

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 53

By: Hooper and Helton of the
Senate

and

Benson of the House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-2413, as last amended by Section 2, Chapter 270, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2413), which relates to regional solid waste districts; providing for collection and invoicing of certain services; requiring certain plans and monitoring; requiring financial assurance; specifying exceptions; 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 1-2413, as last amended by Section 2, Chapter 270, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2413), is amended to read as follows:

Section 1-2413. A. The board of county commissioners in each county of the state may develop a plan, subject to the approval of the State Department of Health, to provide a solid waste management system to handle adequately solid wastes generated or existing within the boundaries of such county. By agreement or contractual arrangement the board of county commissioners may assume responsibility for solid wastes generated within incorporated cities or towns whether within their counties or other counties. The board of county commissioners of a county may enter into agreements with other counties, one or more towns or cities, governmental agencies, with private persons, trusts or with any combination thereof to provide a solid waste management system for the county or any portion thereof.

B. The county commissioners shall have the authority to levy and collect such fees and charges and require such licenses as may be appropriate to discharge their responsibility for a solid waste management system or any portion thereof. Such fees, charges and licenses shall be based on a fee schedule contained in an official resolution of the board of county commissioners and may be invoiced and collected by other public or private utility services in the normal course of their business.

C. The board of county commissioners may accept and disburse funds derived from federal or state grants or from private sources or from monies that may be appropriated from the General Revenue Fund for the installation and operation of a solid waste management system.

D. The board of county commissioners is authorized to contract for the lease or purchase of land, facilities and vehicles for the operation of a solid waste management system either for the county or as a party to a regional solid waste management district.

E. The board of county commissioners of a county shall have the right to establish written policies in compliance with the plan approved by the State Department of Health for the operation of a solid waste management system including hours of operation, amount, character and kind of waste accepted at the solid waste container sites or any disposal site, and such other rules as may be necessary for the safety of the operating personnel, persons using the sites and the general public.

F. Any person who violates any policy established by the board of county commissioners for the operation of a solid waste management system created pursuant to the provisions of this section, shall be subject to a civil penalty not to exceed Five Hundred Dollars (\$500.00) per day. Each violation shall constitute a separate offense.

G. The provisions of this section requiring approval of the Oklahoma State Department of Health for plans providing for a solid waste management system, shall not apply to counties having a solid waste management system plan in effect on July 1, 1992.

For any county having a solid waste management system plan in effect on July 1, 1992, the county commissioners may charge and collect reasonable service and disposal fees as necessary for any nonhazardous industrial solid waste collection and disposal system. In determining reasonable fees for any nonhazardous industrial solid waste collection and disposal system, the county may take into account the damage and repair of access roads, litter control, surveillance, civil defense, and such other costs and expenditures deemed necessary by the county. Any person subject to the assessment of such fees who is aggrieved at the action of the commissioners in determining the amount of such fees, may appeal the action of the commissioners to the district court of the county for a review as to the reasonableness of the fees. The decision of the court shall be final and binding upon the commissioners, provided that any such order of the commissioners assessing the fees shall be binding until reversed by the court.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-10-502 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law, owners of commercial nonhazardous industrial waste landfills shall prepare a plan for the closure and post-closure maintenance and monitoring of the site for ninety-nine (99) years. Owners of such sites shall provide financial assurance in accordance with the requirements of this section to guarantee the performance of the closure and post-closure plan. The provisions of this section shall not apply to landfills owned or operated by units of local governments or by an industry or manufacturer and utilized for such industry's or manufacturer's exclusive noncommercial use, or to privately owned landfills which regularly serve one or more units of local government and which have been accepting nonhazardous industrial solid waste under approval of the Department.

SECTION 3. 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.

44-1-1243

MJM