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THE STATE SENATE
Monday, February 25, 2008

Committee Substitute for
Senate Bill No. 1893

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1893 - By: BALLENGER of the Senate and LIEBMANN of the House.

An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 2-10-202, as last amended by Section 1, Chapter 328, O.S.L. 2002 (27A O.S. Supp. 2007, Section 2-10-202), which relates to powers and duties of the Department of Environmental Quality; authorizing municipal and county governments to modify standards for solid waste disposal sites; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-10-202, as last amended by Section 1, Chapter 328, O.S.L. 2002 (27A O.S. Supp. 2007, Section 2-10-202), is amended to read as follows:

Section 2-10-202. A. The Department of Environmental Quality 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

1 Department for the planning, construction, and operation of solid
2 waste disposal sites;

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

6 4. Review and act upon applications for solid waste disposal
7 site permits, inspect construction, operation, closure and
8 maintenance of solid waste disposal sites and establish standards
9 for and oversee the remediation of contaminated soils resulting from
10 releases or spills associated with transit or other activities not
11 subject to permitting requirements and not subject to the
12 jurisdiction of another state environmental agency;

13 5. Perform investigations and inspections which it deems
14 necessary to ensure compliance with the Oklahoma Environmental
15 Quality Code, the Oklahoma Solid Waste Management Act and rules
16 promulgated thereunder and orders, permits and licenses issued
17 pursuant thereto;

18 6. Provide technical assistance to solid waste planning units,
19 public solid waste management service entities, political
20 subdivisions, business and industry, and the general public to
21 promote development and implementation of recycling activities to
22 meet the goals of the Oklahoma Solid Waste Management Act;

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

9 8. Establish an office for local solid waste systems
10 development and coordination; and

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

19 B. Any ~~local~~ municipal governing body may by ordinance or
20 resolution adopt standards for the location, design, construction,
21 and maintenance of solid waste disposal sites and facilities located
22 within its municipal boundaries which are more restrictive than

1 those promulgated by the Board under the provisions of the Oklahoma
2 Solid Waste Management Act.

3 C. Any county may by resolution adopt standards for the
4 location, design, construction, and maintenance of solid waste
5 disposal sites, excluding transfer stations as defined by Section 2-
6 10-103 of this title, which are more restrictive than those
7 promulgated by the Board under the provisions of the Oklahoma Solid
8 Waste Management Act, subject to the following restrictions:

9 1. The resolution must be in effect on or before the effective
10 date of this act, in order to apply to solid waste disposal sites
11 for which an operational permit has been issued by the Department on
12 or before that date;

13 2. Any such more restrictive resolution adopted during the
14 period from July 1, 2008, through June 30, 2009, shall apply to any
15 solid waste disposal site which applies to the Department for an
16 operational permit on or after July 1, 2008, or which has an
17 application for an operational permit pending with the Department on
18 that date; and

19 3. No such more restrictive resolution shall be adopted by a
20 county after June 30, 2009.

21 SECTION 2. This act shall become effective July 1, 2008.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated
4 2-21-08 - DO PASS, As Amended and Coauthored.