

3 Senate Bill No. 1366  
4 As Amended

5 SENATE BILL NO. 1366 - By: HOBSON of the Senate and ROGGOW of the  
6 House.

7 [ environment and natural resources - hazardous waste -  
8 effective date -  
9 emergency ]

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

11 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-7-120, is  
12 amended to read as follows:

13 Section 2-7-120. Any person subject to regulation by the  
14 Department of Environmental Quality disposing of liquid waste other  
15 than hazardous waste in an underground injection well shall pay a  
16 fee of two-hundredths of one cent (~~0.002~~ \$0.0002) per gallon for  
17 such disposal, provided that the total fee shall be not less than  
18 Ten Thousand Dollars (\$10,000.00) nor more than Fifty Thousand  
19 Dollars (\$50,000.00) per year. ~~Said~~ The fee shall be paid to the  
20 Department on a quarterly basis within one (1) month following the  
21 close of each quarter for the waste disposed in that preceding  
22 quarter. ~~Said fees~~ The fee shall be deposited into the Department  
23 of Environmental Quality Revolving Fund.

24 SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-7-121, is  
25 amended to read as follows:

1 Section 2-7-121. A. Every hazardous waste treatment facility,  
2 storage facility, underground injection facility, disposal facility,  
3 or off-site facility that recycles hazardous waste subject to the  
4 provisions of the Oklahoma Hazardous Waste Management Act shall pay  
5 to the Department of Environmental Quality an annual fee on the  
6 amount of hazardous waste managed by such facility.

7 1. Subject to paragraphs 2 and 7 of this subsection, such ~~fees~~  
8 fee shall be:

- 9 a. ~~Nine Dollars (\$9.00)~~ Thirty-Five Dollars (\$35.00) per  
10 ton for on-site or off-site storage, treatment or land  
11 disposal,  
12 b. Four Dollars (\$4.00) per ton for off-site recycling,  
13 including regeneration, or  
14 c. three cents (\$0.03) per gallon for on-site or off-site  
15 underground injection.

16 2. There shall be a minimum fee per facility as follows:

- 17 a. except as provided in subparagraph d of this  
18 paragraph, any person owning or operating an off-site  
19 hazardous waste treatment facility or disposal  
20 facility shall pay a total fee of not less than Fifty  
21 Thousand Dollars (\$50,000.00) each state fiscal year,  
22 b. any person owning or operating an on-site hazardous  
23 waste treatment facility, storage facility, or

1 disposal facility shall pay a total fee of not less  
2 than Twenty Thousand Dollars (\$20,000.00) each state  
3 fiscal year. The annual fee for the on-site disposal  
4 of hazardous waste by underground injection shall not  
5 exceed Fifty Thousand Dollars (\$50,000.00),  
6 c. any person owning or operating an off-site facility  
7 for the storage or recycling of hazardous waste shall  
8 pay a total fee of not less than Twenty Thousand  
9 Dollars (\$20,000.00) each state fiscal year; provided,  
10 any such off-site recycling facility which  
11 consistently recycles fewer than ten (10) tons of  
12 hazardous waste per calendar month shall not be  
13 subject to this minimum annual fee. For the purpose  
14 of this subparagraph, storage includes physical  
15 separation or combining of wastes solely to facilitate  
16 efficient storage at the facility and/or efficient  
17 transportation, and  
18 d. any person owning or operating an off-site facility  
19 which accepts hazardous waste exclusively for the  
20 purpose of conducting research and design tests shall  
21 pay a total fee of not less than Ten Thousand Dollars  
22 (\$10,000.00) each state fiscal year.

1           3. Off-site facilities may charge persons contracting for the  
2 services of the facility their proportional share of the fees  
3 required by the provisions of this section.

4           4. The facility shall become liable for payment of the fee on  
5 each ton or gallon of hazardous waste at the time it is received.  
6 For purposes of on-site facilities, receipt is deemed to have  
7 occurred when the waste is first managed in any unit or manner that  
8 requires a hazardous waste permit. The fee shall be payable by the  
9 facility to the Department only as provided for in subsection C of  
10 this section.

11          5. The fee imposed by the provisions of this section shall be  
12 payable only once without regard to any subsequent handling of the  
13 hazardous waste. The fee shall be based on the purpose for which  
14 the waste was received by the facility. In no event shall a  
15 facility be required to pay a fee on each step or process involved  
16 in the storage, treatment, or disposal of the waste at the facility  
17 or a related facility under common control.

18          6. In computing the amount of the fee specified in subparagraph  
19 b of paragraph 1 of subsection A of this section for the off-site  
20 recycling or regeneration of hazardous waste, the assessment for  
21 regeneration shall be made on a dry weight basis.

22          7. If a generator of characteristic hazardous waste or listed  
23 hazardous waste treats the waste on-site to meet Best Demonstrated

1 Available Technology Standards and disposes of the waste on-site,  
2 the waste shall be subject to a reduced treatment or on-site  
3 disposal fee of one-half (1/2) the rate required by subparagraph a  
4 of paragraph 1 of this subsection; provided, such rate reduction  
5 shall not exceed Twenty-two Thousand Dollars (\$22,000.00) per  
6 calendar year.

7 B. The following facilities shall not be required to pay the  
8 fee required by the provisions of this section:

9 1. Facilities engaged only in the on-site recycling of  
10 hazardous waste; and

11 2. Facilities which have not received new hazardous waste  
12 within the preceding state fiscal year.

13 C. Payment of the fees required by this section shall be due  
14 quarterly for hazardous waste received by the facility during the  
15 prior calendar quarter. Such quarterly payments shall be due on the  
16 first day of the month of the following quarter. All payments shall  
17 be made within thirty (30) days from the date they become due.

18 D. The fees required by this section shall be paid in lieu of  
19 the monitoring fees imposed in subsection B of Section 2-7-119 of  
20 this title. All facilities subject to the provisions of this  
21 section shall not be required to pay or collect any additional fees  
22 for waste disposal unless specifically required by the Oklahoma  
23 Hazardous Waste Management Act.

1 E. All fees and other monies received by the Department  
2 pursuant to the provisions of this section shall be expended solely  
3 for the purposes specified in this section.

4 1. Ten percent (10%) of the fees collected from an off-site  
5 hazardous waste facility pursuant to the provisions of this section  
6 shall be deposited to the credit of the Special Economic Development  
7 Trust Funds. The funds for the Trusts accruing pursuant to the  
8 provisions of this section shall be distributed to each Trust  
9 established in proportion to the fees generated by the off-site  
10 hazardous waste facilities within the Trust area.

11 2. The Department shall expend monies received pursuant to the  
12 provisions of this section for one or more of the following  
13 purposes:

- 14 a. the administration of the provisions of the Oklahoma  
15 Hazardous Waste Management Act,
- 16 b. the development of an inventory of hazardous wastes  
17 currently produced in Oklahoma and management needs  
18 for the identified wastes,
- 19 c. the implementation of information exchange, technical  
20 assistance, public information, and educational  
21 programs,
- 22 d. the development and encouragement of waste reduction  
23 plans for Oklahoma waste generators, or

1           e.    increased inspection of hazardous waste facilities  
2                    which may include full time inspectors at off-site  
3                    hazardous waste facilities.

4           F.  To the extent that fees received pursuant to this section  
5 shall exceed the purposes specified in subsection E of this section,  
6 the Department shall only expend such funds for one or more of the  
7 following purposes:

8           1.  Contributions required from the state pursuant to the  
9 federal Comprehensive Environmental Response, Compensation and  
10 Liability Act for remediation or related action upon a site within  
11 the state;

12          2.  Response, including but not limited to containment and  
13 removal, to emergency situations involving spillage, leakage,  
14 emissions or other discharge of hazardous waste or hazardous waste  
15 constituents to the environment where a responsible party cannot be  
16 timely identified or found or compelled to take appropriate  
17 emergency action to adequately protect human health and the  
18 environment;

19          3.  State-funded remediation of sites contaminated by hazardous  
20 waste or hazardous waste constituents so as to present a threat to  
21 human health or the environment, to the extent that a responsible  
22 party cannot be timely identified or found or compelled to take such  
23 action, or is unable to take such action;

1       4. Costs incurred in pursuing an enforcement action to compel a  
2 responsible party to undertake appropriate response or remedial  
3 actions, or to recover from a responsible party monies expended by  
4 the state, as described in paragraphs 1 through 3 of this  
5 subsection; or

6       5. Financial assistance to municipalities or counties for the  
7 purposes and under the conditions specified in Section 2-7-305 of  
8 this title.

9       SECTION 3.        AMENDATORY        27A O.S. 2001, Section 2-7-125, is  
10 amended to read as follows:

11       Section 2-7-125. A. Persons generating hazardous waste shall  
12 provide a manifest to the operator of any mode of any ~~offsite~~ off-  
13 site transportation carrying hazardous waste. Such manifest shall  
14 be in a form which has been prescribed by the Department of  
15 Environmental Quality ~~and shall indicate a disposal plan number~~  
16 ~~assigned by the Department which shows that the Department has~~  
17 ~~approved the plans of the person generating such waste.~~ The  
18 manifest shall also set forth the type, amount, approximate content,  
19 origin and destination of the waste. Such operator shall have the  
20 manifest in his or her possession while transporting or handling the  
21 hazardous waste. Upon delivery of the hazardous waste to a facility  
22 duly authorized to accept such waste, the operator shall submit such

1 manifest to the receiving person for processing pursuant to rules  
2 promulgated by the Board.

3 B. ~~No off-site treatment, storage, recycling or disposal~~  
4 ~~facility shall accept the manifest unless such manifest has a~~  
5 ~~properly assigned disposal plan number indicating that the~~  
6 ~~Department has approved the plans of the person generating the~~  
7 ~~hazardous waste.~~

8 ~~C.~~ No person shall transport, receive, treat or dispose of  
9 hazardous waste without having the manifest in his or her  
10 possession.

11 SECTION 4. This act shall become effective July 1, 2006.

12 SECTION 5. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated  
17 2-23-06 - DO PASS, As Amended and Coauthored.