

1 STATE OF OKLAHOMA

2 2nd Session of the 47th Legislature (2000)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 2720

By: Adair of the House

and

Easley of the Senate

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to environment and natural resources;
11 amending 63 O.S. 1991, Section 1-2414, as renumbered
12 by Section 359, Chapter 145, O.S.L. 1993, and as last
13 amended by Section 2, Chapter 401, O.S.L. 1998 (27A
14 O.S. Supp. 1999, Section 2-10-301), which relates to
15 the Oklahoma Solid Waste Management Act; prohibiting
16 location of certain municipal solid waste landfills
17 over certain areas and aquifers; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2414, as
21 renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last
22 amended by Section 2, Chapter 401, O.S.L. 1998 (27A O.S. Supp. 1999,
23 Section 2-10-301), is amended to read as follows:

24 Section 2-10-301. A. Except as otherwise specified in this
25 section:

26 1. No person shall dispose of solid waste at any site or
27 facility other than a site or facility for which a permit for solid
28 or hazardous waste disposal has been issued by the Department of
29 Environmental Quality;

30 2. No person shall own or operate a site or facility at which
31 solid waste is disposed other than a site or facility for which a
32 permit for solid or hazardous waste disposal has been issued by the
Department;

1 3. No person shall knowingly transport solid waste to an
2 unpermitted site or facility; and

3 4. The Department shall not bring an enforcement action against
4 any unit of local government which undertakes any remediation of an
5 illegal dump which the local government had no role in creating
6 provided that the unit of local government first consults with and
7 follows the remediation advice of the Department. The Department is
8 authorized to recommend remediation of illegal dumps by burial of
9 the material on location, when such burial appears to pose less risk
10 than failure to remediate.

11 B. No provision of the Oklahoma Solid Waste Management Act
12 shall be construed to prevent a person from disposing of solid waste
13 from his or her household upon his or her property provided such
14 disposal does not create a nuisance or a hazard to the public health
15 or environment or does not violate a local government ordinance.

16 C. Notice of permit actions shall be in accordance with the
17 Uniform Permitting Act.

18 D. The Department shall issue a permit to be effective for the
19 life of a given site. In order to assure adequate financial
20 assurance as required by this section, each permittee who operates a
21 landfill disposal site, other than a generator owned and operated
22 private industrial nonhazardous monofill, shall submit information
23 on an annual basis at such times and in such form as the Department
24 shall require, sufficient to allow the Department to know the
25 remaining landfill life.

26 E. Information and data submitted in support of a permit
27 application or a permit modification application for any site
28 serving a population equivalent of five thousand (5,000) or more
29 persons shall be prepared and sealed by a professional engineer
30 licensed to practice in this state. Applicants for smaller site
31 permits are encouraged but not required to seek professional
32 engineering assistance.

1 F. The Department shall not issue any permit for the siting or
2 expansion of an asbestos monofill which will be located closer than
3 five hundred (500) yards from any occupied residence. No asbestos
4 monofill shall be constructed within three (3) miles of the
5 corporate boundaries of any city or town.

6 G. Disposal sites approved by the Department to receive only
7 solid waste shall not accept for disposal any waste classified as
8 hazardous waste.

9 H. No permit shall be required for a disposal site constructed
10 pursuant to an order issued by the Department in an effort to
11 remediate an abandoned or inactive waste site. Such disposal site
12 shall only receive waste from the remediation project, and shall be
13 designed, constructed, and operated in accordance with the technical
14 standards established in the applicable rules promulgated by the
15 Environmental Quality Board. Such rules shall not be less stringent
16 than those which would apply to a federally funded remediation
17 project pursuant to the federal Comprehensive Environmental
18 Response, Compensation and Liability Act.

19 I. The Department shall not issue any permit for the siting of
20 a new municipal solid waste landfill in any location that is within
21 or in close proximity to a locally fractured or cavernous limestone
22 or cherty limestone bedrock which is in or over an aquifer
23 classified as high or very high in vulnerability level pursuant to
24 the Oklahoma Groundwater Quality Standards on the effective date of
25 this act.

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

30
31 47-2-8664 KSM 6/11/15
32