

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1090

By: Leist

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-2004.2, as amended by Section 11, Chapter 403, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2004.2), which relates to hazardous waste, and Section 4, Chapter 361, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2309), which relates to solid waste; clarifying language; removing obsolete language; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2004.2, as amended by Section 11, Chapter 403, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2004.2), is amended to read as follows:

Section 1-2004.2 In addition to other powers and duties specified by law, the Board shall adopt rules and regulations 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 authorized pursuant to Section 1-2009.1 of ~~Title 63 of the Oklahoma Statutes~~ this title;

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 and regulations 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 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 Disposal 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.

SECTION 2. AMENDATORY Section 4, Chapter 361, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2309), is amended to read as follows:

Section 1-2309. Wastewater treatment sludge, as regulated by the Solid Waste Management Act, ~~Section 1-2300 et seq. of Title 63 of the Oklahoma Statutes,~~ shall only be used on agricultural land at agronomic rates, as determined by the State Department of Health, provided the application is performed in accordance with an approved wastewater sludge management plan and the rules promulgated by the State Board of Health which shall include, but not be limited to, the following:

1. Annual land application of wastewater sludge shall not exceed nitrogen and phosphorous fertilization rates for the crop grown and shall not be applied at rates that result in phytotoxicity;

2. Wastewater treatment sludge applied to land shall be incorporated into the soil before the end of the working day;

3. Wastewater treatment sludge shall not be applied within two (2) feet of the highest seasonal water table nor applied to the land within one hundred (100) feet of a stream or body of water; and

4. Wastewater treatment sludge shall not be applied within two hundred fifty (250) feet of a public or private water supply.

SECTION 3. This act shall become effective September 1, 1993.

44-1-5781 KSM

