

ENROLLED SENATE
BILL NO. 337

By: Easley of the Senate

and

Leist and Cox of the House

An Act relating to environment and natural resources; authorizing city councils and boards of county commissioners to enact and enforce certain ordinances relating to establishing and expanding solid waste landfills; amending 63 O.S. 1991, Section 1-2418, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 41, Chapter 242, O.S.L. 1994 (27A O.S. Supp. 2000, Section 2-10-202), which relates to solid waste management; modifying powers and duties of the Department of Environmental Quality to establish standards for and oversee remediation of certain contaminated soils; requiring submission of vegetation plan by certain municipal solid waste landfill owners; providing for content; directing the Department of Environmental Quality to promulgate certain rules; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 339.4 of Title 19, unless there is created a duplication in numbering, reads as follows:

The board of county commissioners of any county in which there is located within an unincorporated area of the county a construction/demolition landfill that receives more than two hundred (200) tons per day of solid waste, or the board of county commissioners of any adjacent county, to the extent that roads in the county commonly provide access to the landfill, may, with respect to unincorporated areas of the county, enact and enforce ordinances and regulations to restrict and control noise, dust and traffic associated with the landfill and to limit the impact of these factors on the aesthetic and economic interests of adjacent or nearby neighborhoods or businesses.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2418, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 41, Chapter 242, O.S.L. 1994 (27A O.S. Supp. 2000, 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 ~~and~~, 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. ~~Make~~ Perform investigations and inspections which it deems necessary to ensure compliance with ~~this~~ 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

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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-10-801.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The owner or operator of any commercial solid waste landfill, over fifty (50) feet in height above natural surface contours that accepts more than two hundred (200) tons per day of solid waste, must submit a vegetation plan to the Department of Environmental Quality for approval. The vegetation plan shall address establishment and maintenance of appropriate vegetative cover for the purposes of erosion and dust control and aesthetic enhancement. The vegetation plan shall be implemented in waste disposal areas that have been undisturbed for ninety (90) days. The Environmental Quality Board shall promulgate rules, developed and recommended by the Solid Waste Management Advisory Council, relative to the contents of the vegetation plan.

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 23rd day of May, 2001.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of May, 2001.

Presiding Officer of the House
of Representatives

