

### Variance Request

OAC 252:4-7-60(3) classifies an application requesting a variance as a Tier III application. The application for the variance must convincingly demonstrate the change is equally protective of human health and the environment as are the conditions without the variance.

Sooner Medical Waste Management is requesting a variance to OAC 252:515-23-31(b) to allow acceptance of non-hazardous industrial wastes (NHIW) generated by the cultivation, processing and dispensing of medical marijuana. This includes “Medical Marijuana waste” as defined in 63 O.S. 428 and roots, stems, stalks, fan leaves and seeds.

### Permit Conditions:

**A. PERMIT SUMMARY**

**1. Name of Site:** Sooner Medical Waste Management

**2. Type of Site:** Commercial Regulated Medical Waste Processing Facility

**3. Name of Applicant, Applicant Representative and Applicant Address:**

Sooner Medical Waste Management, LLC  
Maude Elaine King, Managing Partner  
1753 South Caddo Street  
Muldrow, Oklahoma 74948

**4. Map and Street Location of Site**

1753 South Caddo Street  
Muldrow, Oklahoma 74948  
Sequoyah County, Oklahoma

**5. Type of Waste(s) to be Accepted:**

Regulated Medical Waste as defined in OAC 252-515-1-12  
**(ADD/MODIFY)** Non-Hazardous Industrial Waste OAC 252:515-31-1

**6. Source(s) of Waste:**

Regulated Medical Waste produced by hospitals, doctor's offices, clinics, veterinary facilities, and medical research facilities.

**(ADD/MODIFY) AND**

Non-Hazardous Industrial Waste produced by the cultivation, processing, dispensing of medical marijuana, labs, medical marijuana research facilities, and medical marijuana education facilities. This includes "Medical Marijuana Waste" as defined in 63 O.S. 428 and roots, stems, stalks, fan leaves and seeds.

**7. Estimated Volume of Regulated Medical Waste to be Received:**

7.5 tons per day.

**8. Population or Population Equivalent to be Served:**

3,273 persons

**9. Number of Acres in Permitted Boundary:**

Approximately 0.6 acres including the 6,600 square feet processing Building and buffer zone.

**10. Estimated Active Life of Site Prior to Final Closure:**

This Permit shall continue in effect until DEQ approves the final closure.

**B. SITTING CRITERIA AND LOCATION RESTRICTIONS**

**1. 100-year Flood Plain:**

The proposed site is not located within the 100-year flood plain as designated by the Flood Insurance Rate Maps obtained through the Federal Emergency Management Agency.

**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 not 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.

**4. Endangered or threatened species:**

The Oklahoma Biological Survey found no occurrences of relevant species within five (5) miles of the site. The Oklahoma Department of Wildlife Conservation reviewed the location of the facility and determined if site did not alter and or disturb rivers, streams, small tributaries or their adjacent riparian habitat then it was unlikely the facility would disturb the Piping Plover, Least Tern, Long-nosed Darter or the Black-sided Darter. Since the building and the paved parking lot are existing and no expansion or construction that would disturb soil or vegetation is planned, the site also is no expected to affect the American Burying Beetle.

**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 well are documented within two miles of the facility.

**6. Wetlands:**

The facility is not located within a wetland area as designated by the Oklahoma Conservation Commission.

**C. GENERAL CONDITIONS**

**1. Duty to Comply:**

Sooner Medical Waste Management 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 252:515, (Rules), 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 ground for enforcement action; including permit modification, administrative civil penalties, summary suspension or revocation, and denial of a pending permit application.

**2. Duty to Apply:**

Sooner Medical Waste Management shall apply for a permit modification when such application is required by Oklahoma Administrative Code 252:4 and 252:515.

**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:**

Sooner Medical Waste management 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:**

Sooner Medical Waste Management shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by Sooner Medical Waste Management. 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:**

Sooner Medical Waste Management 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

Sooner Medical Waste Management 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 Sooner Medical Waste Management to execute a temporary easement allowing DEQ and /or its contractors the right to access the property to perform closure, post-closure, post-closure monitoring, or corrective action in the event of default by the owner/operator. If a modification of the permit boundary of the facility is required by Sooner Medical Waste Management, the temporary easement must be updated and submitted with the application for a permit modification.

#### **8. Air Criteria:**

Sooner Medical Waste Management shall ensure that it does not violate any applicable requirement of the Oklahoma Clean Air Act, as amended, or rules promulgated thereunder. Sooner Medical Waste Management received Applicability Determination 2014-2255-AD from the Air Quality Division of DEQ that determined the facility is “de minimis” and exempted from permitting requirements of OAC 252:1000-7 but remained subject to specific Air Quality control rules. Sooner Medical Waste Management shall adhere to all applicable requirements as described in OAC 252:100 and Applicability Determination 2014-2255-AD. The burning of any waste at this facility is prohibited.

## **9. Inspection and Entry:**

Sooner Medical Waste Management shall allow authorized representative 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 time, 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
- 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 taken for the purpose of monitoring microbial activity shall be representative of the monitored activity. Sooner Medical Waste Management will use microbial inactivity verification methods to ensure treatment standards are met. The methods include placing biological indicators in perforated PVC containers into the shredded waste prior to the one hour of sterilization. The PVC container is removed; the biological indicators will be incubated and monitored for microbial growth. Sooner Medical Waste Management will apply to DEQ for a permit modification if the laboratory method of verifying microbial inactivity requires updating. Microbial inactivation, as defined in OAC 252:515-23-2, is required. All waste loads that fail the microbial inactivity verification method will be re-sterilized.

## **MODIFY**

### **Laboratory Analysis:**

Sooner should demonstrate that microbial Inactivation will not be affected by the addition of Non-Hazardous Industrial Waste to the waste stream. If any of the Non-Hazardous Industrial Waste extractants or laboratory wastes impede the process to treat the medical waste to OAC 252:515:23-2 levels then they may not be mixed with the regulated medical waste stream.

## **11. Records:**

Sooner Medical Waste Management shall keep on file at its commercial regulated medical waste processing facility this permit, this 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;
- e. A daily log to record operational information, including the quantity of regulated medical waste received and the quantity of regulated medical waste shipped off-site for disposal;
- f. A record of all laboratory analyses and results performed to verify microbial inactivity;
- g. All training records including types of training required, all training received, duration of training, and continuing training;
- h. Reports filed with DEQ; and
- i. Closure records

## **MODIFY/ADD**

Update Non-Hazardous Industrial Waste Certification with the Department of Environmental Quality for treated regulated medical waste commingled with Non-Hazardous Industrial Waste.

## **12. Reporting Requirements:**

Sooner Medical Waste Management 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 Sooner Medical Waste Management 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 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 Agency  
P.O. Box 1677  
Oklahoma City, OK 73101-1677

**13. Obligation to Provide Financial Assurance:**

OAC 252:515 requires Sooner Medical Waste Management to establish and maintain financial assurance. Sooner Medical Waste Management shall ensure financial assurance mechanisms are funded in the appropriate amount based on approved cost estimates.

**14. 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 OAC 252:515.

**15. Corrective Action Requirement:**

Sooner Medical Waste Management shall conduct corrective action if inspection of the site indicates the potential for or actual release of contaminants into the environment.

**16. Cessation of Operations:**

If Sooner Medical Waste Management ceases to accept waste for thirty (30) days or more without prior notice to DEQ, OAC 252:515-3-5(b) deems the facility to be in the process of final closure.

**17. Suspension of Operations:**

If Sooner Medical Waste Management suspends development or operations of the facility, Sooner Medical Waste Management must, in accordance with OAC 252:515-3-5(c)

- a. Provide prior written notice to DEQ of the intent to suspend development or operations;
- b. Renew such notice annually; and



- c. If site development or operations remain suspended for more than one year, 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.

**18. Resuming Operations:**

If Sooner Medical Waste Management 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.

**19. Consent to Conditions:**

Commencing work under this permit will constitute consent to all permit conditions.

**D. CONSTRUCTION CONDITIONS**

**1. Construction Authorization:**

Sooner Medical Waste Management 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:**

Sooner Medical Waste Management shall construct and maintain the site as specified in the permit application. Sooner Medical Waste management will not store or manage regulated medical waste outside of the enclosed processing building to minimize contact of surface water drainage and runoff with regulated medical waste.

**3. Certification of Construction:**

Sooner Medical Waste Management 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 Regulated Medical Waste and Non-Hazardous Industrial Waste Processing Facility:**

Sooner Medical Waste Management shall not accept, store or process Non-Hazardous Industrial Waste until DEQ provides written approval.

### **E. OPERATING CONDITIONS**

**1. Sooner Medical Waste Management** shall be authorized to operate the BioSAFE STI Series 2000 autoclave continuously (24 hours per day, every day of the year).

**2. OAC 252:515-19-31 and OAC 252:515-23-31 (Prohibited wastes):**

OAC 252:515-19-31 and OAC 252:515-23-31 prohibit all wastes except regulated medical waste and non-hazardous industrial waste to be accepted at Sooner Medical Waste Management.

**3. OAC 252:515-19-32 (Public access Control):**

Sooner Medical Waste Management is surrounded by a six-foot high fence with a locking gate to prohibit unauthorized access to and uncontrolled dumping at the facility. The processing building and office will be locked during non-operating hours.

**4. OAC 252:515-19-33 (Measuring waste):**

All wastes received at Sooner Medical Waste Management shall be measured by weight or by volume, recorded in the operating record, and make available to the DEQ upon request. If scales are installed, they 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):**

Sooner Medical Waste Management shall control disease vectors by cleaning the interior of the processing building on a daily basis. If necessary, Sooner Medical Waste Management may employ a commercial pest control vendor utilizing techniques appropriate for the protection of human health and the environment to control disease vectors.

**6. OAC 252:515-19-38 (Placement of waste):**

Sooner Medical Waste Management shall not allow discharge of any water from the facility that has contacted regulated medical waste. Sooner Medical Waste Management shall maintain a fifty (50) feet on the west, twenty-eight (28) feet on the north, twelve (12) feet on the south and eighteen (18) feet seven (7) inches on the east side of the Building buffer zone between all waste processing and/or handling areas and adjacent property.

**7. OAC 252:515-19-39 (Salvage and recycling):**

Sooner Medical Waste Management is prohibited from salvage and recycling any portion of the regulated medical waste.

**8. OAC 252:515-19-40 (Recordkeeping and reporting):**

Sooner Medical Waste Management shall maintain the approved operating plan, and all operating records concerning the planning, construction, operating and closure of the facility. Sooner Medical Waste Management shall maintain all records required by OAC 252:515 until the post-closure monitoring period, if necessary, is terminated. Operating Records shall include:

- a. Repair and maintenance records including:
  - 1) A log of preventative maintenance including the schedule for preventative maintenance on the BioSAFE STI Series 2000 autoclave. This includes the attached radiation detector;
  - 2) A log of events when the BioSAFE STI Series 2000 autoclave operation does not meet microbial inactivity standards indicating the cause and all maintenance required; and
  - 3) A log of events when the BIOSAFE STI SERIES 2000 autoclave is inoperative, indicating the cause and all maintenance required;
- b. The maximum amount of waste in storage, refrigerated at a minimum of 45°F, when the BioSAFE STI Series 2000 autoclave is inoperative;
- c. The amount of waste not processed within 96 hours and transported to an alternate permitted treatment facility when the BioSAFE STI Series 2000 autoclave is inoperative; and
- d. The duration of the diversion, if regulated medical waste is diverted to an alternate permitted treatment facility; and the approximate volume diverted;
- e. Any waste rejected from the permitted final disposal facility;

- f. All calibration and monitoring data;
- g. A daily log to record operational information, including the quantity of regulated medical waste received, the quantity of regulated medical waste treated and the quantity of regulated medical waste shipped off-site for disposal;
- h. A record of all laboratory analyses and results performed to verify microbial inactivity;
- i. A copy of operating instructions/procedures shall be permanently and prominently mounted near the BioSAFE STI Series 2000 autoclave; and
- j. A copy of the Contingency Plan shall be permanently and prominently mounted near the BioSAFE STI Series 2000 autoclave.

The following records shall be retained on-site for a period of at least two years following dates of recording, and shall be made available to regulatory personnel upon request:

- k. BioSAFE STI Series 2000 autoclave sterilizer water discharge temperatures (continuous when operating);
- l. Waste weights as charged to the BioSAFE STI Series 2000 autoclave (daily and 12-month rolling total);
- m. Hours of operation for the BioSAFE STI Series 2000 autoclave.

#### **9. OAC 252:515-23-1 (Applicability and exclusions):**

Sooner Medical Waste Management is a permitted commercial regulated medical waste processing facility involved in the handling, storage, packaging, labeling, and/or transportation of regulated medical waste and may be subject to requirements of the federal Department of Transportation (49 CFR Part 173), or the federal Occupational Safety and Health Administration (29 CFR 1910.1030), or other federal or state agencies. The management of Animal and Plant Health Inspection Service (APHIS) waste is regulated by the USDA and Customs and Border Protections (CBP). Regulated medical waste appropriate for processing using the BioSAFE STI Series 2000 autoclave shall be treated onsite. Regulated medical waste requiring incineration shall be transferred to an appropriately permitted facility for processing.

**10. OAC 252:515-23-4 (Treatment):**

Sooner Medical Waste Management shall treat regulated medical waste by steam sterilization using the BioSAFE STI Series 2000 autoclave. The steam sterilization is conducted at sufficient temperature and pressure for a sufficient time to consistently achieve microbial inactivation. Untreated sharps are treated by steam sterilization. Contaminated containers will be sterilized in the high temperature dishwasher prior to their return to the generator.

**11. OAC 252:515-23-5 (Compacting prohibited):**

Sooner Medical Waste Management does not compact regulated medical waste. The treated waste (non-regulated medical waste) will be compacted prior to loading in the roll-off for transportation to a permitted final disposal facility.

**12. OAC 252:515:23-31 (General):**

Sooner Medical Waste Management is approved to accept and process regulated medical waste, including non-hazardous pharmaceuticals, trace chemotherapeutic waste and APHIS waste as detailed in the Operations Plan. Decontamination facilities shall be maintained at Sooner Medical Waste Management for use in the event that regulated medical waste contacts personnel. Operators shall use proper Personal Protective Equipment at all times as described in the Application.

**13. OAC 252:515-23-32 (Radiation):**

Sooner Medical Waste Management shall maintain the BioSAFE STI Series 2000 autoclave's fixed radiation detector to scan all waste accepted for treatment. Hand-held radiation detectors, capable of detecting radiation sources as small as 0.25 millicuries of Cs137, will be used to scan incoming waste containers upon arrival. The containers are scanned individually and unacceptable containers are immediately returned to the generator. The hand-held radiation detector will be used to manually screen waste when the fixed radiation detector detects radioactive waste.

**14. OAC 252:515-23-33 (Contingency plan):**

Sooner Medical Waste Management shall maintain the approved Contingency Plan.

In the event of an emergency or unplanned shutdown that prohibits the Processing of wastes, all customers will be notified by telephone and

assistance will be provided. Process areas will be inspected and maintained until operations can be re-started.

An alternate facility for Non-hazardous Industrial Waste is to be determined.

**15. OAC 252:515-23-34 (Emergency response):**

Sooner Medical Waste Management shall maintain the approved emergency response agreement with the City of Muldrow.

An Emergency Response Plan for Non-Hazardous Industrial Waste will be maintained on site and will be easily accessible to all employees and visitors to the facility. The plan will specify the procedures to follow in sudden unexpected situations, such as a fire or weather-related emergencies. The plan will assign roles and responsibilities for implementation of the plan during an emergency. Annual training will be provide and/or remind all employees of the plan's requirements.

**16. OAC 252:515-23-35 (Storage):**

Sooner Medical Waste Management shall process all wastes or place the wastes into refrigerated storage, at 45°F, within 24 hours of delivery. If processing has not occurred within 96 hours, waste shall be transported to an alternate permitted site.

The staging and processing of Non-Hazardous Industrial Waste will occur within the building. Facility overhead doors will be closed when not in use.

**17. OAC 252:515:29-3 (Trained Personnel on-site):**

Trained personnel shall be on-site during all hours the facility is open to accept regulated medical waste and Non-Hazardous Industrial Waste.

**18. OAC 252:516-31-4 (Disposal Facility Requirements):**

Records shall be maintained in the operating record, itemizing the type, quantity, and source of Non-Hazardous Industrial Waste received from persons disposing greater than 10 cubic yards of Non-Hazardous Industrial Waste in a calendar month. Such records shall be submitted to the DEQ no later than the last day of the month following the reporting month.

## **19. Containers:**

Sooner Medical Waste Management shall decontaminate all reusable regulated medical waste containers that previously contained regulated medical waste in a high temperature dishwasher.

### **F. PERSONNEL TRAINING**

Sooner Medical Waste Management and BioSAFE shall conduct personnel training, Personnel shall receive training initially, when job functions change and annually. Sooner Medical Waste Management shall maintain training documents and records, for a period of at least three years after termination of employment for all personnel.

Employee training shall be performed as required by the job classifications included in the Standard Operation Plan—Training Plan in Appendix B. Sooner Medical Waste Management and BioSAFE may provide training in the following areas:

1. Administrative procedures;
2. Waste exclusion training as required by OAC 252:515-29-3(c);
3. Bloodborne pathogens as required by 29 CFR 1910.1030 and the Bloodborne Pathogens Exposure Control Plan in Appendix C;
4. Proper use and operation of the BioSAFE STI Series 2000 autoclave;
5. Proper Quality Assurance/Quality Control procedures for performing the STI Chem-Clav process to verify microbial inactivity including all sample processing and biological culture procedures. If Sooner Medical Waste Management determines another test method will be used for verification of microbial inactivity, a Permit Modification application shall be submitted to DEQ including validation data for the proposed test method;
6. Proper use and operation of the hand-held radiation detector in accordance with the manufacturer's specifications;
7. Safety training and safety operations;
8. Accident prevention;
9. The Contingency Plan; and
10. All other training listed in the Application, Training Plan or deemed necessary by Sooner Medical Waste Management and/or BioSAFE

Sooner Medical Waste Management shall instruct all non-employees allowed into the facility in the facility evacuation routes and procedures. All non-employees must be informed of any information required by the permit or the Application.

Please see the following for the training outline.



## ENVIRONMENTAL SPECIALIST IV

|   |   |
|---|---|
| <b>Basic Position Function</b>                                | Transportation of Non-Hazardous Industrial Wastes from Generator's sites to the permitted facility.   |
| <b>Principle Responsibility</b>                               | <p>Load and unload material at the facility and at the job site.</p> <p>Maintain compliance with OK DOT and USDOT regulations regarding transportation of Non-Hazardous Industrial Wastes.</p> <p>Conduct/assure pre-trip inspections of the vehicle.</p> <p>Report all losses, spill, accidents, and safety violations to supervisor immediately upon discovery.</p> <p>Perform packing of containers with generator present.</p> <p>Classify, segregate, and inventory waste containers in storage for shipment.</p> <p>Classify, segregate, and inventory waste containers for transportation.</p> <p>Perform other field service activities.</p> <p>Act as Casualty Control Officer for facility personnel.</p> |
| <b>Minimum skills, Education, and Qualifications Required</b> | <p>Valid driver's license as required.</p> <p>Must be able to pass background check.</p> <p>Clean driving record</p> <p>Knowledge of DOT regulation</p> <p>Ability to work flexible schedules.</p> <p>Minimum of high school education or equivalent</p> <p>Previous driving experience and an acceptable driving record, including a license check</p>   |

## **GENERAL TRAINING**

### **Facility Orientation Training:**

- Facility layout and entrances/exits
- Work area/process descriptions
- Restricted and designated areas
- Nature/ characteristic of Non-Hazardous Industrial Waste
- Overview of Federal and State Regulations
- Overview of facility's storage activities, including the waste management control system, manifests, security, and the inspection system
- Introduction of facility safety program and safety rules
- Organization structure
- Outline of training requirements
- Duties of the job requirements
- Recordkeeping and Retention

### **General Contingency Plan Training**

- Description of possible emergency situations
- Duties of the Emergency Coordinator and others
- Emergency communications and alarm systems
- Evacuations procedures, primary/alternate routes
- Locations of emergency equipment (alarms, first aid station, eyewash station, safety shower, fire fighting equipment, etc.)
- Incident/action reporting mechanism(s)

### **Basic Emergency Response and Preparedness Training**

- Basic Fire fighting (Hand on)
- Process/ process equipment location(s)
- Emergency response alarm and evacuation exercise

### **Job Specific Training**

- Bloodborne Pathogens Training "Universal Precautions" 29 CFR 1910.1030
- Hazardous Communication
- Chemical Hazards in their work area
- Common hazard warning system used at the facility
- Sources of data on the chemicals
- Handling precautions for the chemicals that the employees will working with:
  - Work area/ process description

- Process/ process equipment
  - Mobile equipment/vehicles
- Basic Personal Protective Equipment (e.g., gloves, clothing, etc.)

### **Waste Analysis Training**

- All waste will be evaluated and characterized to assure acceptability at the Generator's facility
- Hazardous waste will be rejected at the Generator's site.
- Suggestion will be given to the Generator(s) for proper disposal of Hazardous waste.
- Waste Exclusion Plan Training
- Non-hazardous Industrial Waste Training

### **DOT Orientation**

- Regulatory compliance training
- Manifest preparation
- Labeling
- Waste acceptance procedures
- Material Handling
- Vehicle loading and unloading

## **G. REQUIRED NOTICES**

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

Sooner Medical Waste Management shall report to DEQ any noncompliance which may endanger health or the environment. Any such information shall be reported orally within 24 hours from the time Sooner Medical Waste Management 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 regulated medical waste and **Non-Hazardous Industrial Waste**, 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;
  - 1) Name, address, and telephone number of the owner or operator;
  - 2) Name, address, and telephone number of the facility;
  - 3) Date, time, and type of incident;
  - 4) Name, quantity and generator of materials involved;
  - 5) The extent of injuries, if any;
  - 6) An assessment of actual or potential hazards to the environment and human health outside the facility;
  - 7) Estimated quantity and disposition of recovered material that resulted from the incident; and
  - 8) 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.

### **2. Written Incident Report**

A written submission shall also be submitted to DEQ within five (5) days of the time Sooner Medical Waste Management becomes aware of the incident. The written submission shall contain a description of the situation and the cause; the period(s) of the situation (including exact dates and time); 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. Sooner Medical Waste Management may request DEQ to extend the five-day written notice requirement in favor of a written report within 15 days.

## **H. CLOSURE CONDITIONS**

Sooner Medical Waste Management 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. The facility will either clean close the facility or enter post-closure status to minimize the escape of constituents into the environment.

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

Sooner Medical Waste Management shall:

- a. Submit closure cost estimates in accordance with OAC 252:515 subchapter 27 to DEQ for approval;
- b. Submit the estimate(s) in a detailed written estimate(s) in current dollars, of the cost of hiring a third party to close the commercial regulated medical waste processing facility in accordance with the permit, the approved closure plan and OAC 252:515 at any time during its active life;
- c. Calculate the cost estimate to be equal to the cost of closing the facility when the extent and manner of its operation would make closure the most expensive, as indicated by the approved closure plan;
- d. Increase 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; and
- e. Adjust the closure cost estimates no later than April 9<sup>th</sup> of each year unless instructed otherwise by DEQ. Sooner Medical Waste Management must submit the adjustment to DEQ for approval no later than April 9<sup>th</sup> of each year unless instructed otherwise by DEQ.

### **2. Closure Plan**

OAC 252:515-25-2 requires Sooner Medical Waste Management 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 commercial regulated medical waste processing facility.

Sooner Medical Waste Management shall follow the timelines below for notifications and certifications of closure to be submitted to DEQ:

- a. Sooner Medical Waste Management 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 regulated medical waste and **Non-Hazardous Industrial Waste** at the facility or upon DEQ approval of closure;
- c. Closure activities shall be completed according to the approved Closure Plan within one hundred eight (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, Sooner Medical Waste Management shall submit to DEQ a notarized statement signed by an authorized representative of Sooner Medical Waste Management, 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 Sooner Medical Waste Management proposes to alter the closure plan as set forth in the relevant sections of the Application, Sooner Medical Waste Management shall notify DEQ prior to altering the closure plan and shall apply for a permit modification. If DEQ finds that Sooner Medical Waste Management cannot clean-close the facility, DEQ shall require Sooner Medical Waste Management to enter into post-closure care. DEQ must approve the final closure of Sooner Medical Waste Management before the post-closure period can begin.

#### **I. FINANCIAL ASSURANCE**

1. Financial assurance will be for the performance cost of closure and for post-closure, and/or corrective action if required by DEQ. Sooner Medical Waste Management shall provide closure cost updates to DEQ for approval:
  - a. If changes occur during the construction of the facility the increase the estimated closure costs than those approved in the Application;
  - b. If circumstances require the facility to establish post-closure, and/or corrective action costs;
  - c. Upon completion of the construction of the facility prior to acceptance of wastes;
  - d. Annually, no later than April 9<sup>th</sup> of each year; and

- e. If any changes occur during the operation of the facility that require post-closure and corrective action costs be submitted to DEQ

2. For annual updates as required by OAC 252:515-27-34(a), Sooner Medical Waste Management may use the following methods to determine closure cost estimates:

- a. Actual Cost Method

In lieu of the Appendix H or I unit costs, or when site-specific tasks must also be considered, owner/operators may submit documentation to the DEQ showing the actual cost of work performed within the previous six months as the basis for calculation of cost estimates.

In order to use this method, the following must be provided to the DEQ for review and approval:

- 1) A demonstration the work for which actual costs will be provided was performed within the previous six months;
- 2) Identification of the task(s) for which actual costs will be provided;
- 3) A statement of work from the contractor, fully describing the work performed to meet the task(s); and
- 4) Written documentation from the contractor showing his cost to the owner/operator

- b. Bid Method

In lieu of Appendix H or I unit costs, or when site-specific task must also be considered, Sooner Medical Waste Management may submit three bids from independent contractors showing their estimated cost for performing the work. The bids must be dated within 30 days of being submitted to DEQ, and the average of the three bids may be used as the cost estimate.

In order to use this method, the following must be provided to DEQ for review and approval:

- 1) Documentation the bids were obtained within 30 days of being submitted to DEQ;
- 2) Identification of the task(s) for which bids will be provided;

- 3) A statement of work fully describing the actions necessary to complete the task(s); and
- 4) Written bids from three independent contractors not affiliate wit the owner/operator. The bids must be an estimate of the contractor's cost for performing the work identified in the statement of work, on behalf of DEQ

Sooner Medical Waste Management shall establish financial assurance prior to the initial receipt of waste in accordance with OAC 252:515-27-2(a). Sooner Medical Waste Management 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.

Financial Assurance for Non-hazardous Industrial Waste will be establish when there are more disposal companies that are licensed and permitted by the Oklahoma Department of Environmental Quality and Oklahoma Medical Marijuana Authority.

#### **J. INCORPORATION BY REFERENCE**

The following document is hereby incorporated by reference and constitutes the complete application: Revised application submitted by Sooner Medical Waste Management, LLC, originally submitted to the Land Protection Division on November 21, 2014 with supplemental information submitted on December 11, 2014, January 5, 2015, February 6, 2015, March 6, 2015 and by email on March 2, 2015, March 3, 2015, March 4, 2015, March 9, 2015, March 12, 2015 March 20, 2015, April 22, 2015, July 7, 2015 and July 30, 2015





# NHIW CERTIFICATION

Please read instructions prior to completing this form.

Generator Name: Sooner Medical Waste Management

Mailing Address: 1753 South Caddo Street City Muldrow State OK Zip 74948

Point of Generation Address: 1753 South Cadoo Street City Muldrow State OK Zip 74948

Generator Contact: Elaine King Title Owner Telephone 918-336-7000

## DETAILED WASTE DESCRIPTION

Waste Name: Non-Hazardous Industrial Waste: "Medical Marijuana Waste" as defined in 63 O.S.428 and roots, stems, stalks, fan leaves and seeds.

If waste was generated out-of-state, is it classified as hazardous in the state of origin?  Yes  No  NA- Okla. waste

Approximate amount of waste to be disposed:

Disposal frequency: Physical characteristics:

Tons  Pounds  One-time  Weekly  Solid  Liquid  
 Cubic yards  Drum  Monthly  Annually  Sludge  Combination  
 Other \_\_\_\_\_

Method used to determine waste is non-hazardous:  Analysis  Generator knowledge  Both

Process generating waste (be specific and use additional sheets if necessary):

Non-hazardous Industrial Waste "Medical Marijuana Waste" will be process/commingled with regulated medical waste to rendered it unretrievable.

## DESIGNATED RECEIVING LANDFILL

Name: Sallisaw Landfill Permit #: 3568008

## GENERATOR CERTIFICATION

I understand this form must be signed by the original waste generator or other persons authorized by 27A O.S§2-10-501(H).

To the best of my knowledge, I certify:

- ◆ The information contained herein is accurate, complete, and representative of the waste to be disposed;
- ◆ The waste identified above is not a characteristically hazardous waste as identified by 40 CFR 261, Subpart C, is not a listed hazardous waste as identified by 40 CFR 261, Subpart D or contaminated with a listed hazardous waste, and is not otherwise identified as a hazardous waste by the Department of Environmental Quality; and
- ◆ This waste will be managed in accordance with all applicable statutes and rules of the Department of Environmental Quality.

Elaine King  
Generator Signature

Elaine King

Owner

June 11, 19.

Printed name

Title

Date

Adopted June 2003

DEQ Form # 515-860