

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 3RD CONFERENCE COMMITTEE

4 SUBSTITUTE

5 FOR ENGROSSED

6 HOUSE BILL NO. 1391

By: Cargill, Hoskin and Kiesel
of the House

7 and

8 Crutchfield and Gumm of the
9 Senate

10 3RD CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the environment and natural
12 resources; amending 27A O.S. 2001, Section 2-10-202,
13 as amended by Section 1, Chapter 328, O.S.L. 2002
14 (27A O.S. Supp. 2006, Section 2-10-202), which
15 relates to solid waste management; modifying local
16 governmental authority to establish certain standards
17 for solid waste disposal sites and facilities;
18 providing an effective date; and declaring an
19 emergency.

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

21 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-10-202,
22 as amended by Section 1, Chapter 328, O.S.L. 2002 (27A O.S. Supp.
23 2006, Section 2-10-202), is amended to read as follows:

24 Section 2-10-202. A. The Department of Environmental Quality
shall have the power and duty to:

1 1. Advise, consult and cooperate with other agencies and
2 instrumentalities of the state, other states and the federal
3 government and with affected groups and industries in the
4 formulation of plans and the implementation of the solid waste
5 disposal program;

6 2. Administer and make available such loans and grants from the
7 federal government and from other sources as may be available to the
8 Department for the planning, construction, and operation of solid
9 waste disposal sites;

10 3. Develop a statewide integrated solid waste management plan
11 with input from the public, municipal and county governments and
12 regional solid waste planning and management entities;

13 4. Review and act upon applications for solid waste disposal
14 site permits, inspect construction, operation, closure and
15 maintenance of solid waste disposal sites and establish standards
16 for and oversee the remediation of contaminated soils resulting from
17 releases or spills associated with transit or other activities not
18 subject to permitting requirements and not subject to the
19 jurisdiction of another state environmental agency;

20 5. Perform investigations and inspections which it deems
21 necessary to ensure compliance with the Oklahoma Environmental
22 Quality Code, the Oklahoma Solid Waste Management Act and rules
23 promulgated thereunder and orders, permits and licenses issued
24 pursuant thereto;

1 6. Provide technical assistance to solid waste planning units,
2 public solid waste management service entities, political
3 subdivisions, business and industry, and the general public to
4 promote development and implementation of recycling activities to
5 meet the goals of the Oklahoma Solid Waste Management Act;

6 7. Establish and maintain, or cause to be established and
7 maintained, in cooperation with the Department of Commerce, a
8 database for tracking markets for materials which are being or could
9 be recovered from the municipal solid waste stream in Oklahoma. The
10 database shall contain information including but not limited to the
11 names and addresses of buyers and sellers of secondary materials
12 relevant to Oklahoma, market prices, and specifications required by
13 buyers;

14 8. Establish an office for local solid waste systems
15 development and coordination; and

16 9. Establish a certification program for control officers
17 employed by regional solid waste management districts within this
18 state or governments or county government instrumentalities within
19 this state who are responsible for the investigation and enforcement
20 of the laws of this state relating to illegal dumps. Such certified
21 control officers shall have the authority to investigate and report
22 violations to the proper authority pursuant to the provisions of
23 Section 1761.1 of Title 21 of the Oklahoma Statutes.

1 B. ~~Any local~~ The governing body of an incorporated city or town
2 may by ordinance or resolution adopt standards for the location,
3 design, construction, and maintenance of solid waste disposal sites
4 and facilities more restrictive than those promulgated by the Board
5 under the provisions of the Oklahoma Solid Waste Management Act.

6 SECTION 2. This act shall become effective July 1, 2007.

7 SECTION 3. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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