

March 14, 2025

Ms. Michelle Durand
Director of Development
Vanguard Renewables
133 Boston Post Road, Building 15, 2nd Floor
Weston, MA 02493

Re: Technical Review Complete & Draft Tier III Solid Waste Permit
Keota AD 1, Haskell County
Solid Waste Processing Facility
Solid Waste Permit No. None

Dear Ms. Durand:

The Oklahoma Department of Environmental Quality ("DEQ") received the Tier III Permit Application ("Application") on June 25, 2024. The Application was submitted by Braun Intertec Corporation on behalf of Keota AD 1, LLC for the Keota AD 1. The Application requests to construct, operate, maintain, and close a solid waste processing facility. In accordance with Oklahoma Administrative Code ("OAC") 252:4-7-60(1)(A), the Application was processed as a Tier III Permit for a new off-site processing facility.

On July 22, 2024, DEQ received supplemental information, including a revised Application. In accordance with 27A O.S. § 2-14-301(A) & (B), the application notice of filing was published in *Stigler News-Sentinel*, Stigler, Oklahoma, on July 25, 2024. In accordance with OAC 252:4-7-13(d), DEQ received the affidavit of publication on August 13, 2024, within 20 days after the date of publication.

On July 31, 2024, DEQ received a request for a process meeting. In accordance with 27A O.S. § 2-14-301(B), a notice of process meeting was published in the *Stigler News-Sentinel*, Stigler, Oklahoma, on August 22, 2024, providing notice that the process meeting was scheduled at the Stigler Public Library, on September 26, 2024, at 5:00 pm. DEQ received the affidavit of publication on August 26, 2024, within 20 days after the date of publication.

On August 20, 2024, DEQ issued an Administrative Notice of Deficiency ("NOD") for the Application. On September 16, 2024, DEQ received a Response to the Administrative NOD addressing the deficiencies identified. Additionally, DEQ received supplemental information on October 3, 2024. On October 8, 2024, DEQ determined the application to be administratively complete. In accordance with OAC 252:4-7-8, DEQ conducted a technical review of the application.

On November 6, 11, and 15, 2024, DEQ received supplemental information, including revisions to the Application. DEQ issued a Technical NOD for the Application on November 15, 2024, and the Response to the Technical NOD was received by DEQ on November 21, 2024. DEQ issued a second Technical NOD on December 9, 2024, and the Response to the Technical NOD was received on January 13, 2025. Additionally, DEQ received supplemental information on February 3, 5, 13, 20 and

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21, 2025. The supplemental information received by DEQ on February 21, 2025, included the complete Tier III Permit Application incorporating all previous revisions.

DEQ now finds the Application to be technically complete. DEQ has prepared the enclosed Draft Permit. Title 27A O.S. § 2-14-302 requires Keota AD 1 to publish notice of the Draft Permit in one newspaper local to the site and allow 30 days for public comment and the opportunity for the public to request a public meeting. Also enclosed are instructions for the preparation, publication and certification of the legal notice as required with all Tier III applications. As noted in the enclosed instructions, please submit a draft of the legal notice to DEQ for review, prior to publication.

Should you have any questions, please contact Anne Marie Smith of my staff at (405) 702-5128 or AnneMarie.Smith@deq.ok.gov.

Sincerely,

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

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

HY/ams

Enclosure

cc: Victoria Lepore, Vanguard Renewables

DRAFT SOLID WASTE PERMIT

The Oklahoma Department of Environmental Quality hereby approves the following permit:

Permit Number: None
Permittee: Keota AD 1, LLC
Facility: Keota AD 1
Facility Type: Solid Waste Processing Facility
County: Haskell County
Expiration Date: Upon Oklahoma Department of Environmental Quality Approval of Final Closure

This Permit has been prepared by the Oklahoma Department of Environmental Quality ("DEQ"), 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"), Chapter 252 of the DEQ. It sets forth conditions and requirements for the construction, operation, maintenance, closure and financial assurance obligations of Keota AD 1, LLC

Keota AD 1, LLC is hereby granted permission to construct, operate, maintain, and close a solid waste processing facility referred to as Keota AD1 in accordance with OAC 252:515, the documents incorporated by reference and the conditions of this permit. Keota AD 1 is located at a leased location in Haskell County, Oklahoma. The term of the lease is twenty (20) years from the Operations Date as defined in the lease, with four (4) additional automatic renewal periods of five (5) years each unless either party exercises the non-renewal options provided in the lease. The solid waste processing facility is located on approximately 21.11 acres, more particularly described by the following legal description:

Point of beginning (X: 2903104.81, Y:715723.94) within said Section 16, at the Northwest corner of this site, from which a concrete nail found for the Northeast corner of said Section 16 bears North 75°26'42" East a distance of 512.55 feet; thence North 88°00'42" East a distance of 1140.00 feet to the Northeast corner of this site; thence South 01°59'18" East a distance of 140.00 feet to the most Northerly Southeast corner of this site; thence South 88°00'42" West a distance of 140 feet to an interior ell corner of this site; thence South 01°59'18" East a distance of 760.00 feet to the most Southerly Southeast corner of this site; thence South 88°00'42" West a distance of 1000.00 feet to the Southwest corner of this site; thence North 01°59'18" West a distance of 900.00 feet to the point of beginning, containing 21.11 acres.

Keota AD 1 will receive food waste materials for processing via anaerobic digestion. The liquid food waste will be unloaded through pumps directly into a hydrolysis tank. Within the organics receiving area building, the solid food waste will be received separated from the packaging materials, processed into a slurry, then pumped into a hydrolysis tank. The hydrolysis tank will begin the digestion process before the slurry material is sent through a hydrocyclone to remove any grit or inorganic material. The material will move through a second hydrolysis tank and hydrocyclone before being fed into the anaerobic digester. Within the anaerobic digester biological processes break down the material into

DRAFT SOLID WASTE PERMIT

(continued)

digestate and renewable natural gas. The renewable natural gas will be processed on-site in accordance with the permit issued by DEQ's Air Quality Division. The digestate material will be continuously extracted from the digester and pumped into a screw press to dewater the digestate into a solid and liquid digestate. The liquid digestate will be stored in the on-site storage tank and the solid digestate will be transported to the covered concrete separator pad. All liquid and solid digestate produced from the anaerobic digestion process must be disposed of at a permitted solid waste disposal facility unless another method is approved by DEQ.

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 supplemental information may provide cause for potential enforcement action against Keota AD 1, LLC and/or the modification or revocation of this permit.

Keota AD 1, LLC is authorized to accept, manage, and process solid waste as defined in OAC 252:515-1-2 in accordance with the conditions of this permit. Any receipt, storage, treatment, and/or disposal of wastes not authorized in this permit are prohibited. Any receipt, storage, and/or disposal of any weight or volume of hazardous waste is strictly prohibited.

This permit may be further modified, revoked and reissued, or terminated for cause as specified in 27A O.S. § 2-3-502 and OAC 252:4. The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of Keota AD 1, LLC 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.

Incorporation by Reference:

1. The supplemental information, which includes the Tier III Permit Application incorporating all previous revisions, received February 21, 2025, submitted by Braun Intertec Corporation and stamped by David Allen Wright, P.E. on January 10, 2025, Andre' M. Rodrigue, P.E. on December 20, 2024 and January 10, 2025, Corbin Heard, P.E. on December 26, 2024, and February 12, 2025, Joshua Wilsman, P.E. on December 30, 2024,

DRAFT SOLID WASTE PERMIT (continued)

and Brent Wilson, P.E. on January 31, 2025.

The permittee is authorized to construct and operate in conformity with the permit, application, and documents incorporated by reference. Commencing operations under this permit constitutes acceptance of, and consent to, the conditions contained herein.

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

Date: _____

Kelly Dixon
Director
Land Protection Division

Date: _____

Robert Singletary
Executive Director
Department of Environmental Quality

Date: _____

THIS PERMIT IS BASED ON DATA, DESIGN CRITERIA, PLANS, AND SPECIFICATIONS PRESENTED IN THE APPLICATION, RESPONSES TO NOTICES OF DEFICIENCIES, AND SUPPLEMENTAL INFORMATION RECEIVED WHICH ARE HEREBY APPROVED BY DEQ AND INCORPORATED BY REFERENCE HEREIN. ANY INACCURACIES FOUND IN THE DOCUMENTS INCORPORATED BY REFERENCE MAY PROVIDE CAUSE FOR POTENTIAL ENFORCEMENT ACTION AGAINST KEOTA AD 1, LLC AND/OR THE MODIFICATION OR REVOCATION OF THIS PERMIT.

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A. FACILITY SUMMARY

- 1. Name of Facility:** Keota AD 1
- 2. Type of Site:** Solid Waste Processing Facility
- 3. Name of Applicant, Applicant Representative and Applicant Address:**
Keota AD 1, LLC
Victoria Lepore
133 Boston Post Road, Bldg 15, 2nd Floor
Weston, MA 02493
- 4. Map and Street Location of Site:**
21405 OK-9
Keota, OK 74941
- 5. Legal Right to Property:** Vanguard Organics, LLC (lessee) operates on a current lease agreement and is granted by the property owner to design, construct, and operate a solid waste processing facility
- 6. County:** Haskell
- 7. Type of Waste(s) to be Accepted:** Source separated organics, packaged food material, dairy waste, fats, oils, greases, food processing wastewater, glycerin, brewery waste, and manure as detailed in the permit application. Changes to the acceptable waste types must be approved by DEQ through a permit modification prior to acceptance.
- 8. Source(s) of Waste:** Food processing, production and manufacturing facilities, dairy farms, breweries, grocery stores, other retailers, restaurants, hotels, convention facilities, hospitals, colleges, and universities.
- 9. Anticipated Waste to be Received Daily:** The anticipated daily waste acceptance rate is 100-140 tons of packaged food waste, 100-150 tons of liquid waste, and occasional addition 5-9 tons of glycerin. Additionally, the anticipated manure volume is approximately 1 million gallons over the first 3 weeks of operations.
- 10. Population Equivalent to be Served:** 84,091 persons
- 11. Number of Acres in Permitted Boundary:** 21.11 acres, more or less

B. SITING CRITERIA AND LOCATION RESTRICTIONS

- 1. 100-year Floodplain:** No waste management or disposal areas of the facility are located within the 100-year floodplain 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:** No area within the permitted boundary is located within one-half mile of any area formally dedicated and managed for public recreation or natural preservation by federal, state, or local government agency.
4. **Endangered or Threatened Species:** Oklahoma Department of Wildlife Conservation determined there are no species listed as a species of state concern within one mile of the proposed permit boundary. The Oklahoma Natural Heritage Inventory determined there were no occurrences of relevant species within the vicinity of the project. The U.S. Fish and Wildlife Information for Planning and Construction tool determined that there are threatened, endangered, or candidate species within the vicinity of the permit boundary. In accordance with OAC 252:515-5-31(c)(1), Keota AD 1 must implement avoidance and minimization measures specified to reduce projected impacts on any identified threatened or endangered species.
5. **Public Water Supply:** All solid waste processing will take place inside the organics receiving area building. No waste will be stored or placed on permeable surfaces outside of the building.
6. **Wellhead Protection Area:** No public water wells are documented within two miles of the permitted boundary.
7. **Wetlands:** The permit boundary is not located within a current wetland area. Additionally, the Oklahoma Conservation Commission indicated that there should be no significant impact on wetland resources in the area.

C. GENERAL CONDITIONS

1. **Duty to Comply:** Keota AD 1 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 at OAC 252:515, all other 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:** Keota AD 1 shall apply for a permit modification when such application is required by OAC 252:4 and OAC 252:515-3-31.
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:** Keota AD 1 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:** Keota AD 1 must preserve aesthetics as outlined in the permit application and OAC 252:515-3-37.
- 6. Proper Operation and Maintenance:** Keota AD 1 shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by Keota AD 1. 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:** Keota AD 1 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.

Keota AD 1 shall also furnish to DEQ, upon its request, copies of records required to be kept by this permit and OAC 252:515.

- 8. Duty to Maintain Financial Assurance:** OAC 252:515-27-3 requires Keota AD 1 to establish and maintain financial assurance for closure, post-closure (if necessary), and/or corrective action (if necessary). Keota AD 1 shall ensure financial assurance mechanisms are funded to the appropriate amount based on approved cost estimates prior to accepting waste at the facility.
- 9. Temporary Easement:** OAC 252:515-3-34(c) requires the property owner to execute a temporary easement allowing DEQ and/or its contractors the right to access the property to perform closure, post-closure monitoring (if necessary), or corrective action (if necessary) in the event of default by Keota AD 1, LLC (lessee). The signed temporary easement must be recorded in the county land records office and a copy sent to DEQ within sixty (60) days of receipt of this Permit. If a modification of the permit boundary of the facility is required by Keota AD 1, the temporary easement must be updated and submitted with the application for a permit modification.
- 10. Renewal of Lease:** Keota AD 1 shall submit to DEQ a copy of its lease with the property owner when renewed or modified. If the terms of the lease are modified between Vanguard Organics, LLC and the property owner DEQ may determine cause exists for modifying the Permit. Should the lease not be renewed and the lease becomes null and void, Keota AD 1 shall immediately notify DEQ and commence closure activities.
- 11. Air Criteria:** Keota AD 1 shall ensure compliance with any applicable requirements of the Oklahoma Clean Air Act, as amended, or rules promulgated thereunder. Keota AD 1 must

operate in compliance with the rules of the Air Quality Division of DEQ and any requirements of an approved State Implementation Plan. The burning of any waste within the permitted boundary is prohibited.

12. Inspection and Entry: Keota AD 1 shall allow authorized representatives of DEQ, upon the presentation of credentials as may be required by law, to:

- a. Enter upon the permitted site or where records required by this permit are kept;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any site construction, transportation, waste storage, waste processing and waste management operations; and
- d. Sample or monitor, for the purpose of assuring compliance with this permit, any substances or parameters at any location.

13. Records: Keota AD 1 shall maintain an operating record at or near the facility containing copies of this permit, the permit application, all modifications to this permit, all modification applications for this permit and copies of all:

- a. Other permits issued by city, county, state and federal agencies;
- b. All records concerning the planning and construction of the facility, including, but not limited to, as-built facility construction plans, drawings and specifications;
- c. Repair and maintenance records;
- d. All calibration and monitoring data if monitoring is required;
- e. All records concerning the operation of the facility, including, but not limited to, a daily log to record operational information, including the quantity of waste received and the quantity of waste sent off-site for disposal;
- f. All training records including types of training required, all training received, duration of training, and continuing training;
- g. Reports submitted to DEQ or required to be maintained by Subchapters 3, 5, 17, 19, 25, and 27 of OAC 252:515;
- h. All records concerning the closing and, if required, post-closure monitoring of the facility;
- i. Approved closure and, if required, post-closure cost estimates and adjustments;
- j. Approved financial assurance documentation; and
- k. Closure documentation.

14. Cessation of Operations: If Keota AD 1 ceases to accept waste for thirty (30) days or more without prior notice to DEQ, the facility is deemed to be in the process of final closure pursuant to OAC 252:515-3-5(c).

15. Suspension of Operations: Keota AD 1 may suspend development or operations of the facility. To do so, Keota AD 1 shall:

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

- c. If facility development or operations remain suspended for more than one year, without DEQ approval to continue suspension, the facility shall perform closure activities in accordance with the approved closure plan and OAC 252:515-25.
- 16. Resuming Operations:** If Keota AD 1 ceases operations, 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.
- 17. Transfer of Permit:** This permit may not be transferred to any other person without notice to and approval of DEQ. No transfer will be approved until Keota AD 1 complies with all transfer requirements in OAC 252:4-7-58(3)(B) and OAC 252:515-3-6.
- 18. Corrective Action Requirement:** Keota AD 1 shall conduct corrective action any time an inspection of the site or review of testing data indicates the actual release of contaminants into the environment.
- 19. Duration of Permit:** OAC 252:515-3-5(a) mandates the duration of this permit is for the life of the facility.
- 20. Consent to Conditions:** Commencing construction and operation under this permit will constitute consent to all permit conditions.

D. CONSTRUCTION CONDITIONS

- 1. Construction Authorization:** Keota AD 1 shall be constructed in accordance with the data, design criteria, plans, and specifications in the permit application, documents incorporated by reference, the Act and Rules, and the specific conditions set forth in this permit for individual components of construction. Any changes to the approved construction design must be approved by DEQ prior to construction.
- 2. Stormwater Run-on/Run-off Controls:** Keota AD 1 shall construct the site as specified in the permit application and OAC 252:515-17-2. Additionally, Keota AD 1 must ensure stormwater run-on and run-off control systems are maintained and do not create a nuisance or hazard to public health, the environment, or adjacent landowners.
- 3. Certification of Construction:** Upon completion of construction, Keota AD 1 shall submit to DEQ for review and approval a Certification of Construction including detailed as-built drawings and a certification that the facility was constructed in accordance with the approved plans and specifications. The Certification of Construction must be prepared and stamped or sealed by a professional engineer licensed in the State of Oklahoma.
- 4. DEQ Authorization:** Keota AD 1 shall not accept or process any waste until financial assurance is established and approved by DEQ, DEQ inspects the constructed facility, and DEQ provides written authorization to commence waste acceptance and processing.

5. **Signage:** Keota AD 1 shall maintain a sign at the entrance of the facility that lists the facility name, solid waste permit number, hours of operation, and emergency contact information.

E. OPERATING CONDITIONS

1. **Prohibited Wastes:** Any acceptance, storage, treatment, and/or disposal of wastes not authorized in this permit is prohibited, except as approved by DEQ.
2. **Measuring Waste:** All waste received at Keota AD 1 shall be measured using an on-site scale, recorded in the operating record, and made available to DEQ upon request. The scales shall be tested and certified annually in accordance with the requirements of the Oklahoma Department of Agriculture, Food, and Forestry.
3. **Limitations on Waste Received:** Keota AD 1 shall not accept more than 200 tons of waste per day from locations more than 50 miles from the facility or from outside the State of Oklahoma unless a temporary waiver is issued by DEQ or a disposal plan is approved by DEQ in accordance with OAC 252:515-19-34(d).
4. **Placement of Waste:** Solid waste shall not be placed or allowed to enter, accidentally or otherwise, waters that communicate with waters of the state located outside of the permit boundary. Keota AD 1 shall maintain a fifty (50) foot buffer zone between all waste processing and/or handling areas and adjacent property.
5. **Public Access Control:** Artificial and/or natural barriers shall be utilized at the facility to discourage unauthorized traffic and uncontrolled dumping in accordance with OAC 252:515-19-32.
6. **Dust Control:** Keota AD 1 must operate in a manner that prevents any discharge of any visible fugitive dust emissions beyond the property boundaries that damage or interfere with the use of adjacent properties, or cause air quality standards to be exceeded, or interfere with the maintenance of air quality standards.
7. **Litter Control:** Keota AD 1 must conduct operations in a manner that controls blowing litter and does not create a nuisance or hazard to public health, the environment, or adjacent landowners.
8. **Disease Vector Control:** Keota AD 1 must conduct operations in a manner that controls disease vectors and does not create a nuisance or hazard to public health, the environment, or adjacent landowners.
9. **Salvage and Recycling:** Keota AD 1 may salvage and recycle food packaging materials in accordance with the Salvage and Recycling Plan. Storage of food packaging materials for salvage and recycling must not exceed 90 days.
10. **Processing Time for Putrescible Waste:** Keota AD 1 shall process any putrescible waste

within 24 hours of acceptance of that waste. If processing failure occurs, putrescible waste must be removed from the site within 96 hours to an alternate permitted disposal site.

11. Waste Storage & Disposal: Keota AD 1 must store and dispose of any waste materials generated from the processing operations in accordance with the following:

- a. **Liquid and Solid Digestate:** Liquid digestate storage is limited to no more than 4 months in the onsite storage tank. Solid digestate storage is limited to no more than 5 days on the concrete separator pad. All liquid and solid digestate produced from the processing operations must be disposed of at a permitted solid waste disposal facility unless another method has been approved by DEQ.
- b. **Other Materials:** The storage of all other waste materials generated from the processing operations, including, but not limited to, grit and inorganic particles, is limited to no more than 1 month in the dumpster in the organics receiving area building. All other waste materials generated from the processing operations must be disposed of at a permitted solid waste disposal facility.

12. Residue Management: Keota AD 1 shall appropriately characterize as hazardous or non-hazardous all processed waste and residues produced by the facility and dispose of them in a properly-permitted disposal facility.

13. Discharges: Keota AD 1 must 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 into waters of the United States, including wetlands, 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 to waters of the United States, including wetlands, 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.

F. REQUIRED NOTICES

1. **Reporting Requirements:** Keota AD 1 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 Keota AD 1 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. Notification of Rejected Waste:** DEQ shall be notified by the end of the next working day of:
(A) any waste identified and rejected prior to receipt as a prohibited waste; or (B) any load identified and rejected at the gate, during random inspections, as a prohibited waste. Such notification shall describe the reason for rejection and include: (A) the date of rejection; (B) the name, address, phone number and contact person of the waste generator when such data can be obtained; and/or (C) the name of driver, tag number of the vehicle, carrier name, address, telephone number and contact person when such data can be obtained.
- 3. Twenty-Four Hour Reporting:** Keota AD 1 shall report to DEQ any noncompliance which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time Keota AD 1 becomes aware of the circumstances. The report shall include the following:
 - a. Information concerning the release of any waste that may cause an endangerment to public drinking water supplies;
 - b. Information of a fire or explosion at the facility which could threaten the environment or human health outside the facility; and
 - c. The description of the occurrence and its cause shall include:
 - i. Name, address, and telephone number of the owner or operator;
 - ii. Name, address, and telephone number of the facility;
 - iii. Date, time, and type of incident;
 - iv. Name, quantity and generator of materials involved;
 - v. The extent of injuries, if any;
 - vi. An assessment of actual or potential hazards to the environment and human health outside the facility;
 - vii. Estimated quantity and disposition of recovered material that resulted from the incident; and
 - viii. If the occurrence is determined to be a result of faulty equipment, then similar equipment throughout the facility will be replaced to prevent the same occurrence.
- 4. Written Incident Report:** A written report shall be submitted to DEQ within five (5) days of the time Keota AD 1 becomes aware of the incident described in condition F.3. The written report shall contain a description of the situation and the cause; the period(s) of the situation (including exact dates and times); whether the situation has been corrected; and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the situations.

G. CLOSURE AND FINANCIAL ASSURANCE CONDITIONS

1. **Notification of Final Closure:** Prior to final closure of the facility, Keota AD 1 shall give written notice to DEQ and, if needed, update the Closure Plan based on site conditions and regulations.
2. **Closure Activities Timelines:** Keota AD 1 shall begin closure activities no later than 90 days after final receipt of wastes at the facility. Closure activities shall be completed within 180 days after closure activities were initiated.
3. **Closure Plan:** Keota AD 1 shall clean close the facility in accordance with the approved Closure Plan and OAC 252:515-25. Additionally, Keota AD 1 must conduct facility closure in a manner that minimizes or eliminates the need for further maintenance and controls. Keota AD 1 must amend the closure plan whenever there is a change in operations that would substantially affect the plan or before commencing closure activities. Any amendments to the closure plan must be submitted to DEQ for approval prior to initiating closure.
4. **Certification of Final Closure:** Within 60 days after the completion of final closure for the entire facility, Keota AD 1 shall submit a Certification of Final Closure, signed and sealed by an independent professional engineer registered in the State of Oklahoma, to DEQ for review and approval in accordance with OAC 252:515-25-34.
5. **County Land Records Notice:** Upon DEQ approval of final closure, Keota AD 1 shall record a notice in the land records of the property in the county in which the facility is located, that includes all requirements in OAC 252:515-25-36.
6. **Post-Closure Care Period:** A post-closure monitoring and care period may be required if DEQ determines that the operations of the facility have caused soil, surface water, or groundwater contamination or if DEQ finds that Keota AD 1 cannot clean close the facility. DEQ must approve the final closure of Keota AD 1 before the post-closure period can begin.
7. **Closure Cost Estimates:** Keota AD 1 shall submit closure cost updates meeting the requirements of OAC 252:515-27 to DEQ for review and 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; and
 - c. If any changes occur during the operation of the facility that require corrective action costs to be submitted to DEQ.
8. **Financial Assurance:** Financial assurance will be established for the performance cost of closure, post-closure, and/or corrective action (if required by DEQ). Keota AD 1 shall establish financial assurance prior to the initial receipt of waste. Keota AD 1 must maintain financial assurance continuously until released from the requirement to maintain such assurance by demonstrating compliance with OAC 252:515-27-3.