted to DEQ for approval whenever there is a change in conditions that would substantially affect the written plan in effect.
 - b. EVANS must prepare periodic run-on and run-off control system plans every five (5) years and submit the plan to DEQ for approval.
- 4. Inspections by a Qualified Person:** Big Fork Ranch must be inspected by a qualified person in intervals not exceeding seven (7) days, with results of the inspection documented in the facility's operating record.
- 5. Annual Inspections by a Qualified Professional Engineer:** Big Fork Ranch must be inspected by a qualified professional engineer at least annually. The inspection shall, at a minimum, include review of available information and a visual inspection.
- a. The annual inspection must be documented in an inspection report including the information required by OAC 252:517-13-5.
 - b. If a deficiency or release is identified during an inspection, EVANS must remedy the deficiency or release as soon as feasible and prepare documentation detailing the corrective measures taken.
 - c. DEQ shall be notified if a deficiency is identified during the inspection and provided documentation of corrective measures.
- 6. Discharges:** All CCR units shall be operated to:
- a. prevent the discharge of contaminated stormwater unless the proper permit is obtained from the DEQ's Water Quality Division;
 - b. prevent the discharge of pollutants that violates any requirements of the federal Clean Water Act, including, but not limited to, the Oklahoma Pollutant Discharge Elimination System (OPDES) requirements;
 - c. prevent the discharge of a non-point source of pollution that violates any requirement of an area-wide or State-wide water quality management plan that has been approved in accordance with the federal Clean Water Act; and
 - d. comply with all requirements of their OPDES permit, if applicable. A copy of the OPDES permit shall be maintained in the operating record.
- 7. Stormwater Permit:** If required by OAC 252:606 (Oklahoma Pollutant Discharge

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Elimination System Standards - OPDES), active CCR units shall have:

- a. a Stormwater Pollution Prevention Plan (SWPPP) and a General Permit for Stormwater Discharges. A copy of the SWPPP and General Permit shall be maintained in the operating record; and
- b. an OPDES stormwater permit for construction sites for any on- or off-site soil borrow areas of one acre or more.

G. CLOSURE, POST-CLOSURE, AND FINANCIAL ASSURANCE

1. **Closure and Post-Closure Plan:** EVANS shall close and perform post-closure monitoring for the facility in accordance with the approved closure and post-closure plan and in a manner that minimizes or eliminates the need for further maintenance and controls. EVANS must amend the closure/post-closure plan whenever there is a change in operation of the CCR unit(s) that would substantially affect the plan or before commencing closure activities. Any amendments to the closure and post-closure plans must be submitted to DEQ for approval.
2. **Updating Cost Estimates:** EVANS shall submit closure and post-closure cost updates meeting the requirements of OAC 252:517-17 and Appendices E and F to DEQ for approval:
 - a. Annually, no later than April 9th of each year;
 - b. If changes occur during operation of the facility that increase the estimated closure costs;
 - c. Upon completion of construction of any lateral expansions of CCR units; and
 - d. If any changes occur during the operation of the facility that require corrective action costs be submitted to DEQ.
3. **Financial Assurance:** Financial assurance will be for the performance cost of closure, post-closure, and/or corrective action (if required by DEQ). EVANS shall maintain financial assurance continuously until released from the requirement to maintain such assurance by demonstrating compliance with OAC 252:517-17-3.
4. **Notification of Closure:** DEQ must be notified in writing prior to beginning final closure of a CCR unit.
5. **Initiation of Closure Activities:** Should Big Fork Ranch cease acceptance of CCR, EVANS must commence closure of the facility in accordance with the applicable time frames specified in OAC 252:517-15-7.
6. **Post-closure Care Period:** Post-closure care shall occur for 30 years after DEQ approval of final closure.

H. RECORDKEEPING, NOTIFICATION, AND POSTING OF INFORMATION TO THE INTERNET

- 1. Reporting Requirements:** EVANS 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 EVANS 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

- 2. Recordkeeping Requirements:** EVANS must maintain files of all information required by OAC 252:517-19-1 in a written operating record for the facility.
- 3. Records Retention:** Unless otherwise specified, each file must be retained for at least five years following the date of each occurrence, measurement, maintenance, corrective action, report, record, or study.
- 4. Notification Requirements:** The notifications required by OAC 252:517-19-2 must be sent to the DEQ before the close of business on the day the notification is required to be completed. For purposes of this Section, before the close of business means the notification must be postmarked or sent by electronic mail. If a notification deadline falls on a weekend or federal holiday, the notification deadline is automatically extended to the next business day. For those plans requiring approval by DEQ, submittal of the plan constitutes notification.
- 5. Notification Deadline:** Unless otherwise required, the notifications specified by OAC 252:517-19-2 must be sent to DEQ within 30 days of placing in the operating record.
- 6. Publicly Accessible Internet Site Requirements:** EVANS must maintain a publicly accessible Internet site containing the information specified by OAC 252:517-19-3.
- 7. Website Records Retention:** Unless otherwise required, the information required to be posted to the CCR Web site must be made available to the public for at least five (5) years following

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the date on which the information was first posted to the CCR Web site.

- 8. Posting Deadline:** Unless otherwise required, the information must be posted to the CCR Web site within 30 days of placing into the operating record.