

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 219

BY: LONG (Ed)

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING SECTION 9, CHAPTER 196, O.S.L. 1990 (63 O.S. SUPP. 1990, SECTION 1-2005.3A), WHICH RELATES TO THE OKLAHOMA CONTROLLED INDUSTRIAL WASTE DISPOSAL ACT; INCREASING CERTAIN FEE; REMOVING CERTAIN LIMIT ON CERTAIN WASTE DISPOSAL SITES; AUTHORIZING THE COMMISSIONER OF THE STATE DEPARTMENT OF HEALTH TO EXPEND CERTAIN MONIES FOR CONTRIBUTIONS TO THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT FOR CERTAIN REMEDIATION PURPOSES, RESPONSE TO CERTAIN EMERGENCY SITUATIONS INVOLVING CONTROLLED INDUSTRIAL WASTE, REMEDIATION OF SITES CONTAMINATED BY CONTROLLED INDUSTRIAL WASTE AND COSTS INCURRED BY CERTAIN ENFORCEMENT ACTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 9, Chapter 196, O.S.L. 1990 (63 O.S. Supp. 1990, Section 1-2005.3A), is amended to read as follows:

Section 1-2005.3A. A. Every controlled industrial waste treatment facility, storage facility, disposal facility, or facility which recycles controlled industrial waste subject to the provisions of the Oklahoma Controlled Industrial Waste Disposal Act shall pay an annual fee on controlled industrial waste to the Department of Health for deposit in the Public Health Special Fund.

1. Such fees shall be in the amounts stated in the following table:

DISPOSITION OF WASTE	LOCATION OF WASTE GENERATION		
	ON SITE	OFF SITE	OUT OF STATE
Waste Storage Only		\$2.00 per ton	\$3.00 per ton
Waste Recycling		\$4.00 per ton	\$6.00 per ton
Waste Treatment	\$4.00 per ton	\$8.00 per ton	\$12.00 per ton
Land Disposal	\$6.00 per ton	\$12.00 per ton	\$18.00 <u>\$30.00</u> per ton
Underground Injection	\$0.01 per gallon	\$0.02 per gallon	\$0.03 per gallon

2. Any person or group of persons under common control owning an off-site controlled industrial waste treatment facility, storage facility, disposal facility, or facility which recycles controlled industrial waste shall pay a total fee of not less than Fifty Thousand Dollars (\$50,000.00) each state fiscal year.

3. The minimum fee requirement provided for in paragraph 2 of this subsection shall not apply to treatment facilities accepting controlled industrial waste exclusively for the purpose of conducting treatment research and design tests.

4. ~~Any person or group of persons under common control owning a controlled industrial waste treatment facility, storage facility,~~

~~disposal facility, or facility which recycles controlled industrial waste shall pay a total fee of not more than Five Hundred Thousand Dollars (\$500,000.00) in any one state fiscal year for all such facilities under common control of the ultimate parent of the group.~~ Facilities are hereby authorized to charge the person contracting for the services of the facility their proportional share of the fees required by the provisions of this section.

5. The amounts of annual fees to be paid as specified in paragraph 1 of this subsection shall be based upon the weight or volume of waste received into a facility during the preceding state fiscal year as reported to the Department of Health. The facility shall become liable for payment of the fee on each ton or gallon of controlled industrial waste at the time it is received. The fee shall be payable by the facility to the Department of Health only as provided for in subsection A of this section.

6. The fee imposed by the provisions of this section shall be payable only once without regard to any subsequent handling and shall be based on the purpose for which the waste has been generated by or brought to the facility. In no event shall a facility be required to pay a fee on each step or process involved in the storage, treatment, or disposal of the waste at the facility or a related facility under common control.

B. The following facilities shall not be required to pay the fee required by the provisions of this section:

1. Those facilities engaged only in the on-site storage of controlled industrial waste; and

2. Those facilities which have not generated or received new controlled industrial waste within the preceding state fiscal year.

C. Payment of the fees required by this section shall be due July 1 of each year for controlled industrial waste received by the facility during the prior state fiscal year. At the discretion of the facility, payment of the estimated annual fee owned by the

facility may be made by quarterly payments. Such quarterly payments shall be due on the first day of the month of the following quarter during the state fiscal year in which the controlled industrial waste is received. All payments shall be made within thirty (30) days from the date it becomes due. In the event that at the end of the year an estimated fee paid is not the same as owed, the Department shall provide procedures for reconciling the fee paid with the fee owed.

D. The fees provided for in this section shall be adjusted proportionally on an annual basis to reflect changes in the Producers Price Index as certified to the State Department of Health by the Oklahoma Department of Commerce on July 1 of each year.

E. The fees provided for in this section shall be paid in lieu of the monitoring fees imposed in paragraph 2 of subsection A of Section 1-2005.2 of Title 63 of the Oklahoma Statutes. All facilities subject to the provisions of this section shall not be required to pay or collect any additional fees for waste disposal unless specifically provided for in the Oklahoma Controlled Industrial Waste Disposal Act.

F. All fees and other monies received by the Department pursuant to the provisions of this section shall be expended solely for the purposes specified in this section. The State Commissioner of Health shall expend monies received pursuant to the provisions of this section ~~only for~~ with first priority to one or more of the following purposes:

1. The administration of the provisions of the Oklahoma Controlled Industrial Waste Disposal Act;

2. The development of an inventory of controlled industrial wastes currently produced in Oklahoma and management needs for the identified wastes;

3. The implementation of information exchange, technical assistance, public information, and educational programs;

4. The development and encouragement of waste reduction plans for Oklahoma waste generators; or

5. Increased inspection of controlled industrial waste facilities which may include full time inspectors at off-site controlled industrial waste facilities.

G. To the extent that fees received pursuant to this section shall exceed the amounts necessary to reasonably accomplish the purposes specified in subsection F of this section, the Commissioner may expend such excess amounts for one or more of the following purposes:

1. Contributions required from the state pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act for remediation or related action upon a site within the State of Oklahoma;

2. Response, including containment and removal, to emergency situations involving spillage, leakage, emissions or other discharge of controlled industrial waste or controlled industrial waste constituents to the environment where a responsible party cannot be timely identified or found or compelled to take appropriate emergency action to adequately protect human health and the environment;

3. State-funded remediation of sites contaminated by controlled industrial waste or controlled industrial waste constituents so as to present a threat to human health or the environment, to the extent that a responsible party cannot be timely identified or found or compelled to take such action, or is unable to take such action;
or

4. Costs incurred in pursuing an enforcement action to compel a responsible party to undertake appropriate response or remedial actions, or to recover from a responsible party monies expended by the State of Oklahoma, as described in paragraphs 1 through 3 of this subsection.

SECTION 2. 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.

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