

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1407

By: Pilgrim

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-2002, as last amended by Section 6, Chapter 403, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2002), which relates to hazardous waste; modifying terms; defining low-level radioactive waste as hazardous waste; prohibiting incineration of certain radioactive waste; amending 63 O.S. 1991, Section 1-2302, as amended by Section 1, Chapter 50, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2302), which relates to solid waste; modifying term; excluding certain waste from definition of solid waste; prohibiting placement of low-level radioactive waste in certain landfills; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2002, as last amended by Section 6, Chapter 403, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2002), is amended to read as follows:

Section 1-2002. As used in this act, unless the context otherwise requires:

1. "Hazardous waste" is defined as waste materials and byproducts, either solid or liquid, which are to be discarded by the generator or recycled and which are toxic to human, animal, aquatic or plant life and which are generated in such quantity that they cannot be safely disposed of in properly operated, state-approved sanitary land fills, waste or sewage treatment facilities.

Hazardous waste may include but is not limited to explosives, flammable liquids, spent acids, caustic solutions, low-level radioactive waste, poisons, containerized gases, sludges, tank bottoms containing heavy metallic ions, toxic organic chemicals, and materials such as paper, metal, cloth or wood which are contaminated with ~~controlled industrial~~ hazardous waste, and excludes domestic sewage;

2. "Disposal" means the final disposition of controlled industrial waste;

3. "Department" means the State Department of Health;

4. "Disposal site" means the location where any final disposition of ~~controlled industrial~~ hazardous waste occurs. Disposal sites include but are not limited to injection wells and surface disposal sites;

5. "Person" means any individual, corporation, industry, firm, partnership, association, venture, trust, institution, federal, state or local governmental instrumentality, agency or body or any other legal entity however organized;

6. "Treatment" means the detoxification, neutralization, incineration or biodegradation of controlled industrial waste in order to remove or reduce its harmful properties or characteristics;

7. "Treatment facility" means any location where treating or recycling of ~~controlled industrial~~ hazardous waste occurs;

8. "Recycling" means the reuse, processing, treating, neutralizing or rerefining of hazardous waste into a product which is being reused or which has been sold for beneficial use.

Hazardous waste which is intended for fuel is not deemed to be recycled until it is actually burned;

9. "Storage facility" means any location where the temporary holding of hazardous waste occurs, including any tank, pit, lagoon, pond, or other specific place or area;

10. "Hazardous waste facility" as used herein shall mean and include storage and treatment facilities and disposal sites;

11. "Board" means the State Board of Health;

12. "Council" means the Hazardous Waste Management Council;

13. "Site" or "proposed site" means the surface area of a disposal site, or other hazardous waste facility, as applied for in the application for a permit for the facility;

14. "On-site treatment, storage, recycling or disposal" means the treatment, storage, recycling or disposal at a hazardous waste facility of ~~controlled industrial~~ hazardous waste generated by the owner of the facility;

15. "Off-site treatment, storage, recycling or disposal" means the treatment, storage, recycling or disposal at a hazardous waste facility of hazardous waste not generated by the owner of the facility;

16. "Multi-user on-site treatment facility" means a treatment facility for hazardous waste generated by the co-owners of the facility and which meets the criteria specified by Section 1-2008.1 of this title; ~~and~~

17. "Regeneration" or "regenerated" means the regeneration of spent activated carbon to render it reusable, and any treatment, storage or disposal associated therewith; and

18. "Low-level radioactive waste" means, as defined in the Low-Level Radioactive Waste Policy Act (Public Law 96-573), radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in

Section 11e.2 of the Atomic Energy Act of 1954, as amended through 1978.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2002.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Radioactive waste or waste containing any quantity of radioactive waste shall not be disposed of by incinerator or injection or in cement kilns or industrial boilers and furnaces in this state.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-2302, as amended by Section 1, Chapter 50, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2302), is amended to read as follows:

Section 1-2302. As used in the Oklahoma Solid Waste Management Act, unless the context otherwise requires:

1. "Affiliated person" means:

- a. any officer, director or partner of the applicant,
- b. any person employed by the applicant as general or key manager who directs the operations of the site, transfer station, or facility which is the subject of the application, and
- c. any person owning or controlling more than five percent (5%) of the applicant's debt or equity;

2. "Board" means the State Board of Health;

3. "Disclosure statement" means a written statement by the applicant which contains:

- a. the full name, business address, and social security number of the applicant, and all affiliated persons,
- b. the full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the on-going organizational

relationships as they may impact operations within the state,

- c. a description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations relating to environmental regulation,
- d. a listing and explanation of any administrative, civil or criminal legal actions against the applicant and affiliated person which resulted in a final agency order or final judgment by a court of record, including final order or judgment on appeal, in the ten (10) years immediately preceding the filing of the application relating to solid or controlled industrial waste. Such action shall include, without limitations, any permit denial or any sanction imposed by a state regulatory agency or the United States Environmental Protection Agency, and
- e. a listing of any federal environmental agency and any state environmental agency that has or has had regulatory responsibility over the applicant;

4. "Department" means the State Department of Health;

5. "Final closure" means those measures for providing final capping material, proper drainage, perennial vegetative cover, maintenance, monitoring and other closure actions required for the site by rules of the State Board of Health;

6. "History of noncompliance" means any past operations by an applicant or affiliated persons which clearly indicate a reckless disregard for environmental regulation, or a demonstrated pattern of prohibited conduct which could reasonably be expected to result in adverse environmental impact if a permit were issued, as evidenced by findings, conclusions and rulings of any final agency order or final order or judgment of a court of record;

7. "Person" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized;

8. "Solid waste" means all putrescible and nonputrescible refuse in solid or semisolid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes including explosives, biomedical wastes, chemical wastes, herbicide and pesticide wastes. ~~Scrap~~ For purposes of the Oklahoma Solid Waste Management Act, the term solid waste shall not include:

- a. scrap materials which are source separated for collection and processing as industrial raw materials ~~shall not be considered solid waste for the purposes of this act,~~ except when contained in the waste collected by or in behalf of a solid waste management system, and
- b. low-level radioactive waste;

9. "Disposal site" means any place, including a transfer station, or any other place at which solid waste is dumped, abandoned, or accepted or disposed of by incineration, land filling, composting, shredding, compaction, baling or any other method or by processing by pyrolysis, resource recovery or any other method, technique or process designed to change the physical, chemical or biological character or composition of any solid waste so as to render such waste safe or nonhazardous, amenable to transport, recovery or storage or reduced in volume. A disposal site shall not include a manufacturing facility which processes scrap materials

which have been separated for collection and processing as industrial raw materials;

10. "Solid waste management system" means the system that may be developed for the purpose of collection and disposal of solid waste by any person engaging in such process as a business or by any municipality, authority, trust, county or by any combination thereof at one or more disposal sites;

11. "Dwelling" means a permanently-constructed, habitable structure designed and constructed for full-time occupancy in all weather conditions, which is not readily mobile and shall include but not be limited to a manufactured home as such term is defined by paragraph 11 of Section 1102 of Title 47 of the Oklahoma Statutes;

12. "Integrated solid waste management plan" means a plan that provides for the integrated management of all solid waste within the planning unit and embodies sound principles of solid waste management, natural resources conservation, energy production, and employment-creating opportunities;

13. "Recycling" means to reuse a material that would otherwise be disposed of as waste, with or without reprocessing;

14. "Solid waste planning unit" means any county or any part thereof, incorporated city or town, or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized, which the State Department of Health determines to be capable of planning and implementing an integrated solid waste management program;

15. "Waste reduction" means to reduce the volume of waste requiring disposal; ~~and~~

16. "Transfer station" means any disposal site, processing facility or other place where solid waste is transferred from a vehicle or container to another vehicle or container for transportation, including but not limited to a barge or railroad unloading facility where solid waste, in bulk or in containers, is

unloaded, stored, processed or transported for any purpose. The term does not include the following:

- a. a facility, such as an apartment complex or a large manufacturing plant, where the solid waste that is transferred has been generated by the occupants, residents, or functions of the facility,
- b. a citizens' collection station, or
- c. a waste collection system which leaves collected solid waste in enclosed containers along the collection route for later transport to a recycling or disposal facility serving the area; and

17. "Low-level radioactive waste" means, as defined in the Low-Level Radioactive Waste Policy Act (Public Law 96-573), radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in Section 11e.2 of the Atomic Energy Act of 1954, as amended through 1978.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2302.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

Low-level radioactive waste shall not be placed in any landfill in this state regardless of quantity. Any solid waste mixed or otherwise containing radioactive waste in any quantity shall be construed to be and treated as hazardous waste.

SECTION 5. This act shall become effective September 1, 1993.

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