

SHORT TITLE: Public health and safety; hazardous waste management; regional solid waste districts; expanding definition of certain waste facilities and incidents; modifying Health Department powers and duties; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 342

By: Hooper

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 1-2005.3, as amended by Section 14, Chapter 403, O.S.L. 1992, 1-2019, as amended by Section 40, Chapter 403, O.S.L. 1992 and 1-2418 (63 O.S. Supp. 1992, Sections 1-2005.3 and 1-2019), which relate to hazardous waste management and regional solid waste districts; requiring certain county approvals or agreements regarding county roads before receiving a construction permit for nonhazardous industrial solid waste facilities; expanding types of incidents for which political subdivisions are eligible for financial assistance to include nonhazardous industrial solid waste; modifying the powers and duties of the State Department of Health to comply with certain federal law; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2005.3, as amended by Section 14, Chapter 403, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2005.3), is amended to read as follows:

Section 1-2005.3 A. Regarding a construction permit application for a hazardous waste or nonhazardous industrial solid waste facility, the board of county commissioners of the county in

which the waste facility is located and the board of county commissioners of any county contiguous to the waste facility whose roads and bridges are to be used to provide access to the proposed waste facility shall review the county road classification plans as described in Section 654 of Title 69 of the Oklahoma Statutes and substantiate whether the county roads and bridges to be used to and from such hazardous waste or nonhazardous industrial solid waste facility in their respective counties may be used without any substantial detriment to said roads and bridges as provided in Section 14-113 of Title 47 of the Oklahoma Statutes. If any of said board of county commissioners finds that substantial detriment to the roads and bridges in their respective counties would occur, said board shall determine reasonable measures necessary to upgrade the roads and bridges and allow the applicant for a hazardous waste facility to upgrade or pay for the upgrading of said roads and bridges if the applicant receives a construction permit.

B. The Department shall not issue a construction permit for any new hazardous waste or nonhazardous industrial solid waste facility unless:

1. Each board of county commissioners, as appropriate pursuant to subsection A of this section, has substantiated by resolution that the county roads and bridges as they exist can be used without any substantial detriment to said roads and bridges as provided by the restrictions imposed by Section 14-113 of Title 47 of the Oklahoma Statutes; or

2. The applicant has agreed to upgrade or pay for the upgrading of the roads and bridges to the reasonable measures determined by the appropriate board of county commissioners or to the design standards established by the Oklahoma Department of Transportation for industrial access roads.

An operation permit shall not be granted by the Department to the applicant until the necessary upgrades to the roads and bridges have been made.

C. The Department shall notify the applicable boards of county commissioners by certified mail, return receipt requested, of the proposed waste disposal site. Said boards of county commissioners shall have forty-five (45) days from receipt of such notice to review the county road classification plan and respond to the Department. The finding of each of said board of county commissioners shall be sent to the Department by certified mail, return receipt requested. Failure to respond within the required time limitation established pursuant to this subsection shall constitute a finding that the roads and bridges can be used without substantial detriment and preclude the board of county commissioners failing to respond from raising the suitability of use of roads and bridges of the county as set out in subsections A and B of this section at a later date.

D. Any applicant for a construction permit or operation permit aggrieved by the action of the board of county commissioners pursuant to this section shall have the right of review by trial de novo to the district court of the county wherein the board of county commissioners took such action.

E. In addition to any construction permit application submitted to the Department subsequent to the effective date of this act, the provisions of this section shall also apply to any construction permit application submitted to the Department prior to the effective date of this act for which a permit has not been issued.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2019, as amended by Section 40, Chapter 403, O.S.L. 1992 (63 O.S. Supp. 1992, Section 1-2019), is amended to read as follows:

Section 1-2019. To further benefit the citizens of the State of Oklahoma, the Department may, if funds are available from the fund,

render financial assistance, by form of a matching grant not to exceed Fifty Thousand Dollars (\$50,000.00), to any municipality or county of the state, which has prepared an emergency response plan which has been approved by the State Department of Health, for the purpose of providing basic emergency response training and protective equipment to be used by such municipality or county in responding to incidents involving hazardous waste or nonhazardous industrial solid waste. Such financial assistance shall be available only to those applicants which have a significant potential for initiating emergency response to an incident involving hazardous waste or nonhazardous industrial solid waste. The Department shall give priority to municipalities or counties of the state in which off-site facilities are located.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 1-2418, is amended to read as follows:

Section 1-2418. A. The Department shall have the following powers and duties:

1. To advise, consult and cooperate with other agencies and instrumentalities of the state, other states and the federal government and with affected groups and industries in the formulation of plans and the implementation of the solid waste disposal program.

2. To administer and make available such loans and grants from the federal government and from other sources as may be available to the Department for the planning, construction, and operation of solid waste disposal sites.

3. To develop a statewide integrated solid waste management plan with input from the public, municipal and county governments and regional solid waste planning and management entities.

4. To review and act upon applications for solid waste disposal site permits and inspect construction, operation, closure and maintenance of solid waste disposal sites.

5. To issue, revoke, modify or deny, under rules and regulations of the Board as required by federal law pursuant to subtitle D of the federal Resource Conservation and Recovery Act, permits for the construction, modification, operation, closure and maintenance of solid waste disposal sites.

6. To make investigations and inspections which it deems necessary to ensure compliance with this act or the rules and regulations promulgated under authority of this act.

Notwithstanding the foregoing provisions of this section, any local governing body may by ordinance or resolution adopt standards for the location, design, construction, and maintenance of solid wastes disposal sites and facilities more restrictive than those adopted by the State Department of Health under the provisions of this act.

B. In addition to the other powers and duties of the Oklahoma State Department of Health prescribed by the Oklahoma Solid Waste Management Act, Section 1-2402 et seq. of this title, the Department shall:

1. Provide technical assistance to solid waste planning units, public solid waste management service entities, political subdivisions, business and industry, and the general public to promote development and implementation of recycling activities to meet the goals of the Oklahoma Solid Waste Management Act.

2. Establish and maintain, or cause to be established and maintained, in cooperation with the Department of Commerce, a database for tracking markets for materials which are being or could be recovered from the municipal solid waste stream in Oklahoma. The database shall contain information including but not limited to the names and addresses of buyers and sellers of secondary materials relevant to Oklahoma, market prices, and specifications required by buyers.

SECTION 4. This act shall become effective July 1, 1993.

SECTION 5. 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.

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