

ENROLLED SENATE  
BILL NO. 89

By: Shurden of the Senate

and

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An Act relating to environment and natural resources; amending 63 O.S. 1991, Section 1-2417, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 36, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 2000, Section 2-10-201), which relates to solid waste rules; authorizing the Board of Environmental Quality to regulate borrow areas for certain soils; providing exclusive regulatory authority; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-2417, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 36, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 2000, Section 2-10-201), is amended to read as follows:

Section 2-10-201. A. The Board of Environmental Quality is directed and empowered to promulgate rules for solid waste management including but not limited to:

1. The permitting, posting of security, construction, operation, closure, maintenance and remediation of solid waste disposal sites;
2. Disposal of solid waste in ways that are environmentally safe and sanitary, as well as economically feasible;
3. Authorizing variances from the specific requirements of a particular rule provided that the applicant for a variance has demonstrated that compliance with the rule will be met by substituted technology which equals or exceeds the protection accorded by the particular rule and that the variance will not result in a hazard to the health, environment and safety of the people of this state or their property. The grant of any variance shall be upon express condition that, in the event of the failure of the substituted technology to conform to the requirements of law and rules, the applicant shall be required to incorporate the technology, process or procedure established under the rules;
4. Requiring the submission of laboratory reports or analyses performed by certified laboratories for the purposes of compliance

monitoring and testing and for other purposes required for the regulation of sludge pursuant to Part 4 of this Article;

5. The transportation of solid waste. Such rules shall not be more stringent than those of the United States Department of Transportation or the United States Interstate Commerce Commission; ~~and~~

6. Applicant disclosure; and

7. The regulation of borrow areas for soils to be used in solid waste disposal sites. Regulatory authority over such borrow areas shall be exclusive to the Board and the Department of Environmental Quality.

B. Rules shall be promulgated in compliance with the Administrative Procedures Act. Notice of any proposed changes to such rules shall be given to the Oklahoma Municipal League, the County Commissioners Association, and such citizens as have requested to be notified and shall advise them of an opportunity to comment thereon before the adoption of such rules.

C. Absent specific legislative authority, the Board shall not amend any existing rule in such a manner as to encourage importation of biomedical waste generated outside the territorial limits of this state.

D. The Board, pursuant to Section 2-3-402 of this title and the Administrative Procedures Act, shall establish a schedule of fees to be charged for applications to issue and renew permits, licenses and other authorizations required by the provisions of this article and for such environmental services as are involved in the regulation of solid waste. Fees charged pursuant to this section shall be paid into the Department of Environmental Quality Revolving Fund and shall be used by the Department in administering the Solid Waste Management Act. The Board, in setting fees, shall consider factors which include but are not limited to:

1. Facility size and capability;
2. Size of population served by such facility;
3. Type or class of facility; and
4. Type and amount of waste accepted, stored, treated, transferred or disposed.

SECTION 2. 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 27th day of February, 2001.

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Presiding Officer of the Senate

Passed the House of Representatives the 11th day of April, 2001.

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Presiding Officer of the House  
of Representatives