

ENROLLED SENATE
BILL NO. 832

By: Easley, Muegge and Shurden
of the Senate

and

Leist of the House

An Act relating to environment and natural resources; amending 11 O.S. 1991, Sections 37-110 and 37-111, Section 17, Chapter 145, O.S.L. 1993, Section 8, Chapter 398, O.S.L. 1992, as amended by Section 20, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, Section 26, Chapter 145, O.S.L. 1993, Section 7, Chapter 215, O.S.L. 1992, as amended by Section 44, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, Section 56, Chapter 145, O.S.L. 1993, as amended by Section 19, Chapter 324, O.S.L. 1993, 82 O.S. 1991, Section 926.3, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 20, Chapter 324, O.S.L. 1993, Section 61, Chapter 145, O.S.L. 1993, Section 15, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 21, Chapter 324, O.S.L. 1993, Section 16, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 22, Chapter 324, O.S.L. 1993, Section 23, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-908, as amended by Section 76, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, Section 77, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-910, as amended by Section 78, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 82 O.S. 1991, Section 926.4, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 25, Chapter 324, O.S.L. 1993, 63 O.S. 1991, Section 1-1009, as amended by Section 82, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2004.2, as last amended by Section 90, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2009.1, as last amended by Section 91, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2008.1, as last amended by Section 100, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2014.2, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section

30, Chapter 324, O.S.L. 1993, 63 O.S. 1991, Section 1-2005.2, as last amended by Section 102, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2005.3A, as last amended by Section 104, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2005.3C, as last amended by Section 117, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2018, as last amended by Section 121, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, Section 152, Chapter 145, O.S.L. 1993, as amended by Section 37, Chapter 324, O.S.L. 1993, Section 153, Chapter 145, O.S.L. 1993, as amended by Section 38, Chapter 324, O.S.L. 1993 and 63 O.S. 1991, Section 1-2324, as amended by Section 159, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Sections 2-3-102, 2-3-201, 2-3-502, 2-5-107, 2-6-101, 2-6-103, 2-6-106, 2-6-203, 2-6-204, 2-6-205.1, 2-6-401, 2-6-402, 2-6-403, 2-6-501, 2-6-801, 2-7-107, 2-7-108, 2-7-117, 2-7-118, 2-7-119, 2-7-121, 2-7-201, 2-7-304, 2-10-401, 2-10-402 and 2-10-602), 59 O.S. 1991, Sections 1103, as last amended by Section 51, Chapter 324, O.S.L. 1993, 1105, as amended by Section 279, Chapter 145, O.S.L. 1993, 1106, as last amended by Section 52, Chapter 324, O.S.L. 1993, 1107, as amended by Section 281, Chapter 145, O.S.L. 1993, and 1111, as amended by Section 285, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Sections 1103, 1105, 1106, 1107 and 1111) and 68 O.S. 1991, Sections 53005, as amended by Section 195, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 53006, as amended by Section 196, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 and 53007, as amended by Section 197, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Sections 2-11-405, 2-11-406 and 2-11-407), which relate to the Department of Environmental Quality and state and local environmental agencies and programs and waste tires; modifying obsolete references; authorizing the Environmental Quality Board to incorporate certain federal regulations in rules by reference under certain circumstances; stating exceptions; providing for certain Customer Services Division within Department of Environmental Quality; authorizing certain employee to exercise certain powers and duties under certain circumstances subject to certain approval; clarifying powers of certain council; updating statutory references; authorizing Executive Director to review record of certain

administrative proceedings prior to issuing final orders; defining terms; authorizing Department to amend the Water Quality Management Plan; requiring Board to promulgate rules for amending and updating certain plan; stating requirements for rules; stating procedure for filing permit applications; authorizing Board to establish certain management standards for sludge; modifying authorization of the Board to include a state sludge program and take certain actions to administer and enforce certain discharge permits and sludge permits; authorizing Executive Director to set certain terms and conditions relating to sludge; requiring Executive Director to issue certain permits; authorizing Executive Director to require certain discharge permits; authorizing certain Department employees to access certain sites for certain purposes; modifying procedures for certain permit applications and issuances; modifying procedures for permitting certain sewage treatment works; authorizing the Board to promulgate certain rules pertaining to certain sewage treatment works; stating exception to certain exemption; stating requirements for certain sewage systems; requiring certain water quality permit prior to carrying on certain activities; authorizing Board to promulgate certain rules relating to wastewater and sludge; modifying licensing procedures for septic tanks and holding tanks; authorizing Board to promulgate rules regulating certain disposal practices for used oil; modifying certain restriction for certain hazardous waste facilities; requiring certain permit modification for certain recycling facilities prior to increasing capacity; modifying certain fees for generators treating and disposing of hazardous waste on-site; requiring certain procedures for permits for solid waste transfer systems and yard waste composting sites and providing exception; requiring certain permit for sludge produced at certain treatment works; modifying requirements for certain advisory council; modifying powers and duties of the Department relating to the Waterworks and Wastewater Works Operator Certification Act; modifying requirements for operators of waterworks or wastewater works; providing for certain certificates to be issued and renewed annually; authorizing Department to reinstate, revoke or suspend certain certificates for certain causes; prohibiting certain disposal or transportation of waste tires; providing for payments for certain audits; requiring certain audits; providing for contents; requiring copies; removing certain limitations; prohibiting compensation for excess tires; modifying requirements for certain compensation for waste tire processing; providing for

codification; providing for recodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 37-110, is amended to read as follows:

Section 37-110. The governing body of any municipality securing its water supply from a stream or reservoir located outside of its corporate limits may designate by ordinance a district to be known as a water district. The water district shall be designated by metes and bounds and may embrace any lands, directly or indirectly flowing or shedding water into any such stream or reservoir as the governing body ordains. The governing body may adopt and enforce any rules ~~and regulations made promulgated~~ by the ~~State Commissioner of Health, the county superintendent of public health, or the municipal public health officer~~ Board of Environmental Quality for the protection of any such water supply.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 37-111, is amended to read as follows:

Section 37-111. All rules, ~~regulations and ordinances made promulgated~~ by the ~~State Commissioner of Health, the county superintendent of public health, the municipal governing body or the municipal public health officer~~ Board of Environmental Quality and adopted by, and all ordinances of, the governing body for the protection of the water supply and establishment of the water district shall be published in the same manner as ordinances. A copy of the ordinances, ~~and adopted rules and regulations~~ shall be served, as provided by law in civil actions, on each person, firm, association or corporation owning property in the water district, and upon the head of each family residing in the water district. All ordinances, ~~and adopted rules and regulations~~ shall also be posted in conspicuous places in the water district.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-2-104 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Insofar as permitted by law and upon recommendation from the appropriate Council, rules promulgated by the Environmental Quality Board may incorporate a federal statute or regulation by reference. Any Board rule which incorporates a federal provision by reference incorporates the language of the federal provision as it existed at the time of the incorporation by reference. Any subsequent modification, repeal or invalidation of the federal provision shall not be deemed to affect the incorporating Board rule.

SECTION 4. AMENDATORY Section 17, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-3-102), is amended to read as follows:

Section 2-3-102. The Customer Services Division of the Department of Environmental Quality which includes, but is not limited to, the Offices of Business Assistance, Local Government Assistance and Citizen Assistance, in addition to responsibilities specified by Section ~~16~~ 2-3-101 of this ~~act~~ title and assigned to such ~~offices~~ Division or Offices by the Executive Director, shall:

1. Establish and maintain an information and referral system to assist the public in understanding and complying with state and local governmental requirements concerning the use of natural resources and protection of the environment. The system shall

provide a telephone information service and disseminate printed materials;

2. Standardize permits in coordination with the Board and the Department;

3. Identify the public information procedures currently associated with each permit program;

4. Provide for the posting of the telephone number of the Offices of Business Assistance, Local Government Assistance and Citizen Assistance at offices of the county commissioners, municipal offices and other public information centers; and

5. Maintain copies of all current rules of the Department.

SECTION 5. AMENDATORY Section 8, Chapter 398, O.S.L. 1992, as amended by Section 20, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-3-201), is amended to read as follows:

Section 2-3-201. A. The Environmental Quality Board shall appoint the Executive Director of the Department of Environmental Quality. The Executive Director shall serve at the pleasure of the Board.

B. The Executive Director shall have experience in industry, conservation, environmental sciences or such other areas as may be required by the Environmental Quality Board.

C. The Executive Director shall provide for the administration of the Department and shall:

1. Be the executive officer and supervise the activities of the Department of Environmental Quality;

2. Employ, discharge, appoint or contract with, and fix the duties and compensation of such assistants, attorneys, chemists, geologists, environmental professionals, medical professionals, engineers, sanitarians, administrative, clerical and technical, investigators, aides and such other personnel, either on a full-time, part-time, fee or contractual basis, as in his judgment and discretion shall be deemed necessary, expedient, convenient or appropriate to the performance or carrying out of any of the purposes, objectives, responsibilities or statutory provisions relating to the Department of Environmental Quality, or to assist the Executive Director in the performance of his official duties and functions;

3. Establish internal policies and procedures for the proper and efficient administration of the Department; and

4. Exercise all incidental powers which are necessary and proper to implement the purposes of the Department pursuant to this Code.

D. The Executive Director shall not be an owner, stockholder, employee or officer of, nor have any other business relationship with or receive compensation from, any corporation, partnership, or other business or entity which is subject to regulation by the Department of Environmental Quality and, with regard to the exercise of powers and duties associated with the Oklahoma Pollutant Discharge Elimination System Act, shall meet all requirements of Section 304 of the Clean Water Act and applicable federal regulations promulgated thereunder by the United States Environmental Protection Agency regarding conflict of interest.

E. 1. In addition to the powers and duties specified in subsection D of this section, the Executive Director shall have the power and duty to:

a. issue, deny, modify, amend, renew, refuse to renew, suspend, reinstate or revoke licenses or permits pursuant to the provisions of this Code, and rules promulgated by the Board, and

b. issue final orders and assess administrative penalties according to the Administrative Procedures Act, this Code and rules promulgated by the Board.

2. The powers and duties specified in paragraph 1 of this subsection shall be exercised exclusively by the Executive Director and may not be delegated to other employees of the Department except as specifically provided in this subsection.

3. In the event of the Executive Director's temporary absence, the Executive Director may delegate the exercise of such powers and duties to ~~a designee~~ an acting director during the Executive Director's absence subject to an organizational structure approved by the Board. In the event of a vacancy in the position of Executive Director, the Board may designate an interim or acting Executive Director who is authorized to exercise such powers and duties until a permanent Executive Director is employed. Any designee exercising such powers and duties of the Executive Director on a temporary, acting or interim basis shall meet the requirements of subsection D of this section for the Executive Director.

4. All references in this Code to the Department with respect to the exercise of the powers and duties specified in paragraph 1 of this subsection shall mean the exercise of such powers and duties by the Executive Director or his authorized designee.

SECTION 6. AMENDATORY Section 26, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-3-502), is amended to read as follows:

Section 2-3-502. A. If upon inspection or investigation, or whenever the Department determines that there are reasonable grounds to believe that any person is in violation of this Code or any rule promulgated thereunder or of any order, permit or license issued pursuant thereto, the Department may give written notice to the alleged violator of the specific violation and of the alleged violator's duty to correct such violation immediately or within a set time period or both and that the failure to do so will result in the issuance of a compliance order.

B. In addition to any other remedies provided by law, the Department may, after service of the notice of violation, issue a proposed compliance order to such person. A proposed compliance order shall become a final order unless, no later than fifteen (15) days after the order is served, any respondent named therein requests an administrative enforcement hearing.

1. The proposed compliance order may, pursuant to subsection K of this section:

- a. assess an administrative penalty for past violations of this Code, rules promulgated thereunder, or the terms and conditions of permits or licenses issued pursuant thereto, and
- b. propose the assessment of an administrative penalty for each day the respondent fails to comply with the compliance order.

2. Such proposed order may specify compliance requirements and schedules, or mandate corrective action, or both.

C. Failure to comply with a final compliance order, in part or in whole, may result in the issuance of an assessment order assessing an administrative penalty as authorized by law, or a supplementary order imposing additional requirements, or both. Any proposed order issued pursuant to this subsection shall become final unless, no later than seven (7) days after its service, any respondent named therein requests an administrative enforcement hearing.

D. Notwithstanding the provisions of subsection A and B of this section, the Executive Director, after notice and opportunity for an administrative hearing, may revoke, modify or suspend the holder's permit or license in part or in whole for cause, including but not limited to the holder's:

1. Flagrant or consistent violations of this Code, of rules promulgated thereunder or of final orders, permits or licenses issued pursuant thereto;

2. Reckless disregard for the protection of the public and the environment as demonstrated by noncompliance with environmental laws and rules resulting in endangerment of human health or the environment; or

3. Actions causing, continuing, or contributing to the release or threatened release of pollutants or contaminants to the environment.

E. Whenever the Department finds that an emergency exists requiring immediate action to protect the public health or welfare or the environment, the Executive Director may without notice or hearing issue an order, effective upon issuance, reciting the existence of such an emergency and requiring that such action be taken as deemed necessary to meet the emergency. Any person to whom such an order is directed shall comply therewith immediately but may request an administrative enforcement hearing thereon within fifteen (15) days after the order is served. Such hearing shall be held by the Department within ten (10) days after receipt of the request. On the basis of the hearing record, the Executive Director shall sustain or modify such order.

F. Except as otherwise expressly provided by law, any notice of violation, order, or other instrument issued by or pursuant to authority of the Department may be served on any person affected thereby personally, by publication, or by mailing a copy of the notice, order, or other instrument by certified mail return-receipt requested directed to such person at his last-known post office address as shown by the files or records of the Department. Proof of service shall be made as in the case of service of a summons or by publication in a civil action. Such proof of service shall be filed in the Office of Administrative Hearings.

G. Every certificate or affidavit of service made and filed shall be prima facie evidence of the facts therein stated. A certified copy thereof shall have like force and effect.

H. 1. The administrative hearings provided for in this section shall be conducted as individual proceedings in accordance with, and a record thereof maintained pursuant to, Article II of the Administrative Procedures Act, this Code and rules promulgated thereunder. When a hearing is timely requested by a respondent pursuant to this section, the Department shall promptly conduct such hearing.

2. Such hearing shall be conducted by an Administrative Law Judge or by the Executive Director. When an Administrative Law Judge holds the hearing, such Judge shall prepare a proposed order and shall:

- a. serve it on the parties, by regular mail, and may offer an opportunity for parties to file exceptions to the proposed order before a final order is entered in the event the Executive Director does not review the record, and
- b. present the proposed order, the exceptions, if any, and the record of the matter to the Executive Director, or

- c. present the proposed order and the record of the matter to the Executive Director for review and entry of a final order for any default, failure to appear at the hearing or if the parties by written stipulation waive compliance with subparagraph a of this paragraph.

3. For administrative proceedings conducted by an Administrative Law Judge pursuant to this section, the Executive Director may adopt, amend or reject any findings or conclusions of the Administrative Law Judge or exceptions of any party and issue a final order accordingly, or may in his discretion remand the proceeding for additional argument or the introduction of additional evidence at a hearing held for the purpose. A final order shall not be issued by the Executive Director until after:

- a. the opportunity for exceptions has lapsed without receiving exceptions, or after exceptions, briefs and oral arguments, if any, are made, or
- b. review of the record by the Executive Director.

4. Any order issued by the Department shall become final upon service.

I. Any party aggrieved by a final order may petition the Department for rehearing, reopening or reconsideration within ten (10) days from the date of the entry of the final order. Any party aggrieved by a final order, including the Attorney General on behalf of the state, may, pursuant to the Administrative Procedures Act, petition for a judicial review thereof.

J. If the Attorney General seeks redress on behalf of the state, as provided for in subsection I of this section, the Executive Director is empowered to appoint a special counsel for such proceedings.

K. 1. Unless specified otherwise in this Code, any penalty assessed or proposed in an order shall not exceed Ten Thousand Dollars (\$10,000.00) per day of noncompliance.

2. The determination of the amount of an administrative penalty shall include, but not be limited to, the consideration of such factors as the nature, circumstances and gravity of the violation or violations, the economic benefit, if any, resulting to the respondent from the violation, the history of such violations and respondent's degree of culpability and good faith compliance efforts. For purposes of this section, each day, or part of a day, upon which such violation occurs shall constitute a separate violation.

L. Notwithstanding the provisions of subsections A and B of this section, the Department may, within three (3) years of discovery, apply for the assessment of an administrative penalty for any violation of this Code, or rules promulgated thereunder or permits or licenses issued pursuant thereto.

M. Any order issued pursuant to this section may require that corrective action be taken. If corrective action must be taken on adjoining property, the owner of such adjoining property shall not give up any right to recover damages from the responsible party by allowing corrective action to occur.

SECTION 7. AMENDATORY Section 7, Chapter 215, O.S.L. 1992, as amended by Section 44, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-5-107), is amended to read as follows:

Section 2-5-107. The powers and duties of the Council shall be as follows:

1. ~~Recommend~~ The Council shall recommend to the Board rules or amendments thereto for the prevention, control and prohibition of

air pollution and for the establishment of health and safety tolerances for discharge of air contaminants in the state as may be consistent with the general intent and purposes of the Oklahoma Clean Air Act. ~~Said~~ The recommendations may include, but need not be limited to, ~~regulations~~ rules required to implement the following:

- a. a comprehensive state air permitting program,
- b. an accidental release prevention program,
- c. a program for the regulation and control of toxic and hazardous air contaminants,
- d. a program for the regulation and control of acid deposition,
- e. a small business program, and
- f. a system of assessing and collecting fees;

2. ~~Recommend~~ The Council shall recommend rules of practice and procedure applicable to proceedings before the Council;

3. Before recommending any permanent rules, or any amendment or repeal thereof to the Board, the Council shall hold a public rulemaking hearing. The Council shall have full authority to conduct such hearings, and may appoint a hearing officer;

4. A rule, or any amendment thereof, recommended by the Council may differ in its terms and provisions as between particular conditions, particular sources, and particular areas of the state. In considering rules, the Council shall give due recognition to the evidence presented that the quantity or characteristic of air contaminants or the duration of their presence in the atmosphere, which may cause a need for air control in one area of the state, may not cause need for air control in another area of the state. The Council shall take into consideration, in this connection, all factors found by it to be proper and just, including but not limited to existing physical conditions, economic impact, topography, population, prevailing wind directions and velocities, and the fact that a rule and the degrees of conformance therewith which may be proper as to an essentially residential area of the state may not be proper either as to a highly developed industrial area of the state or as to a relatively unpopulated area of the state;

5. Recommendations to the Board shall be in writing and concurred upon by at least five members of the Council;

6. The Council shall have the authority and the discretion to provide a public forum for the discussion of issues it considers relevant to the air quality of the state, and to:

- a. pass nonbinding resolutions expressing the sense of the Council,
- b. make recommendations to the Department concerning the need and the desirability of conducting public meetings, workshops and seminars, and
- c. hold public hearings to receive public comment in fulfillment of federal requirements regarding the State Implementation Plan and make recommendations to the Department concerning the plan; and

7. The Council shall have the authority to conduct individual proceedings, to issue notices of hearings and subpoenas requiring the attendance of witnesses and the production of evidence, to administer oaths, and to take testimony and receive such pertinent and relevant proof as it may deem to be necessary, proper or desirable in order that it may effectively discharge its duties and responsibilities under the Oklahoma Clean Air Act. The Council is also empowered to appoint an Administrative Law Judge to conduct individual proceedings and prepare such findings of fact, conclusions of law and proposed orders as they may require. Upon

issuance of a proposed order, the Council shall request that the ~~Commissioner~~ Executive Director issue a final order in accordance with their findings or take such action as indicated and notify the respondent thereof in writing.

SECTION 8. AMENDATORY Section 56, Chapter 145, O.S.L. 1993, as amended by Section 19, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-101), is amended to read as follows:

Section 2-6-101. For purposes of this article:

1. "Clean Water Act" means the federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

2. "Disposal system" means pipelines or conduits, pumping stations and force mains and all other devices, construction, appurtenances and facilities used for collecting, conducting or disposing of wastewater, including treatment systems;

3. "Drainage basin" means all of the water collection area adjacent to the highest water line of a reservoir which may be considered by the Department to be necessary to protect adequately the waters of the reservoir. The area may extend upstream on any watercourse to any point within six hundred (600) feet of the highest water line of the reservoir;

4. "Federal Safe Drinking Water Act" means the federal law at 42 U.S.C., Section 300 et seq., as amended;

5. "Indirect discharge" means the introduction of pollutants to a publicly owned treatment works from a nondomestic source;

6. "NPDES" or "National Pollutant Discharge Elimination System" means the system for the issuance of permits under the federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

~~6- 7.~~ "Nonpoint source" means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined;

~~7- 8.~~ "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste discharged into waters of the state;

~~8- 9.~~ "Public water supply" means water supplied to the public for domestic or drinking purposes;

~~9- 10.~~ "Reservoir" means any reservoir, whether completed or in the process of construction, whether or not used as a water supply, and whether or not constructed by any recipient of water therefrom;

~~10- 11.~~ "Sludge" means nonhazardous solid, semi-solid, or liquid residue generated by the treatment of domestic sewage or wastewater by a treatment works, or water by a water supply system, or manure, or such residue, treated or untreated, which results from industrial, nonindustrial, commercial, or agribusiness activities or industrial or manufacturing processes and which is within the jurisdiction of the Department;

12. "Small public sewage system" shall mean a disposal or collection system which serves less than ten (10) residential units or a public or commercial sewage system which has an average flow of less than five thousand (5,000) gallons per day;

13. "Treatment" means any method, technique or process used to remove pollutants from wastewater or sludge to the extent that the wastewater or sludge may be reused, discharged into waters of the state or otherwise disposed and includes, but is not limited to, the utilization of mechanized works, surface impoundments and lagoons, aeration, evaporation, digesters or other devices or methods. "Treatment" also means any method, technique or process used in the purification of drinking water;

~~11.~~ 14. "Treatment works" means any facility used for the purpose of treating or stabilizing wastes or wastewater. "Treatment works" shall be synonymous with "wastewater works";

~~12.~~ 15. "Waste" means any liquid, gaseous or solid or semi-solid substance, or thermal component, whether domestic, municipal, commercial, agricultural or industrial in origin, which may pollute or contaminate, or tend to pollute or contaminate, any air, land or waters of the state and which is within the jurisdiction of the Department;

~~13.~~ 16. "Wastewater" includes any substance, including sewage, that contains any discharge from the bodies of human beings or animals, or contaminating chemicals or other waste or pollutants from domestic, municipal, commercial, agricultural, industrial or manufacturing activities or facilities and which is within the jurisdiction of the Department;

~~14.~~ 17. "Wastewater treatment system" means treatment works and all related pipelines or conduits, pumping stations and force mains, and all other appurtenances and devices used for collecting, treating, conducting or discharging wastewater;

~~15.~~ 18. "Water supply system" means a water treatment plant, water wells, and all related pipelines or conduits, pumping stations and mains and all other appurtenances and devices used for distributing water to the public and, as such, shall be synonymous with waterworks;

~~16.~~ 19. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, and shall include under all circumstances the water of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof; and

~~17.~~ 20. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, that defines the areal extent from which water is supplied to such water well or wellfield.

SECTION 9. AMENDATORY 82 O.S. 1991, Section 926.3, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 20, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-103), is amended to read as follows:

Section 2-6-103. A. The Department shall have and is hereby authorized to exercise the power and duty to:

1. Develop comprehensive programs for the prevention, control and abatement of new or existing pollution of the waters of this state;

2. Encourage, participate in, or conduct studies, investigations, research and demonstrations relating to water pollution and causes, prevention, control and abatement thereof as it may deem advisable and necessary in the public interest for the discharge of its duties under this act;

3. Collect and disseminate information relating to water pollution and the prevention, control and abatement thereof;

4. Require the submission of and review plans, specifications and other data relative to disposal or treatment systems or any part thereof in connection with the issuance of such permits as are required by this article;

5. Enforce the provisions of this article, rules promulgated thereunder, and permits, licenses, and certifications issued pursuant thereto and Oklahoma Water Quality Standards;

6. Establish, implement, amend and enforce the Water Quality Management Plan, the continuing planning process documents, and wasteload allocations; and

7. Require the submission of reports or laboratory analyses performed by certified laboratories or operators for purposes of compliance monitoring and testing or other purposes for which laboratory reports or analyses are required pursuant to this article.

B. 1. The Board shall have the authority to promulgate such rules as may be necessary to implement the policies and duties set forth in this article including, but not limited to, rules pertaining to services, permits, licenses and certifications, including certifications under Section 401 of the Clean Water Act, and, pursuant to Section 2-3-402 of this title, fee schedules for such services, permits, licenses and certifications.

2. The Board may adopt by reference standards of quality of the waters of the state and classifications of such waters as are lawfully established by the Oklahoma Water Resources Board and the United States Environmental Protection Agency as Oklahoma's Water Quality Standards and promulgate other rules to protect, maintain and improve the best uses of waters in this state in the interest of the public under such conditions as may be necessary or appropriate for the prevention, control and abatement of pollution.

3. The Board shall promulgate rules which describe procedures for amending and updating the Water Quality Management Plan or which are otherwise consistent with the Continuing Planning Process and its components. Such rules shall:

- a. be in substantial conformance with any applicable federal requirements and may incorporate appropriate U.S. Environmental Protection Agency regulations by reference, and
- b. require public notice to be given of any major amendment and of any update of the Water Quality Management Plan and allow not less than a forty-five-day opportunity for public comment thereon. Such rules shall also authorize the Department, if it determines public interest in the proposed amendment or update is significant, to give notice of and conduct a public meeting on the proposals in accordance with federal requirements. The rules shall provide that the notice, comment period, and public meeting if any, related to an amendment or update proposed in conjunction with the issuance, modification or renewal of a discharge permit or permits, may be combined with the notice, comment period, and public meeting if any, held on the proposed permit action or actions.

C. The Executive Director may:

1. Issue, modify, or revoke orders:

- a. prohibiting or abating pollution of the waters of the state,
- b. requiring the construction of new disposal or treatment systems or any parts thereof or the modification, extension or alteration of existing disposal or treatment systems or any part thereof, or the adoption of other remedial measures to prevent, control or abate pollution, and
- c. requiring other actions such as the Executive Director may deem necessary to enforce the provisions of this article and rules promulgated thereunder;

2. Issue, continue in effect, revoke, amend, modify or deny, renew, or refuse to renew under such conditions as the Department may prescribe, permits, licenses and certifications, including certifications under Section 401 of the Clean Water Act, to prevent, control or abate pollution of waters of the state; and

3. Exercise all incidental powers which are necessary and proper to carry out the purposes of this article.

SECTION 10. AMENDATORY Section 61, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-106), is amended to read as follows:

Section 2-6-106. For permits or other authorizations required pursuant to ~~this article~~ the Oklahoma Environmental Quality Code, applicants shall ~~submit~~ file applications in the form and manner established by the Department of Environmental Quality. The Department shall review such applications as filed, ~~and subsequently~~ amended or supplemented. ~~Based on such review, an application shall be denied or approved.~~ Any permit issued or authorization granted may include conditions.

SECTION 11. AMENDATORY Section 15, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 21, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-203), is amended to read as follows:

Section 2-6-203. A. The Board shall have the power and duty to promulgate rules implementing or effectuating the Oklahoma Pollutant Discharge Elimination System Act. Such rules may incorporate by reference any applicable rules, regulations and policies of the United States Environmental Protection Agency adopted under the Clean Water Act. Any such rules shall be in reasonable accord with the United States Environmental Protection Agency regulations and policies, including but not limited to rules which:

1. Allow the inclusion of technology-based effluent limitations and require water-quality-related effluent limitations in discharge permits to the extent necessary to protect the designated and existing beneficial uses of the waters of the state and to comply with the requirements of the Clean Water Act;

2. Establish pretreatment standards and standards for the removal of toxic materials and pollutants from effluent discharges and establish procedures and programs necessary to implement and enforce such standards and ensure compliance with applicable federal regulations;

3. Apply applicable national standards of performance promulgated pursuant to Section 306 of the Clean Water Act in establishing terms and conditions of Executive Director issued permits ~~applicable national standards of performance pursuant to Section 306 of the Clean Water Act;~~

4. Prohibit or control the discharge of pollutants into wells within the jurisdiction of the Department of Environmental Quality;

5. Develop or assist in development of any effluent limitation or other limitation, prohibition, or effluent regulation;

6. Establish procedures, including, but not limited to, notice and opportunity for public hearing, which provide that whenever the owner or operator of any point source discharge can demonstrate to the satisfaction of the Executive Director that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made, the Executive Director may impose an effluent limitation for such discharge, taking into account the interaction of such thermal

component with other pollutants, that will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on that body of water;

7. Ensure that the public and any other state, the waters of which may be affected, receive notice of each application for a discharge permit;

8. Ensure that any other state, the waters of which may be affected by the activities allowed by a proposed permit, may submit written recommendations on the application to the Department. The rules shall provide that if such recommendations or any parts thereof are not adopted, the Department will notify the affected state in writing and shall provide the reasons therefor; ~~and~~

9. Establish a fee schedule to implement the provisions of the Oklahoma Pollutant Discharge Elimination System Act; and

10. Establish management standards for sludge which are no less stringent than applicable federal regulations and establish procedures and requirements necessary to ensure compliance with applicable federal laws.

B. The Department shall have authority to:

1. Require the owner or operator of any system for the treatment, storage, discharge or transport of pollutants to establish, maintain and submit plans, specifications, records, and other data relative to disposal systems or any part thereof, in connection with the issuance of discharge permits or in connection with any permit, purposes or requirements of the Oklahoma Pollutant Discharge Elimination System Act, to make reports, to install, calibrate, use and maintain monitoring equipment or methods including biological monitoring methods, take samples of effluents in such manner as may be prescribed, and provide such other information as may be reasonably required;

2. Take all actions which may be necessary or incidental to implement and maintain a pollutant discharge permit program and sludge program, including the authority to assume and obtain authorization to implement and maintain a portion of the National Pollutant Discharge Elimination System state permit program and a state sludge program pursuant to Section 402 and other provisions of the Clean Water Act and other applicable federal law. The Executive Director shall issue permits for the discharge of pollutants and storm water from facilities and activities within its areas of environmental jurisdiction specified in Section 1-3-101 of this title; ~~and~~

3. Take necessary and appropriate actions to revoke and reissue, modify, suspend, or otherwise administer and enforce discharge permits and sludge permits issued by the United States Environmental Protection Agency which are transferred to the Department upon federal authorization of the Department's program; and

4. Exercise all necessary incidental powers which are necessary and proper to carry out the purposes of the Oklahoma Pollutant Discharge Elimination System Act and to comply with the requirements of the Clean Water Act and the requirements of the United States Environmental Protection Agency regulations promulgated thereunder.

SECTION 12. AMENDATORY Section 16, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 22, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-204), is amended to read as follows:

Section 2-6-204. A. Pollutant discharge permits issued by the Executive Director may include schedules of compliance and such conditions as the Executive Director may prescribe ~~to~~ which:

1. Prevent, control or abate pollution, including such water-quality-related and technology-based effluent limitations as are necessary to protect the water quality and existing and designated beneficial uses of the waters of the state;

2. Require application of best practicable control technology currently available, best conventional pollutant control technology, or best available technology economically achievable or such other limitations as the Executive Director may prescribe;

3. Require compliance with national standards of performance, toxic and pretreatment effluent standards;

4. Set limitations or prohibitions designed to prohibit the discharge of toxic pollutants in toxic amounts or to require pretreatment of pollutants;

5. Set interim compliance dates which are enforceable without otherwise showing a violation of an effluent limitation or harm to water quality; ~~and~~

6. Set terms and conditions for sludge and land application of wastewater and for impoundments in accordance with rules promulgated by the Board; and

7. Comply with the provisions of the Oklahoma Pollutant Discharge Elimination System Act and the requirements of the Clean Water Act.

B. The Executive Director shall:

1. Have authority to issue individual permits and authorizations under general discharge permits for pollutants and stormwater and sludge as authorized by the Oklahoma Pollutant Discharge Elimination System Act;

2. Issue ~~individual-discharge~~ permits for fixed terms not to exceed five (5) years;

3. Have the authority to require in permits issued to publicly or privately owned treatment works conditions requiring the permittee to give notice to the Department of new introductions into such works of pollutants from any source which would be a new source as defined in Section 306 of the Clean Water Act or from a source which would be a point source subject to Section 301 of the Clean Water Act if it were discharging directly to waters of the state, a substantial change in volume or character of pollutants being introduced into such works by a source introducing pollutants into such works at the time of issuance of the permit, or such other conditions as may be required under the Clean Water Act or state law;

4. Have the authority to ensure compliance with Sections 204(b), 307, and 308 and other provisions of the Clean Water Act and with other applicable federal law;

5. Have all necessary and incidental authority to comply with the requirements of the Clean Water Act and requirements of the United States Environmental Protection Agency set forth in duly promulgated federal regulations adopted under the Clean Water Act;

6. Have the authority to terminate or modify permits issued by the Executive Director for cause, including but not limited to:

- a. violation of any condition of the permit, including but not limited to conditions related to monitoring requirements, entry and inspections,
- b. obtaining a permit by misrepresentation, or failure to disclose fully all relevant facts, or
- c. change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; ~~and~~

7. Have all necessary authority to implement and enforce Department programs and requirements established by the

Environmental Quality Board in duly promulgated rules, including but not limited to the authority to implement and enforce a statewide pretreatment program required under federal law and regulations and to implement and enforce requirements applicable to dischargers into municipal separate storm sewer systems-;

8. Have all necessary or incidental authority to investigate and abate violations of permits issued by the Executive Director, violations of administrative orders, violations of duly promulgated rules, and violations of the Oklahoma Pollutant Discharge Elimination System Act, and shall have all necessary and incidental authority to apply sanctions through administrative proceedings for violations, including but not limited to violations of requirements to obtain permits, terms and conditions of permits, effluent standards and limitations and water quality standards, and violations of requirements for recording, reporting, monitoring, entry, inspection and sampling; and

9. Have authority to require permits for indirect discharges or other introductions of pollutants to publicly owned treatment works, impose pretreatment standards and other requirements upon users of such treatment works, and to enforce such permits and requirements pursuant to Section 2-6-206 of this title.

C. Authorized employees or representatives of the Department shall, upon presentation of credentials, have:

1. A right of entry to, upon, or through any private or public premises upon which an effluent or sludge source is or may be located or in which any records are required to be maintained;

2. Access to at any reasonable time for the purposes of reviewing and copying any records required to be maintained;

3. Authority to inspect any monitoring equipment, methods, disposal systems or other facilities or equipment which may be required; and

4. Access for the purpose of inspecting and sampling any effluent streams or any discharge of pollutants to waters of the state or to treatment systems discharging into waters of the state or for inspection and sampling of any sludge source, storage, beneficial use, reuse or disposal site.

D. The Executive Director shall not issue a discharge permit if the permit:

1. Would authorize the discharge of a radiological, chemical or biological warfare agent, or high-level radioactive waste;

2. Would, in the judgment of the Secretary of the Army acting through the Chief of Engineers, result in the substantial impairment of anchorage and navigation of any waters of the United States as those waters are defined in the Clean Water Act;

3. Is objected to in writing by the Administrator of the United States Environmental Protection Agency or his designee, pursuant to any right to object which is granted to the Administrator under Section 402(d) of the Clean Water Act; or

4. Would authorize a discharge from a point source which is in conflict with a plan approved under Section 208(b) of the Clean Water Act.

E. Copies of records, plans, reports or other information required by the Department shall be submitted upon request and shall be subject to and made available for inspection at reasonable times to any authorized representative of the Department of Environmental Quality upon showing of proper credentials. Any authorized representative of the Department may examine any records or memoranda pertaining to discharges, treatment, or other limitations set by permit, order or duly promulgated rules of the Board.

F. Any records, reports, or information obtained pursuant to this section shall be available to the public, except that upon submission of sufficient evidence showing that records, reports, or information, or particular parts thereof, other than effluent data, if made public would divulge methods or processes entitled to protection as trade secrets of such person, such record, report, or information, or particular portion thereof shall be considered confidential in accordance with the purposes of the Uniform Trade Secrets Act. Nothing in this subsection shall prohibit the Department or an authorized representative of the Department, including, but not limited to, any authorized contractor, from disclosing records, reports, or information to other officers, employees, or authorized representatives of the State of Oklahoma or the United States concerned with carrying out provisions of state or federal law under their respective jurisdictions or within their respective authorities.

G. The Executive Director and any person designated by him to approve all or portions of permits, or to modify, revoke or reissue permits or to make any final decisions in the first instance or on appeal relating to permits or enforcement actions related thereto, shall be required to meet all requirements of Section 304 of the Clean Water Act and federal regulations promulgated thereunder.

SECTION 13. AMENDATORY Section 23, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-205.1), is amended to read as follows:

Section 2-6-205.1 A. ~~Upon~~ Except for general permits, an applicant, upon filing a permit application with the Department for a discharge permit ~~for~~ or the major modification of an existing discharge permit, ~~the applicant~~ shall publish notice of the filing in at least one daily or weekly newspaper local to the area affected by the proposed discharge.

B. If the Department makes a tentative decision to deny such an application, it shall publish notice of its intent to deny. Such notice shall provide for a public comment period and a thirty-day opportunity to request a formal public meeting on the tentative decision. The notice shall be published in at least one daily or weekly newspaper local to the area affected by the proposed discharge. Additionally, notice by mail shall be concurrently given, as required by applicable federal regulations, to the applicant and:

1. Persons on a mailing list developed by the Department, including persons who have requested such notice;
2. Local, state and federal governmental entities; and
3. When applicable, all users identified in an application filed by a privately owned treatment works.

C. If the Department prepares a draft permit ~~based on such an application,~~ the Department shall give notice to the applicant, if any, of such preparation and shall give or require the applicant to give public notice of the draft permit and its availability for public review and comment. Such notice shall provide for a minimum of thirty (30) days for public comment period and a thirty-day opportunity to request a formal public meeting on the draft permit. The notice shall be published in at least one daily or weekly newspaper local to the area affected by the proposed discharge. ~~Additionally,~~ and notice by mail shall be concurrently given, as required by applicable federal regulations, ~~to:~~

- ~~1. Persons on a mailing list developed by the Department, including persons who have requested such notice;~~
- ~~2. Local, state and federal governmental entities; and~~

~~3. When applicable, all users identified in an application filed by a privately owned treatment works.~~

D. The Department shall conduct a public meeting if, within thirty (30) days after the date of publication specified in subsections B and C of this subsection, the Department receives a written request for such meeting and determines that there is a significant degree of public interest in the draft permit or intent to deny. Such meeting shall be held not more than one hundred twenty (120) days after the expiration of the thirty-day notice period and shall not be a quasi-judicial proceeding. Public notice of the meeting shall be given at least thirty (30) days prior to the meeting date in accordance with applicable federal regulations.

E. As part of the notice required in subsection C of this section, the applicant shall give notice of an opportunity to request an administrative permit hearing on the draft permit.

1. Any person having any interest connected with the geographic area or waters or water system which would be affected by the proposed discharge, including but not limited to any aesthetic, recreational, health, environmental, pecuniary or property interest which may be adversely affected, may request such a hearing to participate in as a party.

2. The written request shall be submitted to the Department no later than thirty (30) days after the date a public meeting is held or, if no public meeting is held, within sixty (60) days after the publication date of the draft permit notice. The request shall state each legal or factual question alleged to be at issue and its relevance to the permit decision.

3. All requests that are granted by the Department for a hearing on such draft permit shall be combined in a single hearing. The hearing shall be a quasi-judicial proceeding and shall be conducted in accordance with the Administrative Procedures Act and rules promulgated by the Board. The applicant shall be a party to the hearing. Parties shall have the right to present evidence before the Department at the hearing on whether the draft permit and the technical data, models and analyses, and information in the application upon which the draft permit is based are in substantial compliance with the Oklahoma Pollution Discharge Elimination System Act and rules promulgated thereunder, the Water Quality Management Plan, other applicable rules of the Department, the Oklahoma Water Quality Standards and implementation rules for the Standards, and whether such draft permit should be issued as is, amended and issued, or denied.

F. For purposes of this section, the term "public meeting" shall mean a public hearing as used in Part 124 of Title 40 of the Code of Federal Regulations.

G. The provisions of this section shall not apply to applications filed with the Department for authorization to discharge pursuant to a general discharge permit.

H. The administrative permit hearing provisions of subsection E of this section shall ~~only~~ apply to applications for new discharge permits and for the renewal, reissuance or major modifications of existing discharge permits which are filed with the Department on or after or which occur on or after, the effective date the State of Oklahoma is granted state authorization under the Clean Water Act for a state National Pollutant Discharge Elimination System Program.

SECTION 14. AMENDATORY 63 O.S. 1991, Section 1-908, as amended by Section 76, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-401), is amended to read as follows:

Section 2-6-401. A. No person shall construct or let a contract for any construction work of any nature for a municipal treatment works ~~or a municipal wastewater treatment system,~~ nonindustrial wastewater treatment system, sanitary sewer system or other sewage treatment works, or for any extension thereof, or make any change in the manner of nonindustrial wastewater treatment or make any change in the treatment, storage, use or disposal of sewage sludge ~~treatment~~ without a permit issued by the Executive Director. No such permit shall be required for the construction or modification of a ~~community or private sewage disposal~~ private individual sewage disposal system or a small public sewage system provided that such system is constructed or modified in accordance with the requirements of Section ~~78~~ 2-6-403 of this ~~act~~ title and rules promulgated ~~thereunder~~ under Article VI of the Code.

B. An application for such permit shall include but not be limited to:

1. An engineering report, prepared by a professional engineer registered in the State of Oklahoma, which includes a complete description of the existing and proposed system or treatment works and the wastewater outfall, if any, and any other data or information required by the Department;

2. A legal description of the site where the ~~municipal~~ treatment works or the ~~municipal~~ wastewater treatment system is or is proposed to be located; and

3. A legal description of the site where any discharge point is or is proposed to be located.

C. Upon the Department's approval of the engineering report, the applicant shall submit plans and specifications for the proposed system or the proposed extension or change of an existing system to the Department for review. Such plans and specifications shall be prepared by a professional engineer registered in the State of Oklahoma.

SECTION 15. AMENDATORY Section 77, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-402), is amended to read as follows:

Section 2-6-402. A. The Board shall promulgate rules as necessary to implement the provisions of this part pertaining to the treatment of nonindustrial wastewater, and the treatment, storage, use and disposal of sewage sludge and other waste by ~~municipal~~ wastewater treatment systems or ~~municipal~~ treatment works. Such rules shall include but are not limited to requirements for:

1. The construction, operation and extension of municipal, public, private and other nonindustrial wastewater treatment systems or ~~municipal~~ treatment works, including the construction or use of surface impoundments and lagoons;

2. Pretreatment;

3. Control tests, laboratory checks, monitoring or operating records and reports;

4. Applications, plans and specifications, permitting and other authorizations; ~~and~~

5. The monitoring, maintenance and closure of wastewater treatment systems; and

6. Treatment, sampling, record keeping, reporting and other requirements for sewage sludge consistent with federal regulations.

B. Such rules may provide for the exemption, and conditions therefor, of specified categories of ~~municipal~~ wastewater treatment systems or ~~municipal~~ treatment works for small public sewage systems from any of the requirements thereof if the public health or the environment will not thereby be endangered. Provided, no exemption shall be allowed which is inconsistent with applicable minimum

federal requirements for discharges or use, transportation or disposal of sludge.

SECTION 16. AMENDATORY 63 O.S. 1991, Section 1-910, as amended by Section 78, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-403), is amended to read as follows:

Section 2-6-403. A. No ~~community~~ small public sewage system or private individual sewage disposal system shall be constructed or operated unless such system, when constructed, complies with requirements prescribed by the Board as determined by an inspection performed by the Department or a person authorized by the Department. Provided, that upon reinspection of an approved system, performed at the request of the lot owner, the Department or a person authorized by the Department shall not require that the system be uncovered unless there is evidence that the system has not functioned properly.

B. Any person, corporation or other legal entity which creates or intends to create a residential development outside the corporate limits of a city or town shall file a plan describing the methods of sewage disposal for such residential development with the Department. Approval of the plan shall be obtained prior to recording any plat or certificate, offering a lot or lots for sale or beginning construction within such residential development.

1. The plan shall be in a form required by the Board and shall include a plan of the residential development and a description of the methods for providing water supply and sewage disposal.

2. If individual wells or sewage disposal systems are to be used, the plan shall be drawn to show streets, building lines, lot dimensions, lot numbers, contours, percolation tests, core tests, and the locations where water wells and sewage disposal systems may be properly installed.

3. Upon approval the plan and either the plat or the certificate provided for in subsection E of this section, of the residential development shall be imprinted with the stamp of the Department bearing the word "approved", restrictions, if any, signature of the Department or the Department's local representative and the date. Approval of the plat or certificate shall be made effective thirty (30) days after the same is filed with the Department unless specifically rejected prior to the expiration of the said thirty-day period of time.

4. The office of county clerk shall not record a plat containing any lot of less than two and one-half (2 1/2) acres situated outside the corporate limits of a municipality unless said instrument bears the "approved" stamp of the Department. The Department shall have no authority to disapprove and shall approve plats of tracts that are being developed for individual residence in which no single tract is less than two and one-half (2 1/2) acres.

C. In addition to filing plans of residential developments with the Department or the Department's local representative, persons creating or intending to create a residential development shall obtain a certificate or cause a plat to be made and, after receiving the stamp of approval from the Department or the Department's local representative, shall file such certificate or plat in the land records of the county where the residential development is to be situated.

D. A residential development occurs when a platted lot is split or, within any quarter section, unplatted land is subdivided and such subdivision causes there to be at least three parcels of land:

1. Which, within the preceding five (5) years, had a common grantor; and

2. Of which at least one of such parcels of land contains less than two and one-half (2 1/2) acres of land; and

3. Of which at least two of such parcels of land are being used, or are intended to be used, for residential purposes.

E. A person intending to create a residential development without recording an approved plat, in lieu of a plat or a plan and prior to conveying or offering to convey any tract of land in such residential development, shall obtain from the Department or the Department's local representative and file in the land records of the county wherein the land is situated, a certificate of either approval or disapproval of the tract of land for private sewage disposal systems.

F. Any person who knowingly creates a residential development without receiving the approval of the Department or the Department's local representative of a plan or without filing of record either a plat or a certificate in violation of this section, or who installs a private sewage disposal system on a lot for which disapproval of a private sewage disposal system has previously been filed of record shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

SECTION 17. AMENDATORY 82 O.S. 1991, Section 926.4, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 25, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-501), is amended to read as follows:

Section 2-6-501. A. It shall be unlawful for any person to carry on any of the following activities with regard to ~~industrial wastewater or sludge~~ without first securing ~~an industrial wastewater treatment~~ a water quality permit from the Department unless such activity is approved in a ~~discharge~~ permit issued by the Executive Director under Part 2, Article VI, Chapter 2 of this Code:

1. The construction, installation, operation and closure of any industrial surface impoundment, industrial septic tank or treatment system, or the use of any existing unpermitted surface impoundment, septic tank or treatment system that is within the jurisdiction of the Department and which is proposed to be used for the containment or treatment of industrial wastewater or sludge;

2. The construction, installation or operation of any industrial or commercial facility subject to the permitting authority of the Department, the operation of which would cause an increase in the discharge of waste into the waters of the state or would otherwise alter the physical, chemical or biological properties of any waters of the state in any manner not already lawfully authorized; ~~or~~

3. The construction or use of any new outfall for the discharge of any ~~industrial~~ waste or pollutants into the waters of the state; or

4. The land application of any nonindustrial or industrial wastewater and the land application of sludge.

B. Any major addition, extension, operational change or other change proposed for a facility permitted pursuant to subsection A of this section shall require the approval of the Department through the major modification of the facility's permit prior to construction or implementation of such addition, extension or change.

C. ~~An industrial wastewater treatment~~ A permit for activities specified in paragraph A of this section shall be issued by the Executive Director for no more than five (5) years and may be renewed pursuant to rules of the Board.

D. The discharge of domestic sewage except to a public or private disposal system approved or authorized by the Department or the surfacing of effluent from any domestic septic system shall be deemed pollution for purposes of the provisions of Section 2-6-105 of this title.

E. The Board may promulgate rules for the implementation of the industrial wastewater and sludge provisions of this part, including but not limited to the submission of applications, plans, specifications and other necessary information, and requirements for monitoring, reporting, operation and maintenance, corrective action, construction and closure. Such rules may incorporate by reference any applicable federal regulations.

SECTION 18. AMENDATORY 63 O.S. 1991, Section 1-1009, as amended by Section 82, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-801), is amended to read as follows:

Section 2-6-801. A. All persons before engaging in the cleaning or pumping of septic tanks or cesspools holding tanks and disposing of sewage or septage taken therefrom shall first obtain a license which shall be issued by the Department under such rules as may be promulgated by the Board. Such license shall be issued and may be revoked contingent upon compliance or failure to comply with the provisions of this section and rules promulgated pursuant thereto. The rules shall include but not be limited to the following:

1. A requirement that an annual fee as set by the Board pursuant to Section ~~24~~ 2-3-402 of this ~~act~~ title be paid to the Department for each ~~vehicle used in the business of cleaning septic tanks or cesspools and disposing of sewage taken therefrom~~ license;

2. A requirement that each vehicle shall include an enclosed watertight tank with adequate pump and hose facilities in such condition that no sewage may spill or leak while in transit;

3. The registration of each vehicle used in the business by model, make, owner and license number ~~and serial number~~;

4. A requirement that a permit ~~in writing~~ or written approval shall be secured by the license holder from the appropriate city or town or from the Department's local representative in the area of operation, which designates the place and method of final disposal of the sewage or septage; ~~and~~

5. A requirement that no license shall be issued or renewed under the provisions of this section until said applicant complies with the rules of the Board regarding the cleaning and pumping of septic tanks and cesspools holding tanks and the disposal of sewage or septage taken therefrom; ~~and~~

6. Requirements and standards for the beneficial use or disposal of the sewage or septage and provisions necessary to implement any applicable federal requirements.

B. Nothing in this section shall limit the authority of a city or town to prescribe regulations to collect additional fees related to the cleaning of septic tanks or ~~cesspools~~ holding tanks and the disposal of sewage or septage therefrom.

SECTION 19. AMENDATORY 63 O.S. 1991, Section 1-2004.2, as last amended by Section 90, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-107), is amended to read as follows:

Section 2-7-107. A. In addition to other powers and duties specified by law, the Board shall promulgate rules to:

1. Prohibit the placement of any liquid which is not a hazardous waste in a landfill for which a permit is required or which is operating under interim status;

2. Prohibit or restrict the storage of hazardous waste for which land disposal is prohibited, except to the extent that such storage is solely for the purpose of accumulation of such quantities of hazardous wastes as are necessary to facilitate proper recovery, treatment, or disposal;

3. Prohibit or restrict the use of waste or used oil or other material used for dust suppression or road treatment, which is contaminated or mixed with dioxin or any other waste identified or listed by rules of the Board as a hazardous waste except a waste identified solely on the basis of ignitability;

4. Require such monitoring and control of air emissions at hazardous waste treatment, storage, and disposal facilities, including but not limited to open tanks, surface impoundments, and landfills, as may be necessary to protect human health and the environment;

5. Regulate the production, burning, distribution, and marketing of fuel containing hazardous waste ~~or~~, and the commercial collection, storage, transportation, marketing, management, burning and disposal of used oil as may be necessary to protect human health and the environment including, but not limited to, labeling and recordkeeping requirements;

6. Control the listed or identified hazardous wastes which discharge through a sewer system to a publicly owned treatment works for the protection of human health and the environment;

7. Provide in accordance with Sections 3005(c) and 3005(e) of the Resource Conservation and Recovery Act for the automatic termination of interim status for hazardous waste units failing to comply with applicable requirements for the submission of part B permit applications and certification of groundwater monitoring and financial responsibility compliance;

8. Require from applicants for and owners and operators of hazardous waste facilities evidence of financial responsibility for corrective action as may be required or ordered under the authority of the Oklahoma Hazardous Waste Management Act;

9. Require that generators of hazardous waste establish and implement programs to reduce the volume or quantity and toxicity of such waste to the extent economically practicable; and

10. Specify levels or methods of treatment which substantially diminish the toxicity of the waste or likelihood of its migration so as to minimize threats to human health and the environment.

B. The hazardous waste component of mixed waste and radioactive waste shall be regulated as hazardous waste. The radioactive waste component shall be regulated as radioactive waste. Both the hazardous waste requirements and the radioactive waste requirements shall apply if physical separation of the two components is not accomplished. If a conflict exists between the two requirements, the requirement most protective of human health and the environment shall take precedence.

C. Rules pertaining to standards for the transportation of hazardous waste and recyclable materials shall not be more stringent than those of the U.S. Department of Transportation, unless a waiver of preemption is granted pursuant to federal statutes and rules promulgated thereunder.

SECTION 20. AMENDATORY 63 O.S. 1991, Section 1-2009.1, as last amended by Section 91, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-108), is amended to read as follows:

Section 2-7-108. A. Except as otherwise provided by subsection B of this section or any rules of the Board with respect to short-term storage, no person shall store, treat or dispose of hazardous

waste materials or commence construction of or own or operate any premises or facility engaged in the operation of storing, treating or disposing of hazardous waste or storing recyclable materials, who does not possess a valid and appropriate hazardous waste facility permit.

B. 1. Any person who owned or operated a hazardous waste facility which was operating or under construction on November 19, 1980, and who has submitted notice and permit application to the U.S. Environmental Protection Agency or to the Department, and whose facility complies with the rules of the Board, may continue operation until such time as the permit application is determined.

2. The Board may by rule provide for continued operation on an interim basis pending permit determination of a facility in existence on the effective date of any statutory or regulatory amendments that would subject the facility to a permit requirement pursuant to the Oklahoma Hazardous Waste ~~Disposal~~ Management Act.

3. The provisions for the allowance of continued operation on an interim basis under paragraphs 1 and 2 of this subsection shall not apply in the case of a facility for which a permit, under the Oklahoma Hazardous Waste Management Act, has been previously denied or for which authority to operate has been terminated.

C. Facilities engaged in recycling which are not required to be permitted pursuant to the provisions of the Oklahoma Hazardous Waste Management Act shall operate in an environmentally acceptable manner and in accordance with the rules regarding the manifest, transportation and treatment, storage and disposal standards, and generators in the event a hazardous waste is generated therefrom.

SECTION 21. AMENDATORY 63 O.S. 1991, Section 1-2008.1, as last amended by Section 100, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-117), is amended to read as follows:

Section 2-7-117. A. Two or more persons generating hazardous waste may enter into a compact to construct and operate a multi-user on-site treatment facility for the exclusive use of the members of such compact. Such facility shall not be used as a hazardous waste facility for off-site treatment, storage or disposal of hazardous waste.

B. To be eligible for a permit issued pursuant to the provisions of this section and the Oklahoma Hazardous Waste Management Act, a multi-user on-site treatment facility shall meet the following criteria:

1. The facility may be co-owned by the generators of hazardous waste who are members of the compact;

2. Each member of the compact shall be identified in the application and permit. In addition, the individual hazardous waste generated by each member shall be separately and distinctly characterized in the application and in the permit and shall meet the compatibility requirements established by the Department;

3. The facilities generating hazardous waste which is to be treated at the multi-user on-site treatment facility shall be located within the same county as the multi-user on-site treatment facility;

4. The multi-user on-site treatment facility shall be located upon the property of one of the compact members;

5. Financial responsibility requirements shall be the responsibility of the compact members and shall be prorated according to the relative amount of hazardous waste of a generator to be treated at the facility; and

6. The Department may require such other criteria and information in order to determine if the multi-user on-site

treatment facility is physically and technically suitable for the hazardous waste to be treated at the facility.

C. A multi-user on-site treatment facility, located within an industrial park which treats, stores or disposes of wastes that are produced only ~~by the industries located~~ within that industrial park, may be owned or operated by persons other than the generators of the waste.

D. Upon compliance with the provisions of the Oklahoma Hazardous Waste Management Act, this section and rules promulgated thereunder, the Department shall issue permits for the construction and operation of a multi-user on-site treatment facility.

E. The board of county commissioners of the county in which a multi-user on-site treatment facility is proposed to be located shall review all transportation routes between such proposed location and the facilities generating hazardous waste which are operated by members of the compact. The provisions of Section 98 of this act relating to county roads and bridges shall apply to construction and operation permit applications for multi-user on-site treatment facilities.

SECTION 22. AMENDATORY 63 O.S. 1991, Section 1-2014.2, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 30, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-118), is amended to read as follows:

Section 2-7-118. A. Facilities that recycle hazardous waste shall be exempt from ~~construction~~ permit requirements specified by the Oklahoma Hazardous Waste Management Act with regard to those units exclusively used in the recycling process. Off-site hazardous waste recycling facilities are subject to the requirements specified by the Oklahoma Hazardous Waste Management Act for an operations permit, and shall also meet design standards as promulgated by the Board. Such recycling facilities which were in existence on July 1, 1990, may but shall not be required to file an operations permit application pursuant to the provisions of the Oklahoma Hazardous Waste Management Act. A permit modification is not required for a permitted recycling facility to use new, improved, or better methods of recycling if the Department has approved the plans as being environmentally acceptable. An approved class 1 operations permit modification shall be required for a permitted recycling facility to increase the capacity of its recycling units or add new or different recycling units.

B. No hazardous waste having a heating value less than five thousand (5,000) British Thermal Units per pound shall be burned as fuel in any unit in this state permitted as a hazardous waste recycling unit.

C. No hazardous waste which has a heating value of less than five thousand (5,000) British Thermal Units per pound when blended with other materials or wastes to produce a hazardous waste fuel with a heating value equal to or exceeding five thousand (5,000) British Thermal Units per pound shall be burned as fuel in any unit in this state permitted as a hazardous waste recycling unit.

SECTION 23. AMENDATORY 63 O.S. 1991, Section 1-2005.2, as last amended by Section 102, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-119), is amended to read as follows:

Section 2-7-119. A. The Board shall establish a schedule of fees, pursuant to Section ~~24~~ 2-3-402 of this ~~act~~ title and the Administrative Procedures Act, to be charged for applications to issue and renew permits for hazardous waste facilities and for the regulation of hazardous waste. Such fees shall only be used for the

implementation of the provisions of the Oklahoma Hazardous Waste Management Act pursuant to Section 24 2-3-402 of this ~~act~~ title.

B. The Board shall charge fees only within the following ranges:

For generator disposal plan: \$100.00 to \$10,000.00 per year

For transporter trailer registration: \$20.00 per trailer per year

For permit application: \$5,000.00 to \$50,000.00

For application resubmittal: \$100.00 to \$1,000.00

For monitoring: \$100.00 to \$10,000.00 per year.

C. The Board shall develop a separate schedule of reduced fees of not less than Twenty-five Dollars (\$25.00) for small quantity generators.

SECTION 24. AMENDATORY 63 O.S. 1991, Section 1-2005.3A, as last amended by Section 104, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-121), is amended to read as follows:

Section 2-7-121. A. Every hazardous waste treatment facility, storage facility, underground injection facility, disposal facility, or off-site facility that recycles hazardous waste subject to the provisions of the Oklahoma Hazardous Waste Management Act shall pay to the Department of Environmental Quality an annual fee on the amount of hazardous waste managed by such facility ~~to the Department~~.

1. ~~Such~~ Except as otherwise provided by this subsection, such fees shall be, subject to the qualifications provided in paragraph 2 of this subsection:

- a. For hazardous waste generated within the State of Oklahoma, Nine Dollars (\$9.00) per ton for on-site or off-site storage, treatment or land disposal.
- b. For hazardous waste generated within the State of Oklahoma, or elsewhere in the case of regeneration, Four Dollars (\$4.00) per ton for off-site recycling.
- c. For hazardous waste generated within the State of Oklahoma, three cents (\$0.03) per gallon for on-site or off-site underground injection.
- d. (1) Effective May 1, 1993, the fee applicable to waste generated outside the State of Oklahoma except as provided in subparagraph b of this paragraph shall be based on the primary purpose for which the waste is imported into the State of Oklahoma, and shall be a reciprocal fee at the rate of and in accordance with the method of imposition of the tax or fee imposed on the storage, treatment, disposal or recycling of such waste in the state, country or territory where the waste was generated, as determined by the Department. In no case, however, shall the fee levied on hazardous waste generated outside the State of Oklahoma be less than the rate charged at the time of its storage, treatment, disposal or recycling for hazardous waste generated and stored, treated, disposed or recycled in the State of Oklahoma.
(2) Any person storing, treating, disposing, or recycling such hazardous waste in the State of Oklahoma shall file with the Department an affidavit showing the applicable tax or fee for any hazardous waste received from another state,

country or territory had it been stored, treated, or disposed of in a like manner in that state, country or territory. In preparing the required affidavit, the recipient of the waste is legally entitled to rely upon all information contained in the manifest document accompanying the shipment of waste.

2. There Except as otherwise provided by this subsection, there shall be a minimum fee per facility as follows:

- a. Except as provided in subparagraph d of this paragraph, any person owning or operating an off-site hazardous waste treatment facility, storage facility, or disposal facility shall pay a total fee of not less than Fifty Thousand Dollars (\$50,000.00) each state fiscal year.
- b. Any person owning or operating an on-site hazardous waste treatment facility, storage facility, or disposal facility shall pay a total fee of not less than Twenty Thousand Dollars (\$20,000.00) each state fiscal year; provided, the annual fee for the on-site disposal of hazardous waste by underground injection shall not exceed Fifty Thousand Dollars (\$50,000.00).
- c. Any person owning or operating an off-site facility for the recycling of hazardous waste shall pay a total fee of not less than Fifty Thousand Dollars (\$50,000.00) each state fiscal year.
- d. Any person owning or operating an off-site facility which accepts hazardous waste exclusively for the purpose of conducting research and design tests shall pay a total fee of not less than Ten Thousand Dollars (\$10,000.00) each state fiscal year.

3. Off-site facilities may charge persons contracting for the services of the facility their proportional share of the fees required by the provisions of this section.

4. The facility shall become liable for payment of the fee on each ton or gallon of hazardous waste at the time it is received. The fee shall be payable by the facility to the Department only as provided for in subsection C of this section.

5. The fee imposed by the provisions of this section shall be payable only once without regard to any subsequent handling of the hazardous waste. The fee shall be based on the purpose for which the waste was 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.

6. In computing the amount of the fee specified in subparagraph b of paragraph 1 of subsection A of this section for the off-site recycling or regeneration of hazardous waste, the assessment for regeneration shall be made on a dry weight basis.

7. If a generator of characteristic hazardous waste or listed hazardous waste treats the waste on-site to meet Best Demonstrated Available Technology Standards and disposes of the waste on-site, the waste shall be subject to a reduced treatment or on-site disposal fee of one-half (1/2) the rate required by subparagraph a of paragraph 1 of this subsection; provided, such rate reduction shall not exceed Twenty-two Thousand Dollars (\$22,000.00) per calendar year.

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

1. Facilities engaged only in the on-site recycling of hazardous waste; and

2. Facilities which have not generated or received new hazardous waste within the preceding state fiscal year.

C. Payment of the fees required by this section shall be due quarterly for hazardous waste received by the facility during the prior quarter. 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 hazardous waste is received. All payments shall be made within thirty (30) days from the date it becomes due.

D. The fees required by this section shall be paid in lieu of the monitoring fees imposed in subsection B of Section ~~402~~ 2-7-119 of this ~~act~~ title. 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 required by the Oklahoma Hazardous Waste Management Act.

E. 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.

1. Ten percent (10%) of the fees collected from an off-site hazardous waste facility pursuant to the provisions of this section shall be deposited to the credit of the Special Economic Development Trust Funds. The funds for the Trusts accruing pursuant to the provisions of this section shall be distributed to each Trust established in proportion to the fees generated by the off-site hazardous waste facilities within the Trust area.

2. The Department shall expend monies received pursuant to the provisions of this section for one or more of the following purposes:

- a. the administration of the provisions of the Oklahoma Hazardous Waste Management Act,
- b. the development of an inventory of hazardous wastes currently produced in Oklahoma and management needs for the identified wastes,
- c. the implementation of information exchange, technical assistance, public information, and educational programs,
- d. the development and encouragement of waste reduction plans for Oklahoma waste generators, or
- e. increased inspection of hazardous waste facilities which may include full time inspectors at off-site hazardous waste facilities.

F. To the extent that fees received pursuant to this section shall exceed the purposes specified in subsection E of this section, the Department shall only expend such funds 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;

2. Response, including but not limited to containment and removal, to emergency situations involving spillage, leakage, emissions or other discharge of hazardous waste or hazardous 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 hazardous waste or hazardous 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;

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, as described in paragraphs 1 through 3 of this subsection; or

5. Financial assistance to municipalities or counties for the purposes and under the conditions specified in Section ~~422~~ 2-7-305 of this ~~act~~ title.

SECTION 25. AMENDATORY 63 O.S. 1991, Section 1-2005.3C, as last amended by Section 117, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-201), is amended to read as follows:

Section 2-7-201. A. The county commissioners of the counties which are within a ten-mile radius of an off-site hazardous waste facility 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 in 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 ~~104~~ 2-7-121 of this ~~act~~ 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 nor more than ten 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 trustees in accordance with the State Travel Reimbursement Act.

4. Any action of the Board of Trustees must be approved by a two-thirds 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 26. AMENDATORY 63 O.S. 1991, Section 1-2018, as last amended by Section 121, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-304), is amended to read as follows:

Section 2-7-304. A. There is hereby created in the State Treasury a special fund for the Department to be designated as the "Hazardous Waste Fund". This fund shall consist of monies transferred to it from funds appropriated to the Department for this purpose and from other sources as provided by law. The fund shall be a continuing fund not subject to fiscal year limitations. Expenditures from the Hazardous Waste Fund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance for approval and payment. The fund shall be for the purpose of protecting public health and safety as prescribed in the Hazardous Waste Management Act and for providing basic emergency response training and protective equipment and for response or remediation activities authorized in subsection F of Section ~~104~~ 2-7-121 of this ~~act~~ title. The Department is authorized, upon the request of a municipality or county, to assist such municipality or county in the development of emergency response plans. The fund shall be under the control and management of the administrative authority of the Department. Pursuant to the provisions of the Hazardous Waste Fund Act, the Department is authorized to determine the manner in which such fund is to be used. The Department of Public Safety and the Department of Civil Emergency Management are authorized and directed to assist and cooperate with the Department in the performance of its duties under the Hazardous Waste Fund Act.

B. Hazardous waste fees paid into the Department of Environmental Quality Revolving Fund pursuant to the Hazardous Waste Management Act may be transferred to the Hazardous Waste Fund.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-10-307 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A permit application for a solid waste transfer station or yard-waste composting site shall be subject to applicable public comment, public meeting and administrative hearing requirements set forth in Section 2-10-303 of Title 27A of the Oklahoma Statutes, unless the board of county commissioners of the county of the proposed site, after opportunity for written or oral public comment, has found the application to be within the scope of the county's solid waste management plan.

SECTION 28. AMENDATORY Section 152, Chapter 145, O.S.L. 1993, as amended by Section 37, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-401), is amended to read as follows:

Section 2-10-401. For purposes of ~~land application of nonhazardous sludge~~ this part, "sludge" means solid waste that is a nonhazardous solid, semi-solid, or liquid residue generated by the treatment of domestic sewage or wastewater by a treatment works or water by a water supply system, or such residue, treated or untreated, which results from commercial, agricultural or agribusiness activities or industrial or manufacturing processes and which is ~~within~~ subject to the jurisdiction of the Department.

SECTION 29. AMENDATORY Section 153, Chapter 145, O.S.L. 1993, as amended by Section 38, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-402), is amended to read as follows:

Section 2-10-402. A A. In addition to any permit required under Article VI of Chapter 2 of this Code, a solid waste permit shall be required for the beneficial use, transport, disposal and storage of sludge ~~through land application unless the Department has~~

~~approved, through a sludge management plan, such sludge to be land applied and:~~

~~1. Such sludge is from a facility in substantial compliance with a municipal or industrial construction or wastewater treatment permit, discharge permit or water supply system permit issued by the Department pursuant to Article VI, Chapter 2 of the Code; and~~

~~2. The sludge management plan is approved by the Department as part of a municipal or industrial construction or wastewater treatment permit, discharge permit or water supply permit issued by the Department pursuant to Article VI, Chapter 2 of the Code not subject to the direct jurisdiction of a state environmental agency.~~

B. All sludge application projects shall be operated in conformance with rules promulgated by the Board.

C. A ~~sludge management plan approved or~~ permit issued pursuant to this part shall be subject to the enforcement provisions of Article III of this Code.

D. The provisions of this section shall apply to permit applications filed with the Oklahoma Water Resources Board on or before June 30, 1993, for which no permit has been issued by the Oklahoma Water Resources Board for the land application of industrial waste, wastewater or sludge.

SECTION 30. AMENDATORY 59 O.S. 1991, Section 1103, as last amended by Section 51, Chapter 324, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1103), is amended to read as follows:

Section 1103. A. An advisory council is hereby re-created, to continue until July 1, 1996, in accordance with the provisions of the Oklahoma Sunset Law, which shall consist of nine (9) members. The Advisory Council shall be ~~composed~~ appointed as follows:

1. The Governor shall appoint three members as follows:
 - a. one member who holds a certificate under the terms and conditions of which he could lawfully be the operator of a municipal waterworks for an initial term of three (3) years,
 - b. one member representing higher education and the Environmental Training Center for the State of Oklahoma for an initial term of two (2) years, and
 - c. one member appointed from a list of six or more nominees submitted by the Oklahoma Municipal League;
2. The President Pro Tempore of the Senate shall appoint three members as follows:
 - a. two members appointed from a list of twelve or more nominees submitted by the Oklahoma Water and Pollution Control Association, and
 - b. one member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association;
3. The Speaker of the House of Representatives shall appoint three members as follows:
 - a. one member who holds a certificate under the terms and conditions of which he could lawfully be the operator of a municipal waterworks for an initial term of three (3) years,
 - b. one member who holds a certificate under the terms and conditions of which he could lawfully be the operator of a municipal wastewater works for an initial term of two (2) years, and
 - c. one member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association.

B. Persons serving on the Waterworks and Wastewater Works Advisory Council as of June 30, 1993, shall continue to serve on such Council for terms stated below unless a vacancy is created by resignation, death or any other cause resulting in an unexpired term. Such vacancy shall be filled by appointment as provided in subsection A of this section for a term of three (3) years. Members continuing to serve are:

1. One member appointed from a list of six or more nominees submitted by the Oklahoma Municipal League, whose term shall expire June 30, 1994, and whose successor shall be appointed by the Governor;

2. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Water and Pollution Control Association, whose term shall expire June 30, 1994, and whose successor shall be appointed by the President Pro Tempore of the Senate;

3. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Water and Pollution Control Association, whose term shall expire June 30, 1995, and whose successor shall be appointed by the President Pro Tempore of the Senate;

4. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association, whose term shall expire June 30, 1996, and whose successor shall be appointed by the President Pro Tempore of the Senate; and

5. One member appointed from a list of twelve or more nominees submitted by the Oklahoma Rural Water Association, whose term shall expire June 30, 1994, and whose successor shall be appointed by the Speaker of the House of Representatives.

C. Each member shall be appointed to serve a term of office of three (3) years, except that the term of those first appointed shall expire as specified in subsection A above. Any vacancy shall be filled pursuant to subsection A of this section.

D. The Council shall elect a chair and vice-chair from among its members. Five members shall constitute a quorum. Each Council shall meet as required for rule development, review and recommendation and for such other purposes specified by law. Special meetings may be called by the chair or by the concurrence of any three members.

E. Of the nominees on each list referenced in subsection A of this section, one-third shall be individuals certified as competent to operate a municipal waterworks and one-third shall be individuals certified as competent to operate municipal wastewater works.

F. Members of the Council shall serve without compensation but may be reimbursed expenses incurred in the performance of their duties as provided by the State Travel Reimbursement Act. The Council is authorized to utilize the conference rooms of the Department and obtain administrative assistance from the Department as required.

G. The Council shall not recommend rules for promulgation of the Environmental Quality Board unless all applicable requirements of the Administrative Procedures Act have been followed including requirements relating to, but not limited to, notice, rule impact statement and rulemaking hearings. The Council shall ~~consult with, advise and make recommendations to the Department relating to the effective administration of the Waterworks and Wastewater Works Operator Certification Act,~~ perform the duties specified in subsection I of Section 2-2-201 of Title 27A of the Oklahoma Statutes for the Department of Environmental Quality Advisory Councils and shall perform other duties as may be assigned to it by the Department.

SECTION 31. AMENDATORY 59 O.S. 1991, Section 1105, as amended by Section 279, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1105), is amended to read as follows:

Section 1105. In addition to the other powers conferred by the Waterworks and Wastewater Works Operator Certification Act, the Department shall have the following powers and duties:

1. To institute in any court of competent jurisdiction such actions or proceedings, including but not limited to actions and proceedings for mandatory or prohibitory injunctions or mandamus, as ~~he~~ it may deem necessary either to enforce or to prevent violation of any provision of this act or of any rule or order made thereunder, or to enforce any subpoena or order issued or made under authority of the Waterworks and Wastewater Works Operator Certification Act;

2. To conduct and cooperate with others in conducting educational and training programs, including itinerant training programs or district meetings, concerning plant operation and related subjects;

3. To employ such personnel, incur such expenses, and purchase such personal property as may be necessary for the purposes of this act, insofar as funds are lawfully available therefor;

4. To prescribe such procedures and forms as may be necessary to the administration of the Waterworks and Wastewater Works Operator Certification Act;

5. To prescribe the form and content of, and to grade and determine the criteria for the successful completion of, examinations given to applicants ~~under the Waterworks and Wastewater Works Operator Certification Act~~ and to provide for the confidentiality of examinations and individual test scores;

6. To perform such other acts as shall be necessary for the accomplishment of the purposes of the Waterworks and Wastewater Works Operator Certification Act;

7. To enforce the provisions of the Waterworks and Wastewater Works Operator Certification Act, rules promulgated thereunder and orders, certifications and registrations issued pursuant thereto; and

8. To conduct voluntary certification programs, certification programs specifically authorized by state statute, and certification programs promulgated by the Environmental Quality Board pursuant to a federal regulation or requirement; and to issue, renew or reactivate certificates for the operation of wastewater works and waterworks and to register persons employed as helpers in such works pursuant to such programs.

SECTION 32. AMENDATORY 59 O.S. 1991, Section 1106, as last amended by Section 52, Chapter 324, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1106), is amended to read as follows:

Section 1106. A. Except as otherwise provided in the Waterworks and Wastewater Works Operator Certification Act, it shall be unlawful:

1. For any person to employ or appoint or vote for or approve the employment or appointment of any person as an operator of a waterworks or wastewater works who does not possess a valid current certificate issued under the Waterworks and Wastewater Works Operator Certification Act, which certifies him to be competent to operate a waterworks or wastewater works for which he is so employed or appointed as operator; or to employ or appoint a person as an operator of a waterworks or wastewater works or vote for or approve the employment or appointment of any person as an operator of a waterworks or wastewater works contrary to the terms and conditions of the certificate held by such person;

2. For any person to be the operator of a waterworks or wastewater works for the operation of which he does not hold a required certificate or to be the operator of any waterworks or wastewater works contrary to any of the terms and conditions of the certificate held by him; or

3. For any person to violate any rule or order made under the authority of the Waterworks and Wastewater Works Operator Certification Act or any certificate issued pursuant thereto.

B. Paragraphs 1 and 2 of subsection A of this section shall apply to a waterworks or wastewater works employing a superintendent of the waterworks or wastewater works who has not obtained the proper level of certification within six (6) months of his employment as superintendent. The Environmental Quality Board may, by rule, limit the number of times this six-month exemption is available to a waterworks and wastewater works.

SECTION 33. AMENDATORY 59 O.S. 1991, Section 1107, as amended by Section 281, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1107), is amended to read as follows:

Section 1107. A. Upon application, made upon a form to be prescribed by the Department, by an individual not less than eighteen (18) years of age, the Department shall issue a certificate when the applicant has paid a nonrefundable application fee and has met any one of the following qualifications:

1. An applicant who successfully completes training and examination as prescribed by the Department; or

2. An applicant who holds a license or certificate issued by any other state or territory of the United States, and currently valid at the time he makes application hereunder, similar to a certificate provided for herein, where the requirements of such other state or territory for the issuance of a license or certificate, at the time such applicant received said license or certificate, were of a level found by the Department to be the equivalent of the standards required hereby for a certificate of similar kind. Provided, however, that no certificate shall be issued under this paragraph unless the holder of a certificate under this act would be issued a similar license or certificate by such other state or territory under substantially the same conditions.

B. All fees shall be deposited in the Certification Fund.

~~C. Any certificate issued under this section shall expire on June 30th following such issuance. Thereafter, to remain in effect, a certificate shall be renewed annually for a term beginning on July 1 and ending on the ensuing June 30 unless provided otherwise by the Waterworks and Wastewater Works Operator Certification Act be~~
renewable annually for the period from July 1 to June 30.

~~D. An operator~~ A certificate shall be renewed upon approval of the Department. Application for such renewal shall be submitted to the Department on forms prescribed by the Department, shall be accompanied by a renewal fee as set by the Board and shall include documentation that the applicant has met the annual renewal training requirements of the Department. The Department may allow a thirty-one-day grace period for such renewals, from July 1 through July 31, without requiring payment of a late ~~renewal~~ fee as set by the Board, provided the applicant submits the required renewal fee and qualifies for such renewal.

E. A certificate which is not so renewed ~~shall expire on June 30 and~~ by July 31 shall have no further force, effect or validity unless the Department, upon receipt of an application from the holder of the expired certificate within two (2) years after the certificate's ~~expiration~~ June 30 renewal date, reactivates such certificate. Such reactivation application shall include the

submission of data on forms prescribed by the Department, renewal and reactivation late fees as set by the Board, and documentation that the applicant has met the Department's renewal training requirements. A reactivated certificate may be renewed annually thereafter as provided in this ~~subsection~~ section.

F. The holder of an expired and unreactivated certificate shall not be issued any new certificate unless he applies and qualifies therefor pursuant to the Waterworks and Wastewater Works Operator Certification Act.

SECTION 34. AMENDATORY 59 O.S. 1991, Section 1111, as amended by Section 285, Chapter 145, O.S.L. 1993 (59 O.S. Supp. 1993, Section 1111), is amended to read as follows:

Section 1111. The Department shall have power to refuse to issue, renew, reinstate or reactivate, ~~or to revoke or to suspend,~~ after notice and opportunity for an individual proceeding as provided in the Administrative Procedures Act, the Oklahoma Environmental Quality Code and rules of the Board, to revoke or suspend any certificate for any one or combination of the following causes good cause including but not limited to:

1. Gross inefficiency or incompetence;
2. Violation of any provisions of the Waterworks and Wastewater Works Operator Certification Act or ~~of any rule or regulation applicable provisions of the Oklahoma Environmental Quality Code, rules promulgated under authority of the Waterworks and Wastewater Works Operator Certification Act thereunder or the terms of any certificate or order issued pursuant thereto;~~ or
3. Fraud or misrepresentation in obtaining a certificate ~~of competency.~~

SECTION 35. AMENDATORY 63 O.S. 1991, Section 1-2324, as amended by Section 159, Chapter 145, O.S.L. 1993 and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-602), is amended to read as follows:

Section 2-10-602. A. ~~It~~ Except as otherwise provided by this section, it shall be unlawful for any person to own:

1. Own or operate a site used for the storage, collection or disposal of more than fifty discarded vehicle tires under ten thousand (10,000) pounds except at a site or facility permitted by the Department to accept discarded vehicle tires by the Department;
2. Dispose of waste tires at any site or facility other than a site or facility for which a permit has been issued by the Department; or
3. Knowingly transport or knowingly allow waste tires under his control or in his possession to be transported to an unpermitted site or facility.

B. The provisions of subsection A of this section shall not apply to:

1. The use of ~~used~~ waste tires for agricultural purposes as recognized by the State Department of Agriculture;
2. The use of ~~used~~ waste tires for erosion control, bank stabilization and other conservation projects if practiced in accordance with a written conservation plan approved by ~~an Oklahoma~~ the local Conservation District in accordance with designated best management practices established for such uses by the Oklahoma Conservation Commission; or
3. Tire manufacturers, retailers, wholesalers and retreaders who store 2,500 or fewer used tires at their place of business or designated ~~off-premise~~ off-premises storage site; or
4. Any municipal- or county-designated waste tire collection center.

C. The provisions of paragraphs 2 and 3 of subsection A of this section shall not be construed so as to prevent an individual from disposing of waste tires previously used by the individual as vehicle or equipment tires; provided, such disposal is upon property owned by such individual and such disposal does not create a nuisance or pose a hazard to the public health or environment.

SECTION 36. AMENDATORY 68 O.S. 1991, Section 53005, as amended by Section 195, Chapter 145, O.S.L. 1993 and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-405), is amended to read as follows:

Section 2-11-405. A. Of the monies accruing annually to the Waste Tire Recycling Indemnity Fund, four percent (4%) thereof shall be available to the Oklahoma Tax Commission and four percent (4%) thereof shall be available to the Department of Environmental Quality for the purpose of administering the requirements of the Oklahoma Waste Tire Recycling Act. In addition, an amount not to exceed Fifty Thousand Dollars (\$50,000.00) per required audit shall be available to the State Auditor and Inspector for the purpose of conducting audits of the Oklahoma Waste Tire Recycling Program pursuant to Section 38 of this act.

B. The remaining monies in the Waste Tire Recycling Indemnity Fund shall be allocated pursuant to the provisions of the Waste Tire Recycling Act to waste tire facilities which, through the filing of appropriate applications, reports, and other documentation that may be required by the Department of Environmental Quality, demonstrate that such facilities have successfully processed discarded vehicle tires ~~to make the tires available and accessible for recycling, reuse or energy recovery~~ pursuant to the Waste Tire Recycling Act.

SECTION 37. AMENDATORY 68 O.S. 1991, Section 53006, as amended by Section 196, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-406), is amended to read as follows:

Section 2-11-406. A. 1. Waste tire facilities meeting the requirements of the Waste Tire Recycling Act shall be ~~compensated eligible for compensation~~ from the Waste Tire Recycling Indemnity Fund, for processing tires discarded in the State of Oklahoma to the extent that funds are therein contained, at a rate not to exceed ~~one-half dollar~~ fifty cents (\$0.50) for each ~~such~~ waste tire processed in any calendar year by the facility as demonstrated through the application and submission of documentation to the Department of Environmental Quality.

2. In addition to other requirements of the Waste Tire Recycling Act, in order to qualify for such compensation, the applicant shall demonstrate that over the life of the facility prior to each request for compensation, at least ~~twenty-five percent (25%)~~ ten percent (10%) of the tires processed by the waste tire facility were collected from tire dumps as identified through placement on a priority enforcement list by the Department of Environmental Quality.

B. 1. In addition to the compensation authorized by subsection A of this section, any waste tire facility that is in good standing with the Department of Environmental Quality shall be eligible for ~~additional~~ compensation at the rate of thirty-five cents (\$0.35) per processed tire for the collection ~~and~~ transportation of discarded vehicle tires obtained from dealers, solid waste landfill sites, dumps certified by the Department of Environmental Quality enforcement priority list, ~~municipalities~~ municipal and county designated collection sites and delivering such tires to the waste tire facility. Beginning July 1, 1994, and for each month thereafter, the number of collected discarded tires on which initial

compensation may be sought by any waste tire facility shall not exceed the number of tires for which each dealer, from whom the facility has collected tires, remitted waste tire recycling fees to the Oklahoma Tax Commission.

2. The collection and transportation of discarded vehicle tires ~~must~~ shall be on a statewide basis and shall be provided by the waste tire facility at no additional cost to a participating dealer. The Department of Environmental Quality shall not require a waste tire facility to collect less than one thousand discarded vehicle tires at any one location.

2. 3. To be eligible for compensation pursuant to this subsection, the waste tire facility shall:

- a. demonstrate to the satisfaction of the Department of Environmental Quality, that such facility is regularly engaged in the collection, transportation and delivery of discarded vehicle tires, on a statewide basis, and from each county of the state, and
- b. provide documentation, signed by a participating dealer at the time of collection, which certifies the total amount of waste tire recycling fees remitted by the dealer since the date his waste tires were last collected.

C. Compensation pursuant to this section shall be payable only for the equivalent number of tires collected and processed in accordance with the purposes of the Waste Tire Recycling Act and as authorized by the Department pursuant thereto.

SECTION 38. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-411 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. By August 1, 1994, and every even year thereafter, the State Auditor and Inspector shall conduct or shall contract with an auditor or auditing company to conduct an independent audit of the books, records, files and other such documents of the Department of Environmental Quality pertaining to and which relate to the administration of the Waste Tire Recycling Indemnity Fund. The audit shall include but shall not be limited to a review of agency and claimant compliance with state statutes regarding the Fund, internal control procedures, adequacy of claim process expenditures from and debits of the Fund regarding reimbursements, administration, personnel, operating and other expenses charged by the Department; the duties performed in detail by agency personnel and Fund personnel for which payment is made from the Fund, and recommendations for improving claim processing, equipment needed for claim processing, internal control or structure for administering the Fund; and such other areas deemed necessary by the State Auditor and Inspector.

B. The cost of the audit shall be borne by the Waste Tire Recycling Indemnity Fund, pursuant to the limits and provisions of Section 36 of this act.

C. Copies of the audit shall be submitted to the State Auditor and Inspector, the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Chairmen of the Appropriations Committee of both the Oklahoma House of Representatives and the State Senate.

SECTION 39. AMENDATORY 68 O.S. 1991, Section 53007, as amended by Section 197, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-407), is amended to read as follows:

Section 2-11-407. A. 1. A waste tire facility desiring to be compensated from the Waste Tire Recycling Indemnity Fund ~~for the~~

~~purposes authorized by Section 196 of this act,~~ shall first make application to the Department of Environmental Quality on forms prescribed by the Department ~~and~~ containing documentation as required by the Waste Tire Recycling Act and such other information as the Department determines is needed to comply with the Oklahoma Waste Tire Recycling Act.

2. On at least a ~~quarterly~~ monthly basis, the Department of Environmental Quality shall evaluate applications and certify them to the Oklahoma Tax Commission.

B. Applicants for compensation ~~for tire processing are encouraged to~~ shall report tire processing activity in terms of weight. The Department of Environmental Quality shall certify the numbers of tires processed based on eighteen and seven-tenths (18.7) pounds per tire. The waste tire facility shall, ~~in addition to any other information required by the Department,~~ provide sufficient information to verify that the ~~disposal site~~ facility has processed vehicle tires into particles not larger than four (4) square inches and otherwise in accordance with the purposes of the ~~Oklahoma~~ Waste Tire Recycling Act.

C. Applicants ~~desiring~~ for compensation for the collection, transportation and delivery of discarded vehicle tires shall, ~~in addition to any other information required by the Department of Environmental Quality,~~ submit a plan designating statewide collection routes, At the time application for initial and subsequent compensation is made, the waste tire facility shall submit dealer certification when applicable, affidavits specifying the name of the entity from whom collection of the tires was made, and the number of discarded vehicle tires collected at each collection point.

SECTION 40. On or before January 1, 1995, the Department of Environmental Quality shall submit a written report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate containing recommendations to the Legislature for improvements in the Waste Tire Recycling Program. Such report shall also include recommendations for statutory changes needed to further the purposes of the Waste Tire Recycling Act.

SECTION 41. RECODIFICATION Section 31, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-2-102), shall be recodified as Section 2-10-307 of Title 27A of the Oklahoma Statutes.

SECTION 42. RECODIFICATION Section 3, Chapter 361, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 39, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-403), shall be recodified as Section 2-6-501.3 of Title 27A of the Oklahoma Statutes.

SECTION 43. RECODIFICATION Section 1, Chapter 267, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 40, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-404), shall be recodified as Section 2-6-501.4 of Title 27A of the Oklahoma Statutes.

SECTION 44. RECODIFICATION Section 4, Chapter 361, O.S.L. 1992, as amended by Section 156, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-405), shall be recodified as Section 2-6-501.5 of Title 27A of the Oklahoma Statutes.

SECTION 45. RECODIFICATION Section 61, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-6-106), as last amended by Section 10 of this act, shall be recodified as Section 2-3-302 of Title 27A of the Oklahoma Statutes.

SECTION 46. Section 41 of this act shall not be codified in the Oklahoma Statutes.

SECTION 47. This act shall become effective July 1, 1994.

SECTION 48. 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 Senate the 25th day of May, 1994.

President of the Senate

Passed the House of Representatives the 26th day of May, 1994.

Speaker of the House of Representatives