

ENGROSSED HOUSE  
BILL NO. 2220

BY: BENSON, HUDSON and  
MADDOX (Jim) of the  
HOUSE

and

HOOPER of the SENATE

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING  
63 O.S. 1991, SECTIONS 1-2414.1, 1-2416 AND 1-  
2416.1, WHICH RELATE TO SOLID WASTE; MODIFYING  
CLOSURE REQUIREMENTS; REQUIRING FINANCIAL  
ASSURANCE; MODIFYING INFORMATION REQUIRED TO BE  
SUBMITTED FOR APPLICATION; MODIFYING DEFINITION;  
CLARIFYING LANGUAGE; MODIFYING ENTITIES TO PROVIDE  
FINANCIAL ASSURANCE; PROVIDING FOR PERMITTING OF  
NONHAZARDOUS WASTE; MODIFYING AND ADDING TERMS;  
REQUIRING CERTAIN PERMITS; SETTING CONDITIONS;  
PROHIBITING CERTAIN LIMITATIONS IN CERTAIN  
INSTANCES; REQUIRING CERTAIN REPORTS; REQUIRING  
CERTIFICATIONS; AUTHORIZING PETITIONS; PROHIBITING  
CERTAIN DISPOSAL IN CERTAIN CASES; AND PROVIDING AN  
EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2414.1, is  
amended to read as follows:

Section 1-2414.1 ~~A.~~ In considering applications for solid  
waste disposal site permits which were originally filed with the

State Department of Health prior to April 30, 1990, the Department shall require applicants to submit information based on an individual on-site observation for determining the highest seasonal phreatic groundwater table. The original notice and opportunity to request a public meeting regarding such applications shall be deemed to comply with the Solid Waste Management Act for any submittals by the same applicant for the same site.

~~B. For all land disposal site permits, the Department shall require posting of security for proper final closure, maintenance, and monitoring of solid waste disposal sites. The Department shall require posting of an amount sufficient to cover the estimated final closure costs for the projected operation of a site plus the eight-year post-closure maintenance and monitoring period. A site may be closed in phases according to a closure plan approved by the Department. Any site which deviates from the approved closure plan, or when the cost of closure is found to have increased, must post any increase in security. The term "final closure" shall mean those measures for providing final capping material, proper drainage, perennial vegetative cover, maintenance, and monitoring required for the site by regulations of the State Board of Health.~~

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2416, is amended to read as follows:

Section 1-2416. A. Applications for land disposal site permits shall contain a closure plan which defines operational phases and includes but is not limited to cost estimates ~~and~~ plans and specifications for final ~~grading, final cover, proper drainage, groundwater monitoring where applicable, and revegetation,~~ closure and the maintenance and monitoring of such works for ~~eight (8)~~ thirty (30) years or such post-closure time period as may be mandated pursuant to the federal Solid Waste Disposal Act ~~after site closure. Applications for other types of disposal site permits shall have a closure plan which would accomplish the removal and~~

~~proper disposal of any remaining waste and the elimination of potential environmental health hazards. A site may be closed in phases according to a closure plan approved by the Department.~~

B. Applicants for other types of solid waste permits shall have a closure plan which would accomplish the removal and proper disposal of any remaining waste and the elimination of potential environmental health hazards.

C. The Department shall require applicants and permittees to post financial assurances in an amount sufficient to cover the estimated cost of closure. The closure costs for landfills shall include the estimated costs of the projected phased final closure and the post-closure maintenance and monitoring. The term "final closure" means those measures for providing final capping material, proper drainage, perennial vegetative cover, maintenance, monitoring and other closure actions required for the site by the regulations of the Oklahoma State Board of Health. An increase in financial assurance shall be required when any permittee deviates from the approved closure plan or when the cost of closure is found to have increased.

D. 1. Applicants other than units of state or federal government shall post a bond, insurance, trust fund, or irrevocable letter of credit guaranteeing the performance of such closure plan. The state shall be the sole beneficiary of any such security. In lieu of such security the applicant may deposit cash or certificates of deposit with the State Treasurer payable to the Public Health Special Fund and the state shall have a security interest therein for the cost of performance of closure.

2. Applicants which are units of state or federal government which own or operate an improperly closed disposal site shall post such a bond, or cash, or certificates of deposit with the State Treasurer payable to the Public Health Special Fund for performance of site closure for their existing site and for the new site.

~~C.~~ E. When a bond or other security is required, it shall remain in effect until performance of the closure plan is completed. The amount of such security shall be set by the Department and shall not be less than the anticipated cost of contracting for performance of each phase of the closure plan. After final closure ~~begins~~ is complete, the Department may ~~from time to time~~ allow a reduction in the amount of security to reflect the anticipated costs which remain.

~~D.~~ F. All existing active or improperly closed disposal sites except transfer stations shall comply with the provisions of this section ~~within one (1) year after the effective date of this act~~ by September 1, 1992.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-2416.1, is amended to read as follows:

Section 1-2416.1 A. The Department may issue a permit for a landfill disposal site, which is not a controlled industrial waste facility, which accepts unspecified nonhazardous industrial ~~solid~~ waste, only under the following circumstances:

1. The landfill is located outside of areas of principal groundwater resource or recharge areas as determined and mapped by the Oklahoma Geological Survey and is on a proposed site on property, owned or operated by a person who also owns or operates a controlled industrial waste facility or solid waste facility, on or contiguous to property on which a controlled industrial waste facility or solid waste facility is operating pursuant to a permit and the site is designed to meet the most environmentally protective solid waste regulations adopted by the Board for the largest population category and includes a leachate collection system; or
2. The landfill complies with all siting and public participation requirements as though the solid waste landfill were a controlled industrial waste landfill; or

3. The site is proposed, designed, and permitted as ~~an~~ a nonhazardous industrial ~~solid~~ waste monofill.

B. For purposes of this provision, ~~the term "monofill":~~

1. "Monofill" means a landfill which is used to dispose of a single type of specified ~~solid~~ nonhazardous industrial waste, except for other ~~solid~~ nonhazardous industrial wastes which are not readily separable from the specified waste;

2. "Inert waste" means any solid waste that is insoluble in water, chemically inactive, that will not leach contaminants, or is commonly found as a significant percentage of residential solid waste; and

3. "Nonhazardous industrial waste" means:

a. any unusable industrial or chemical product, or

b. any solid waste generated by the release of an industrial product to the environment, or

c. any solid waste generated by a manufacturing or industrial process,

provided that the waste is not regulated as controlled industrial waste.

C. The provisions of this section shall apply to all pending applications for which final agency action has not been taken and future permit applications.

D. Except as otherwise provided in subsection A of this section, the Department shall not allow a disposal site to accept any nonhazardous industrial waste type unless said site is permitted by the Department to accept such waste type.

E. The Department shall not issue, amend or modify a permit to allow a solid waste landfill to accept more than one type of nonhazardous industrial waste for disposal unless said landfill is equipped with a composite liner and a leachate collection system designed and constructed in compliance with regulations adopted by the Board.

F. No limitation shall be placed on the percentage of nonhazardous industrial waste that may be accepted for disposal at solid waste landfills which have a composite liner and a leachate collection system designed and constructed in compliance with regulations adopted by the Board.

G. Disposal site operators shall submit to the Department an itemized monthly report of the type, quantity and source of nonhazardous industrial waste accepted the previous month.

H. The generator of a nonhazardous industrial waste shall certify to the Department that the waste is not a controlled industrial waste as such term is defined in the Oklahoma Controlled Industrial Waste Disposal Act.

I. Any generator seeking to exclude a specific nonhazardous industrial waste, which is also an inert waste, from the provisions of this section may petition the Department for a regulatory exclusion. The generator shall demonstrate to the satisfaction of the Department that the waste is inert and that it may be properly disposed.

J. By January 1, 1993, solid waste landfills existing on the effective date of this act which are not utilizing composite liners and leachate collection systems shall cease to accept nonhazardous industrial waste.

SECTION 4. This act shall become effective September 1, 1992.

Passed the House of Representatives the 20th day of February, 1992.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate