

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 2151

By: Hutchison, Nance and  
Nations of the House

and

Littlefield of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to environment and natural resources; amending 27A O.S. 2001, Sections 2-10-202 and 2-11-407.2, which relate to the powers and duties of the Department of Environmental Quality; relating to solid waste and to waste tires; adding to powers and duties; requiring certification of certain control officers; providing for submission of certain plans for use of baled tires; modifying procedures; prohibiting certain accumulations; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-10-202, is amended to read as follows:

Section 2-10-202. A. The Department of Environmental Quality shall have the power and duty to:

1. 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. 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. 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. Review and act upon applications for solid waste disposal site permits, inspect construction, operation, closure and maintenance of solid waste disposal sites and establish standards for and oversee the remediation of contaminated soils resulting from releases or spills associated with transit or other activities not subject to permitting requirements and not subject to the jurisdiction of another state environmental agency;

5. Perform investigations and inspections which it deems necessary to ensure compliance with the Oklahoma Environmental Quality Code, the Oklahoma Solid Waste Management Act and rules promulgated thereunder and orders, permits and licenses issued pursuant thereto;

6. 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;

7. 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; ~~and~~

8. Establish an office for local solid waste systems development and coordination; and

9. Establish a certification program for control officers employed by regional solid waste management districts within this

state or governments or county government instrumentalities within this state who are responsible for the investigation and enforcement of the laws of this state relating to illegal dumps. Such certified control officers shall have the authority to investigate and report violations to the proper authority pursuant to the provisions of Section 1761.1 of Title 21 of the Oklahoma statutes.

B. Any local governing body may by ordinance or resolution adopt standards for the location, design, construction, and maintenance of solid waste disposal sites and facilities more restrictive than those promulgated by the Board under the provisions of the Oklahoma Solid Waste Management Act.

SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-11-407.2, is amended to read as follows:

Section 2-11-407.2 A. 1. Any unit of local or county government may ~~apply~~ submit a plan for the use of baled waste tires in an engineering project to the Department of Environmental Quality for a ~~waste tire permit to bale waste tires for use in approved engineering projects~~ approval.

2. The plan must be approved by the Department before construction of the project begins.

B. 1. Any unit of local or county government that ~~obtains a permit~~ bales waste tires shall be eligible for, and the Tax Commission shall provide, compensation from the Waste Tire Recycling Indemnity Fund at the rate of fifty cents (\$0.50) per tire, subject to the same application, documentation and fund availability conditions specified in Section 2-11-407.1 and Section 2-11-408 of Title 27A of the Oklahoma Statutes.

2. Any unit of local or county government baling waste tires shall not accumulate more than fifty (50) waste tire bales prior to beginning construction of an approved project.

C. Waste tires baled pursuant to this section cannot be obtained from tire manufacturers, retailers, wholesalers, retreaders, or parts dismantlers.

D. The Board of Environmental Quality shall promulgate rules necessary to implement the use of baled tires in accordance with the provisions of this section.

SECTION 3. This act shall become effective November 1, 2002.

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