

ENROLLED SENATE
BILL NO. 892

BY: WILLIAMS (Don) and LONG
(Ed) of the SENATE

and

RICE and WIDENER of the
HOUSE

AN ACT RELATING TO SOLID AND HAZARDOUS WASTE;
AMENDING 63 O.S. 1991, SECTIONS 1-2005.3B AND 1-
2005.3C, WHICH RELATE TO DISPOSAL FEES AND SPECIAL
ECONOMIC DEVELOPMENT TRUST FUNDS; MODIFYING FEE FOR
DISPOSAL OF CERTAIN LIQUID WASTE; CLARIFYING
CERTAIN REFERENCE TO FEES COLLECTED FROM OFF-SITE
HAZARDOUS WASTE FACILITIES; CLARIFYING AREA WHERE
CERTAIN ECONOMIC DEVELOPMENT TRUST FUNDS MAY BE
USED; CLARIFYING STATUTORY REFERENCE; REQUIRING
STATING BOARD OF HEALTH TO PROMULGATE RULES
REGULATING THE LAND APPLICATION OF WASTEWATER
TREATMENT SLUDGE PRIOR TO ISSUING CERTAIN PERMITS;
STATING CONTENT OF RULES; STATING PURPOSES FOR USE
OF WASTEWATER TREATMENT SLUDGE IN ACCORDANCE WITH
APPROVAL OF CERTAIN MANAGEMENT PLAN AND RULES;
PROVIDING FOR CODIFICATION; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2005.3B,
is amended to read as follows:

Section 1-2005.3B Any person subject to regulation under this
title disposing of liquid waste other than controlled industrial
waste in an underground injection well shall pay a fee of five-
hundredths of one cent (\$0.0005) per gallon for such disposal,
provided that the total fee shall be not less than Fifteen Thousand
Dollars (\$15,000.00) nor more than Fifty Thousand Dollars
(\$50,000.00) per year. Said fee shall be paid to the Department on

a quarterly basis within one month following the close of each quarter for the waste disposed in that preceding quarter. Said fees shall be deposited into the Public Health Special Fund.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2005.3C, is amended to read as follows:

Section 1-2005.3C A. The county commissioners of the counties which are within a ten-mile radius of an off-site hazardous waste facility which is subject to the provisions of Section 1-2005.3A of this title may establish a Special Economic Development Trust Fund for those counties.

B. The trust fund shall be used to market advantages of industrial development and to promote industrial development within the counties located within the trust area. Such uses shall allow the authority to acquire assets, develop property, and to contract with local municipalities or economic development trusts or authorities to promote economic development in the counties located within the trust area.

C. The trust fund shall consist of:

1. All monies received pursuant to Section 1-2005.3A of this title;
2. All income from the investment of monies held in the trust fund;
3. Interest resulting from the deposit of such monies; and
4. Any other sums designated for deposit to the fund from any source, public or private.

D. Any trust established pursuant to the provisions of this section shall be governed by the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes.

E. 1. Such Trust shall be governed by a Board of Trustees of not less than six (6) nor more than ten (10) members. Each county within the Trust area shall be represented equally on the Board of Trustees.

2. Each Trustee shall be appointed by a majority vote of the county commissioners of the county that the Trustee represents. A Trustee may be removed prior to the expiration of the term of office by a majority vote of the county commissioners of the county that the Trustee represents. In the event there are two or more Trustees from each county, the initial appointments shall be made so that the terms are staggered. After the initial appointment, each Trustee shall serve a term of two (2) years and may be reappointed.

3. The Trustees shall receive no compensation for service on the Board of Trustees, but may be reimbursed for actual and necessary expenses incurred in the performance of their duties as a Trustee in accordance with the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

4. Any action of the Board of Trustees must be approved by a two-thirds (2/3) vote of the total authorized membership of the Board.

5. The Trustees shall have authority to exercise such powers as are necessary to perform the duties and functions imposed by the provisions of this section.

F. The Board of Trustees shall meet not less than twice each calendar year. At the first meeting in a new calendar year the members shall elect a chairman, a vice chairman, a secretary, and a treasurer.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2306 of Title 63, unless there is created a duplication in numbering, reads as follows:

Prior to issuing any approvals for the land application of any wastewater treatment sludge, the State Board of Health shall promulgate rules which shall include, but not be limited to, the following:

1. Prohibiting the practice of plowing municipal wastewater sludge that contains heavy metal concentrations significantly above concentrations normal to sludges with demonstrated effectiveness on Oklahoma soils prior to completion of a comprehensive study of all potential adverse effects by a qualified research institute familiar with the crops and soils of the State of Oklahoma, into or onto the soil surface;

2. Requiring that each load of wastewater treatment sludge generated outside the State of Oklahoma be sampled, at the location at which it is generated and have appropriate analysis, performed by an independent laboratory approved by the Department with random quality assurance samples taken by the Department, to assure that the sludge falls within the guidelines established by the Department; and

3. Requiring the generators to submit the following information: Dates of shipment and application of sludge; weather conditions upon delivery and application; location of sludge application site; area to be used for land application; amount of sludge delivered or applied; a copy of the test results showing the quality of the sludge; and a copy of the wastewater sludge use agreement. Such records shall be retained by the Department for a period of five (5) years after any land application of sludge and shall be made available to the public for inspection.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2307 of Title 63, unless there is created a duplication in numbering, reads as follows:

Wastewater treatment sludge, as regulated by the Solid Waste Management Act, Section 1-2300 et seq. of Title 63 of the Oklahoma Statutes, shall only be used on agricultural land at agronomic rates, as determined by the State Department of Health, provided the application is performed in accordance with an approved wastewater sludge management plan and the rules promulgated by the State Board of Health which shall include, but not be limited to, the following:

1. Annual land application of wastewater sludge shall not exceed nitrogen and phosphorous fertilization rates for the crop grown and shall not be applied at rates that result in phytotoxicity;

2. Wastewater treatment sludge applied to land shall be incorporated into the soil before the end of the working day;

3. Wastewater treatment sludge shall not be applied within two (2) feet of the highest seasonal water table nor applied to the land within one hundred (100) feet of a stream or body of water; and

4. Wastewater treatment sludge shall not be applied within two hundred fifty (250) feet of a public or private water supply.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.