

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1475

By: Rice of the House

and

Easley of the Senate

(cities and towns - amending 11 O.S., Sections 22-

105.1 and 39-104 - solid waste collection -

effective date)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause and entire bill and insert

"An Act relating to solid waste; amending 27A O.S. 2001, Sections 2-10-801.1 and 2-10-801, which relate to solid waste disposal sites and vegetation plans; requiring certain landfills to submit plan to address litter and dust control measures to the Department of Environmental Quality; requiring plans by certain date; requiring Department to approve or deny plans within certain time period; removing restriction on certain disposal sites; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-10-801.1, is amended to read as follows:

Section 2-10-801.1 A. 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.

B. The owner or operator of any commercial solid waste landfill, over fifty (50) feet in height above natural surface contours, shall submit to the Department of Environmental Quality for approval, a plan to address litter and dust control measures. The plan shall be submitted to the Department no later than December 31, 2003, and the Department shall be required to approve or deny the plan within one hundred twenty (120) days after its submission. If such plan is denied by the Department, the owner or operator shall be granted an additional sixty (60) days to resubmit a plan which incorporates any requirements by the Department necessary for approval of the plan.

SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-10-801, is amended to read as follows:

Section 2-10-801. A. In order to protect public health and preserve the expectation of future disposal capability of areas local to a disposal site, except as otherwise provided by this section, no disposal site shall accept more than two hundred (200) tons per day of solid waste ~~generated more than fifty (50) miles from the disposal site~~ unless a permit application for a new disposal site is submitted and approved by the Department for such waste.

~~The waste generated within the fifty-mile local area shall not be considered in calculating the two-hundred-ton limit.~~

B. New and existing landfills, incinerators, or other sites designed, constructed and operated in accordance with the most environmentally protective solid waste regulations adopted by the Board shall not be subject to ~~neither~~ the two-hundred-ton ~~nor the~~ ~~fifty-mile~~ limit.

C. The Department may grant a temporary waiver to the limit specified in this section in the event of an emergency. Any such

waiver so granted may be conditioned on development of additional capacity in the area where the waste is generated.

D. Before any disposal site accepts for disposal any solid waste generated outside the territorial limits of this state in excess of two hundred (200) tons per day:

1. The operator of the disposal site shall submit to the Department for approval a disposal plan prepared by either the generator or shipper as set out in the rules promulgated by the Board. Such plans as a minimum shall indicate the type and amount of solid waste generated, the handling, storage, treatment, disposal method and the disposal site to be used. The disposal plans shall be kept current by the persons submitting the original disposal plans and the Department shall be advised not less than five (5) working days prior to the day on which such changes are to be implemented.

Persons storing or shipping recyclable materials in an environmentally acceptable manner for the purpose of recycling shall be required to file disposal plans required by this subsection only for those wastes which are to be disposed.

2. The disposal site shall be designed, constructed and operated in accordance with the most environmentally protective solid waste rules promulgated by the Board. For landfills, the most environmentally protective solid waste regulations shall be any of those regulations promulgated by the Board for the largest population category and which include leachate collection in the landfill design, and which were effective when the application for disposal plan approval was filed with the Department.

E. Operators of solid waste disposal sites shall reject shipments of solid waste brought into this state which do not meet all the applicable requirements of this section. All rejected solid waste shall be taken out of state by the same persons who brought it into this state in violation of the provisions of this section.

F. Fly ash and bottom ash generated by coal-fired facilities located outside the territorial limits of this state in excess of two hundred (200) tons per day shall be constructively reutilized or disposed of only in an active or inactive mining operation subject to the provisions contained in Title 45 of the Oklahoma Statutes.

G. Willful violation of this section shall constitute a felony punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment of not more than five (5) years, or both such fine and imprisonment.

SECTION 3. This act shall become effective November 1, 2003."

Passed the Senate the 22nd day of April, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2003.

Presiding Officer of the House
of Representatives