

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2220

BY: BENSON of the HOUSE

and

HOOPER of the SENATE

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING
63 O.S. 1991, SECTIONS 1-2414.1 AND 1-2416, WHICH
RELATE TO SOLID WASTE; MODIFYING CLOSURE
REQUIREMENTS; REQUIRING FINANCIAL ASSURANCE;
MODIFYING INFORMATION REQUIRED TO BE SUBMITTED FOR
APPLICATION; MODIFYING DEFINITION; CLARIFYING
LANGUAGE; 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~~ financial assurance for proper final closure, maintenance, and monitoring of solid waste disposal sites pursuant to Section 1-2416 of this title. ~~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/or 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 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 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. This act shall become effective September 1, 1992.

43-2-7023

KSM