

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1821

By: Williams

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Section 1-2416, as amended by Section 5, Chapter 50, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2416), which relates to site closure plans; modifying certain site compliance schedules; and declaring an emergency.

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

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

Section 1-2416. A. Applications for land disposal site permits shall contain a closure plan which defines operational phases and includes cost estimates, plans and specifications for final closure and the maintenance and monitoring of such works for thirty (30) years or such post-closure time period as may be mandated pursuant to the federal Solid Waste Disposal Act. Generator owned and operated private industrial nonhazardous monofills shall only be required to have an eight-year post-closure period or such post-closure time period as may be mandated pursuant to the federal Solid

Waste Disposal Act. A site may be closed in phases according to a closure plan approved by the Department.

B. Applications for other types of solid waste permits shall have a closure plan which would accomplish the removal and proper disposal of any remaining waste and the elimination of potential environmental health hazards.

C. The Department shall require applicants and permittees to post financial assurances in an amount sufficient to cover the estimated cost of closure. The closure costs for landfills shall include the estimated costs of the projected phased final closure and the post-closure maintenance and monitoring. An increase in financial assurance shall be required when any permittee deviates from the approved closure plan or when the cost of closure is found to have increased.

D. 1. Applicants and permittees shall post a bond, insurance, trust fund, or irrevocable letter of credit guaranteeing the performance of such closure plan. The state shall be the sole beneficiary of any such security. In lieu of such security the applicant may deposit cash or certificates of deposit with the State Treasurer payable to the Public Health Special Fund and the state shall have a security interest therein for the cost of performance of closure. This subsection does not apply to units of state or federal government. Other units of government shall comply with this subsection by October 9, 1993.

2. Applicants and permittees which are units of government which own or operate an improperly closed disposal site shall post such a bond, or cash, or certificates of deposit with the State Treasurer payable to the Public Health Special Fund for performance of site closure for their existing site and for the new site. This subsection does not apply to units of state or federal government.

E. When a bond or other security is required, it shall remain in effect until performance of the closure plan is completed. The

amount of such security shall be set by the Department and shall not be less than the anticipated cost of contracting for performance of each phase of the closure plan. After final closure is complete, the Department may allow a reduction in the amount of security to reflect the anticipated costs which remain.

F. All existing active or improperly closed disposal sites except transfer stations shall comply with the provisions of this section, except that sites permitted prior to August 8, 1985, shall be exempt from this section if ~~final closure is complete~~ such site discontinues accepting waste by October 9, 1993, final closure of the site is completed by April 1, 1994, and the method of closure is conducted with approval of the Department.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6142

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