

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 337

By: Easley of the Senate

and

Leist of the House

AS INTRODUCED

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 and 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, Sections 2-10-201 and 2-10-202), which relate to solid waste management; requiring the Board of Environmental Quality to promulgate certain rules establishing a maximum height for landfill disposal sites; and modifying powers and duties of the Department of Environmental Quality; 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 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.

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.

E. The Board shall promulgate rules, developed and recommended by the Solid Waste Management Advisory Council, establishing a maximum height for landfill disposal sites, relative to the elevation at the site prior to development of the landfill.

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 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;

5. Make investigations and inspections which it deems necessary to ensure compliance with this 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. 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.

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