

ENGROSSED SENATE
BILL NO. 151

By: Easley of the Senate
and
Rice of the House

An Act relating to environment and natural resources; amending 63 O.S. 1991, Section 1-2305, as last amended by Section 162, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1994, Section 2-10-802), which relates to solid waste disposal fees; requiring certain landfill disposal site owners or operators to install scales; requiring sites to weigh waste and record in writing; stating exception; requiring record of certain reused waste; modifying certain date; updating statutory reference; removing certain restriction on waste generated outside of Oklahoma; waiving fee on certain waste; authorizing Department to waive fee for emergencies; eliminating certain fee on certain solid waste service customers; authorizing owner or operators of landfill sites to retain certain percentage of fees collected; requiring fees to be remitted within certain time period; requiring the Department to suspend and revoke permits under certain circumstances; stating uses for expenditure of certain funds; requiring annual review of solid waste fee by Solid Waste Management Advisory Council; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2305, as last amended by Section 162, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1994, Section 2-10-802), is amended to read as follows:

Section 2-10-802. A. 1. Owners or operators of landfill disposal sites which are not generator owned and operated nonhazardous industrial waste monofills shall install scales by September 1, 1995. Such scales shall be tested and certified as required by Section 5-61a et seq. of Title 2 of the Oklahoma Statutes.

2. The owner or operator of such landfill disposal site shall upon receipt weigh all waste received and record the weight in writing. If scales at a disposal site are not operative, tonnage shall be estimated on a volume basis where one cubic yard of solid waste equals 0.175 tons. The owner or operator shall place notice in the disposal site's operating record of the time and date at which such scales became inoperable and the steps which were taken to repair them.

3. The owner or operator of such landfill disposal site shall maintain a written record of the weight of any solid waste received which is productively reused or recovered and sold in accordance with the landfill disposal site's permit.

4. On and after September 1, 1990 1995, there is imposed a one-dollar-and-fifty-cent-per-ton fee for waste disposed of at landfill disposal sites or facilities, or at commercial biomedical waste processing facilities or five-dollars-per-ton at sludge land application sites or landfills accepting nonhazardous industrial

~~waste within Oklahoma when the waste is generated from outside of Oklahoma, in accordance with~~ except landfill disposal sites which are generator owned and operated nonhazardous industrial waste monofills subject to the provisions of Section 163 2-10-803 of this act, whichever is higher title. For emergencies and other special events, the Department and the owner or operator of a landfill disposal site which is required to collect such fee may enter into a written agreement to waive the fee.

5. The fee shall not be imposed on the solid waste received which is productively reused or recovered in accordance with the landfill disposal site's permit. The owner or operator shall include records pertaining to this fee exemption in the monthly return of fees to the Department.

~~2.~~ 6. The fee assessed by this subsection is to be a charge to waste producers in addition to any charges specified in any contract or elsewhere. The fee shall be imposed upon and passed through to disposers of waste using the facility.

~~3.~~ 7. The owner or operator of a solid waste disposal site shall collect the fee levied pursuant to this subsection as trustee for the state and shall prepare and file with the Department monthly returns indicating:

- a. the total tonnage of solid wastes received for disposal at the gate of the site, and
- b. the total amount of the fees collected pursuant to this section.

~~4.~~ 8. Not later than thirty (30) days after the end of the month to which such a return applies, the owner or operator shall mail to the Department the return for that month together with the fees collected during that month as indicated on the return. For such returns, the owner or operator may deduct and retain five percent (5%) of the fees collected.

~~5.~~ 9. The owner or operator may receive an extension of not more than thirty (30) days for filing the return and remitting the fees, provided that:

- a. the owner or operator has submitted a request for an extension in writing to the Department together with a detailed description of why the extension is requested,
- b. the Department has received the request not later than the day on which the return is required to be filed, and
- c. the Department has approved the request.

~~6.~~ 10. If the fees are not remitted within sixty (60) days of the last day of the month during which they were collected, the owner or operator shall pay an additional fifty percent (50%) of the amount of the fees for each month that they are late.

11. If the owner or operator shall fail to properly measure or record the amount of waste received or to remit the fees within sixty (60) days of the last day of the month during which they were collected, the landfill disposal site's permit shall be summarily suspended and the Department shall initiate the process of revoking the permit.

~~B. 1. There is imposed upon each customer of a solid waste service operated by or on behalf of a political subdivision or public trust of which it is beneficiary a user fee of twenty-five cents (\$0.25) per month or Three Dollars (\$3.00) per year. The fee shall be in addition to any periodic charges for solid waste services. The user fee shall be included in the billing cycle, stated separately from any other periodic charges, and shall be identified as a fee for purposes of administering the Oklahoma Solid Waste Management Act. In lieu of the fee provided for in subsection A of this section, this fee shall apply to out-of-state customers of a solid waste service operated by a political subdivision or public~~

~~trust within the State of Oklahoma, provided however, such exemption shall be limited to services operated in municipalities adjacent to and adjoining the boundaries of the State of Oklahoma.~~

~~2. a. The monthly fee shall be collected insofar as practicable at the same time as, and in the same manner as, the periodic charges for solid waste service or other utility services in accordance with the regular billing practice of the political subdivision or public trust. Not later than thirty (30) days after the end of the month to which such a return applies, the political subdivision or public trust shall mail to the Department the return for that month together with the fees collected during that month as indicated on the return.~~

~~b. The fee levied on an annual basis shall be collected and remitted to the Department on or before October 31 of each year. The annual return shall be mailed to the Department together with the annual fees collected as indicated on the return.~~

~~3. For political subdivisions or public trusts which substantially reduce their wastestream through integrated waste management systems, the Board shall adopt rules requiring a lesser fee generally commensurate with the waste reduction impact of the program of the political subdivision. The Department shall review waste reduction and recycling programs throughout the state on an annual basis in developing a statewide fee rate structure for such programs. Such a fee shall not exceed the user fee of twenty-five cents (\$0.25) per month or an annual fee of Three Dollars (\$3.00) per year levied upon each residential customer.~~

~~4. The political subdivision or public trust shall collect the fee levied pursuant to this subsection as trustee for the state and~~

~~shall prepare and file with the Department the returns indicating the total amount of the fees collected pursuant to this section.~~

~~5. Each disposal site permittee or each political subdivision or public trust of which it is beneficiary which collects the user fee for the state shall be entitled to retain ten percent (10%) of collected revenue to defray the cost of collection and bookkeeping.~~

~~C.~~ The Department shall expend funds collected pursuant to the provisions of this section solely for the administration and enforcement of the provisions of the Oklahoma Solid Waste Management Act ~~and~~. At a minimum such enforcement shall include the use of aerial photographs or other forms of remote sensing, at least once each year, of landfill disposal sites which are required to collect state fees. The aerial photographs or other forms of remote sensing shall be used to produce computer models of the location, extent and volume of changes in the topography and terrain at such landfill disposal sites. The Department shall also expend the funds for the development of solid waste technical assistance programs, solid waste public environmental education programs and educational curricula, solid waste studies, development of statewide solid waste plan, and solid waste recycling and litter prevention programs. Any litter prevention program shall be developed by the Department in conjunction with the State Department of Transportation.

C. The Solid Waste Management Advisory Council shall conduct an annual review of the solid waste fee and the Department's expenditure of such revenues. The Council shall evaluate the quantity of waste disposed in the state, the amount of revenue generated by the fee, the Department's activities and proposed future activities, and shall submit a report of its findings to the executive director no later than October 1.

D. The provisions of this section shall not apply to landfill disposal sites that receive only ash generated by the burning of coal.

SECTION 2. This act shall become effective September 1, 1995.

Passed the Senate the 6th day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1995.

Speaker of the House of
Representatives