

PROPOSED SOLID WASTE PERMIT MODIFICATION

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

Permit Number: 3557021
Permittee: American Environmental Landfill (“AEL”)
Facility Type: Municipal Solid Waste Landfill
County: Osage County

Modification: Modification of the existing permit to authorize an expansion of the permit boundary and waste disposal area. The permit boundary will expand from approximately 222 acres to 425 acres. The expansion will allow for an additional 163 acres of waste disposal area (Cells 7 through 10). With the addition of the expansion area, the total design capacity of the landfill is 79,772,974 cubic yards.

Variance:

Applicants may, in a permit application, request a variance in accordance with Oklahoma Administrative Code (“OAC”) 252:515-3-32 and 27A O.S. § 2-10-304. One variance request was included in the application:

Alluvium and terrace deposits. The application includes a variance request to OAC 252:515-5-51(a), which prohibits the expanded permit boundary from being located in an area designated as alluvium or terrace deposits. Portions of the expansion area were determined to be located within an area containing alluvium and/or terrace deposits. As discussed in Section 3.7 of the application narrative and Appendix G (Quality Assurance / Quality Control Plan), unstable areas including alluvium/terrace deposits will be undercut to firm material and backfilled with suitable compacted earthen fill to reach cell subgrade elevations. By removing unsuitable material, backfilling, and compacting the subgrade in accordance with the Quality Assurance / Quality Control Plan, the variance equals or exceeds the protection accorded by OAC 252:515-5-51(a).

Incorporated by Reference:

1. “Tier III Permit Modification” Application dated May 31, 2024, submitted by SCS Engineers on behalf of AEL, inclusive of the following appendices:
 - Appendix A – Adjacent Property Owner Notifications, Location Restriction Correspondences, and Figures
 - Appendix B – Subsurface Investigation
 - Appendix C – Liner and Final Cover System Stability Analysis
 - Appendix D – Groundwater Monitoring Plan
 - Appendix E – Explosive Gas Monitoring Plan
 - Appendix F – Stormwater Design System Report
 - Appendix G – Quality Assurance/Quality Control Plan for Liner and Leachate Collection System Installation and Testing
 - Appendix H – Leachate Collection System Design Report
 - Appendix I – Operations Plan
 - Appendix J – Waste Exclusion Plan
 - Appendix K – Closure and Post-Closure Plan

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- Appendix L – Quality Assurance/Quality Control Plan for Evapotranspiration Alternative Earthen Final Cover Construction

2. “Response to July 16, 2024 Administrative Review” dated July 24, 2024, submitted by SCS Engineers on behalf of AEL, including certified mail receipts for notices sent to adjacent landowners.
3. “Response to July 16, 2024 Administrative Review – Revision 1” dated August 6, 2024, submitted by SCS Engineers on behalf of AEL, including additional certified mail receipts for notices sent to adjacent landowners.
4. “Tier III Permit Modification – Response to NOD” dated February 14, 2025, submitted by SCS Engineers on behalf of AEL, including revisions to the Application narrative and Appendices A, D, I, J, K, and the addition of Appendix M (Leachate Recirculation Plan).
5. “Tier III Permit Modification – Response to May 13, 2025 NOD” dated August 19, 2025, submitted by SCS Engineers on behalf of AEL.
6. “Permit Drawing Set” submitted on October 21, 2025, by SCS Engineers on behalf of AEL, including a minor formatting correction to Drawing 3.

Conditions:

1. The base grades for Cells 7, 7N, and 7S, as shown in the submittals dated August 19 and October 21, 2025, are designed with a minimum five-foot separation from groundwater in accordance with OAC 252:515-11-3.
2. The conceptual layouts of Cells 8, 9, and 10 are approved. However, DEQ approval for cell construction is contingent upon the completion of an additional 12-month groundwater study prior to construction to verify that the five-foot separation from groundwater exists as designed. The results of the additional 12-month groundwater study must be submitted to DEQ for review and approval prior to construction. Alternatively, AEL must revise the base grades to ensure compliance with OAC 252:515-11-3.
3. Unstable areas, including silty/sandy materials and materials identified as alluvium and terrace deposits, shall be identified during cell construction, undercut, and backfilled with suitable material to reach cell subgrade elevations in accordance with the Quality Assurance / Quality Control Plan.
4. This permit modification is based on data, design criteria, plans, and specifications presented in the documents incorporated by reference. Any inaccuracies found in the Application or supporting documentation may provide cause for potential enforcement action against American Environmental Landfill and the amendment, modification, or revocation of this permit modification.
5. 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 modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of American Environmental Landfill does not stay the applicability or

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enforceability of any Permit Condition or any other law providing for protection of public health or the environment from an imminent or substantial endangerment.

6. 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.
7. 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 shall not affect the remainder of this permit modification.
8. American Environmental Landfill shall comply with the Oklahoma Solid Waste Management Act, the Environmental Quality Code, and Rules promulgated thereunder, including provisions of the Oklahoma Administrative Code, and all conditions of the Solid Waste Permit. Any permit noncompliance constitutes a violation of the Solid Waste Permit and is grounds for enforcement action, including: permit modification, administrative civil penalties, suspension or revocation, and denial of a pending permit modification application.

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

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

Date: _____

Kelly Dixon
Division Director
Land Protection Division

Date: _____

Robert Singletary
Executive Director
Oklahoma Department of Environmental Quality

Date: _____