

ENROLLED HOUSE
BILL NO. 1821

By: Williams of the House

and

Haney of the Senate

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-2416, as amended by Section 5, Chapter 50, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2416), which relates to site closure plans; providing for site closure in certain phases; modifying procedures; modifying security; providing for certain increases; deleting certain requirements; modifying disposition of funds; modifying certain site compliance schedules; providing exception for certain landfills; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2416, as amended by Section 5, Chapter 50, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2416), is amended to read as follows:

Section 1-2416. A. ~~Applications for land~~ All disposal site ~~permits owners~~ shall ~~contain~~ provide a closure plan to the Department of Environmental Quality for approval which defines operational phases and includes cost estimates, and plans and specifications for final closure ~~and~~. A site may be closed in phases according to a closure plan approved by the Department.

1. Owners of landfills that receive household solid waste, defined as Municipal Solid Waste Landfill Facilities in the federal regulations adopted under Subtitle D of the federal Solid Waste Disposal Act, and owners of commercial nonhazardous industrial waste landfills shall also provide for the maintenance and monitoring of such works for thirty (30) years or such post-closure time period as may be mandated pursuant to under the federal Solid Waste Disposal Act.

2. Generator owned and operated private industrial nonhazardous monofills shall only be required to have an eight-year post-closure period or such post-closure time period as may be mandated pursuant to under the federal Solid Waste Disposal Act. A site may be closed in phases according to a closure plan approved by the Department.

~~B. Applications for other types of solid waste permits~~ 3. Disposal sites other than land disposal sites 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. B. The Department shall require applicants and permittees to post that financial assurances be provided 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 any post-closure maintenance and monitoring.~~
An increase in financial assurance shall be required when any

permittee deviates from the approved closure plan or when the cost of closure or post-closure is found to have increased. Owners of landfills that receive household solid waste shall increase financial assurance if corrective action is required.

~~D. 1. Applicants and permittees~~ C. Disposal site owners shall post a bond, insurance, trust fund, or irrevocable letter of credit guaranteeing provide financial assurance, in a form described under the federal Solid Waste Disposal Act, or cash or certificates of deposit payable to the Department of Environmental Quality Revolving Fund, to guarantee the performance of such closure plan and for any required post-closure. The state shall be the sole beneficiary of any such security solely for closure and post-closure. In lieu of such security the ~~applicant~~ owner may deposit cash or certificates of deposit with the State Treasurer payable to the ~~Public Health Special~~ Department of Environmental Quality Revolving Fund and the. The state shall have a security interest therein for the cost of performance of closure. This subsection ~~does~~ shall not apply to units of state or federal government. Other units of government ~~shall comply with this subsection by October 9, 1993~~ that own disposal sites that receive waste after October 8, 1993, shall provide financial security by April 9, 1994, except as may otherwise be prescribed under the federal Solid Waste Disposal Act. No other disposal site owner shall accept waste after October 8, 1993, unless financial security is provided as required by law. If the time for posting any such financial security is extended under the federal Solid Waste Disposal Act, these dates shall also be extended accordingly. In lieu of the performance guarantee mechanisms specified herein, owners or operators of a nonhazardous industrial solid waste landfill which is owned or operated by an industry or manufacturer for its exclusive noncommercial use may also satisfy the financial assurance requirements for closure, post-closure and maintenance by meeting the requirements of a corporate financial test and corporate guarantee similar to that applicable to hazardous waste facilities.

~~2. Applicants and permittees 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. This subsection does not apply to units of state or federal government.~~

~~E. D.~~ When a bond or other financial security is required, it shall remain in effect until performance of the closure plan and any post-closure 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 and post-closure. After final closure is complete, the ~~The~~ Department may allow a reduction in the amount of security to reflect the anticipated costs which remain.

~~F. All existing active or improperly closed disposal sites except transfer stations shall comply with the provisions of this section, except that sites permitted prior to August 8, 1985, shall be exempt from this section if final closure is complete by October 9, 1993, and the method of closure is conducted with approval of the Department.~~

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.

Passed the House of Representatives the 3rd day of May, 1993.

Speaker of the House of
Representatives

Passed the Senate the 20th day of April, 1993.

President of the Senate