



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

February 25, 2020

Ms. Elaine King, Managing Member
Sooner Medical Waste Management, LLC
1753 S. Caddo St.
Muldrow, OK 74948

Re: Proposed Permit Modification - Tier III Permit Modification Application
Sooner Medical Waste Management
Regulated Medical Waste Processing Facility
Solid Waste Permit No. 3568010
Sequoyah County

Dear Ms. King:

The Oklahoma Department of Environmental Quality (DEQ) received the permit modification application on June 17, 2019, with supplemental information submitted by email on June 27, 2019, August 13, 2019, September 19, 2019 and October 3, 2019 for a variance to Oklahoma Administrative Code (OAC) 252:515-23-31(b) which requires only regulated medical wastes to be accepted at a regulated medical waste processing facility. The variance will allow Sooner Medical Waste Management (Sooner) to accept, store and process the non-hazardous industrial waste (NHIW) stream of medical marijuana in addition to regulated medical waste. In accordance with OAC 252:4-7-60(3) this permit modification application was classified as a Tier III application.

Pursuant to 27A O.S. § 2-14-301(A), the application Notice of Filing was published in the *Sequoyah County Times*, Sallisaw, Oklahoma, on July 12, 2019. No request for a process meeting was received.

DEQ determined the application to be administratively complete on December 6, 2019 and technically complete on January 17, 2020. The next step in the permitting process was the preparation of a "Draft Permit" and the opportunity for public comments and a public meeting request. According to 27A O.S. § 2-14-302 Sooner is required to publish "Notice of Draft Permit Modification" in one newspaper local to the site and allow 30 days for public comment and for a public meeting request. The "Notice of Draft Permit Modification" was published in the *Sequoyah County Times*, Sallisaw, Oklahoma, on January 22, 2020. No comments or requests for a public meeting were received. The next step in the permitting process is the preparation of a "Proposed Permit Modification" and the opportunity for a person directly affected by the facility to request an administrative hearing. The "Notice of Proposed Permit Modification" will be published in the *Sequoyah County Times* in Sallisaw, Oklahoma for compliance with 27A O.S. § 2-14-304(C).

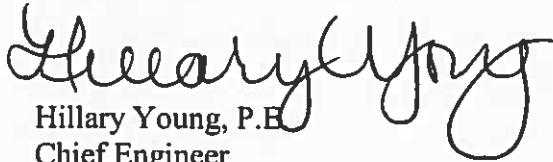


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Enclosed is a copy of the Proposed Permit Modification for your review, together with instructions for the preparation, publication and certification of the legal notice as required for all Tier III Proposed Permit Modifications. As noted in the instructions,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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Hillary Young". The signature is written in a cursive, flowing style.

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

Enclosures

cc: Chris Gremillion, Environmental Complaints & Local Services – Sallisaw DEQ Office

PROPOSED SOLID WASTE PERMIT MODIFICATION

PERMIT NUMBER: 3568010
PERMITTEE: Sooner Medical Waste Management
FACILITY: Regulated Medical Waste Processing Facility
LOCATION: Sequoyah County, Oklahoma
EXPIRATION DATE: Upon Department of Environmental Quality Approval of Final Closure

Modification: The Sooner Medical Waste Management Regulated Medical Waste Processing Facility (Sooner), having complied with the requirements of the law, is hereby granted permission to modify Solid Waste Permit Number 3568010 for a regulated medical waste processing facility located in Sequoyah County, Oklahoma. The modification to the permit is for a variance to Oklahoma Administrative Code 252:515-23-31(b) which requires only regulated medical wastes to be accepted at a regulated medical waste processing facility. The variance will allow Sooner to accept, store and process the non-hazardous industrial waste (NHIW) stream of medical marijuana, in addition to regulated medical waste. The processed waste is transported to a landfill for final disposal.

SITE PERMIT BOUNDARY LEGAL DESCRIPTION

The proposed facility is located at 1753 South Caddo Street in Muldrow, Oklahoma on an approximately 0.60 acre lot.

Legal description of site: A 0.60 acre tract of land located in a part of Lot 1 of Section 31, Township 11 North, Range 26 East, Indian Base and Meridian, Sequoyah County, Oklahoma. The basis of bearing: N00° 13'09"W along the West line of the NW ¼ of said Section 31, and being more particularly described as:

Commencing at the NW corner of said Section 31; thence along the West line thereof S00° 13'09" E 733.71 Feet to the point of Beginning; thence S89° 54'59"E 167.00 Feet to a set rebar; Thence S00° 13'09"E 156.25 Feet to a set rebar; Thence N89° 54'59"W 167.00 Feet to an existing magnail on the West line of Lot 1; Thence along said west line N00° 13'09"W 156.25 Feet to the point of beginning.

Incorporation by Reference:

1. This Permit Modification 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 (OAC) 252 (Rules) of the

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Oklahoma Department of Environmental Quality promulgated thereunder. It sets forth conditions and requirements for the construction, operation, maintenance and financial assurance obligations of Sooner.

2. This Permit Modification is based on data, design criteria, plans, and specifications presented in Sooner's Tier III permit application received by email on June 17, 2019, with supplemental information submitted by email on June 27, 2019, August 13, 2019, September 19, 2019 and October 3, 2019 which are incorporated by reference. Any inaccuracies found in the Application or supporting documentation may provide cause for potential enforcement action against Sooner and the amendment, modification or revocation of the Permit.
3. OAC 310:681-1-4 Medical Marijuana Control Program Definition of Medical Marijuana Waste.

Conditions:

1. Sooner is granted a variance from OAC 252:515-23-31(b) to accept, store and process the roots, stems, stalks and fan leaves that are not included in the OAC 310:681-1-4 definition of medical marijuana waste.
2. Sooner is granted a variance from OAC 252:515-23-31(b) to accept, store and process the NHIW stream of medical marijuana waste as defined in OAC 310:681-1-4 provided Permit Modification Conditions 4 and 5 are met. This includes NHIW generated by cultivation, research, education, processing and dispensing facilities, and testing laboratories as included in the permit modification application. Any storage, treatment, and/or disposal of other wastes not authorized in this Permit Modification is prohibited, unless exempted from permit requirements. Any receipt, storage or disposal of any weight or volume of hazardous waste is strictly prohibited.
3. The Oklahoma Medical Marijuana Authority (OMMA) has been given broad authority under State statutes to regulate the medical marijuana industry, including waste disposal responsibilities. In particular, OMMA has been given the responsibility over licensing and permitting the transportation, treatment and disposal associated with medical marijuana research, growth, production and dispensing operations. OMMA's authority over medical marijuana does not alter or affect the jurisdictional areas of environmental responsibility that are given to the Oklahoma Department of Environmental Quality to regulate Sooner.
4. Sooner shall obtain all OMMA required licenses and permits prior to accepting medical marijuana waste for disposal.

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5. Sooner is approved to mix the NHIW waste stream of medical marijuana with regulated medical waste and process the mixture in the BioSAFE STI Series 2000 regulated medical waste treatment autoclave system.
6. Sooner shall verify microbial inactivation by placing biological indicators into the shredded waste mixture prior to sterilization. After an incubation period of 24 hours, the biological indicators shall be checked for growth. No-growth indicates that effective waste treatment has been achieved. If growth is detected, the operating parameters of the BioSAFE STI Series 2000 autoclave will be monitored and the entire system will halt operation and will not resume operation until all systems have been verified as operating within parameters. The waste that produced the microbial growth will be either retreated in the BioSAFE STI Series 2000 autoclave or repackaged and transferred to a facility permitted to accept the regulated medical waste and NHIW for treatment.
7. Sooner shall submit the name and pertinent information of an alternate facility permitted to accept the medical marijuana NHIW to DEQ when OMMA issues a license or a permit for such a facility.
8. Sooner is approved to accept a maximum of 7.5 tons/day of regulated medical waste. Sooner is approved to store and process a maximum volume of 900 cubic feet of NHIW in the NHIW Container Accumulation Area for eight (8) hours. Any NHIW not processed within 8 hours will be removed from the NHIW Container Accumulation Area and stored in the NHIW Storage Room. All putrescible NHIW, regulated medical waste and mixtures of NHIW and regulated medical waste shall be processed within forty-eight (48) hours of delivery or removed within ninety-six (96) hours and transported to an alternate permitted processing facility.
9. Sooner shall operate the medical marijuana storage area in accordance with the data, design criteria, plans, and specifications in the permit modification application.
10. Sooner shall manage wastewater in accordance with their discharge agreement with the Town of Muldrow Public Works Authority. If changes are made to this discharge agreement, Sooner shall notify DEQ of the changes and submit the new discharge agreement if requested by DEQ.
11. Sooner shall properly dispose of the used pre-filters and HEPA filters from the BioSAFE STI Series 2000 regulated medical waste autoclave treatment system by processing them through the autoclave. If the autoclave is non-operable, the used filters must be transported to a facility permitted to take both medical marijuana waste and regulated medical waste for disposal.
12. This Permit Modification 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

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modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of Sooner 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.

13. Issuance of this Permit Modification 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.
14. The provisions of this Permit Modification are severable. If any part or provision of this Permit Modification or the application of any provision of this Permit Modification 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 Modification shall not be affected thereby.
15. If conditions of the Permit change, a permit modification application must be submitted within thirty (30) days to DEQ for approval.

Sooner Regulated Medical Waste Processing Facility is authorized to operate in conformity with the documents incorporated by reference. Commencing operations under this permit modification 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: _____