ENROLLED SENATE
BILL NO. 809

By: Stipe of the Senate

and

Rice of the House

An Act relating to environment and natural resources and the Corporation Commission; amending 63 O.S. 1991, Sections 1-2005.2, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 23, Chapter 353, O.S.L. 1994, and 1-2010, as last amended by Section 108, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1999, Sections 2-7-119 and 2-7-125), and 47 O.S. 1991, Section 162, as amended by Section 14, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1999, Section 162), which relate to the Oklahoma Hazardous Waste Management Act and the powers and duties of the Corporation Commission; removing certain fee; prohibiting construction of certain act; prohibiting certain facilities from accepting certain manifest; requiring Commission to administer hazardous waste transportation registration and permitting program for certain purpose; requiring Commission to promulgate certain rules; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2005.2, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 23, Chapter 353, O.S.L. 1994 (27A O.S. Supp. 1999, Section 2-7-119), is amended to read as follows:

Section 2-7-119. A. The Environmental Quality Board shall establish a schedule of fees, pursuant to Section 2-3-402 of this title and the Administrative Procedures Act, to be charged for applications to issue and renew permits for hazardous waste facilities and for the regulation of hazardous waste. Such fees shall only be used for the implementation of the provisions of the Oklahoma Hazardous Waste Management Act pursuant to Section 2-3-402 of this title.

B. The Environmental Quality Board shall charge fees only within the following ranges:

For generator disposal plan: $100.00 to $10,000.00 per year

~~For transporter trailer registration: $20.00 per trailer per year~~

For permit application: $5,000.00 to $50,000.00

For application resubmittal: $100.00 to $1,000.00

For monitoring: $100.00 to $10,000.00 per year.

C. The Environmental Quality Board shall develop a separate schedule of reduced fees of not less than Twenty-five Dollars ($25.00) for small quantity generators.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2010, as last amended by Section 108, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1999, Section 2-7-125), is amended to read as follows:

Section 2-7-125. A. Persons generating hazardous waste shall provide a manifest to the operator of any mode of any offsite transportation carrying hazardous waste. Such manifest shall be in a form which has been prescribed by the Department of Environmental Quality and shall indicate a disposal plan number assigned by the Department which shows that the Department has approved the plans of the person generating such waste. The manifest shall also set forth the type, amount, approximate content, origin and destination of the waste. Such operator shall have the manifest in his possession while transporting or handling the hazardous waste. Upon delivery of the hazardous waste to a facility duly authorized to accept such waste, the operator shall submit such manifest to the receiving person for processing pursuant to rules promulgated by the Board.

B. No ~~person~~ off-site treatment, storage, recycling or disposal facility shall accept the manifest unless such manifest has a properly assigned disposal plan number indicating that the Department has approved the plans of the person generating the hazardous waste.

C. No person shall transport, receive, treat or dispose of hazardous waste without having the manifest in his possession.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 162, as amended by Section 14, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1999, Section 162), is amended to read as follows:

Section 162. A. ~~The Corporation Commission is hereby vested with power and authority, and it~~ It shall be ~~its~~ the duty of the Corporation Commission to:

1. ~~To supervise~~ Supervise and regulate every motor carrier of household goods or used emigrant movables and not operating exclusively within the limits of an incorporated city or town in this state;

2. ~~To fix~~ Fix or approve the maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules pertaining thereto, of each such motor carrier;

3. ~~To regulate~~ Regulate and supervise the accounts, schedules and service of each such motor carrier; and for the conservation of the public highways;

4. ~~To prescribe~~ Prescribe a uniform system and classification of accounts to be used, which among other things shall set up adequate depreciation charges, and after such accounting system shall have been promulgated, such motor carriers shall use no other;

5. ~~To require~~ Require the filing of annual reports, and other data as required from time to time by the Commission; and

6. ~~To supervise~~ Supervise and regulate such motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public.

B. The Commission ~~shall have the power and authority by general order or otherwise to prescribe~~ is authorized to promulgate rules ~~and regulations~~ applicable to any or all motor carriers of household goods or used emigrant movables.

C. 1. The Commission is authorized to administer a hazardous waste transportation registration and permitting program for motor carriers engaged in transporting hazardous waste upon or over the public highways and within the borders of the state.

2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to requirements applicable to operators of vehicles transporting hazardous materials contained in the report submitted to the Secretary of the United States Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for Uniform Hazardous Material Transportation Procedures.

D. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Environmental Quality to implement hazardous waste transportation requirements for federal hazardous waste program delegation to this state under the federal Resource Conservation and Recovery Act.

SECTION 4. 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.

Passed the Senate the 17th day of April, 2000.

President of the Senate

Passed the House of Representatives the 4th day of April, 2000.

Speaker of the House of Representatives