

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1893

By: Ballenger

4  
5  
6 AS INTRODUCED

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

12  
13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

20 1. Advise, consult and cooperate with other agencies and  
21 instrumentalities of the state, other states and the federal  
22 government and with affected groups and industries in the  
23 formulation of plans and the implementation of the solid waste  
24 disposal program;

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

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

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

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

20           6. Provide technical assistance to solid waste planning units,  
21 public solid waste management service entities, political  
22 subdivisions, business and industry, and the general public to  
23 promote development and implementation of recycling activities to  
24 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 governing body may by ordinance or resolution adopt  
20 standards for the location, design, construction, and maintenance of  
21 solid waste disposal sites and facilities more restrictive than  
22 those promulgated by the Board under the provisions of the Oklahoma  
23 Solid Waste Management Act, subject to the following restrictions:

24

1       1. The ordinance or resolution must be in effect on or before  
2 June 30, 2008, in order to apply to sites and facilities for which  
3 an operational permit has been issued by the Department on or before  
4 that date.

5       2. Any such more restrictive ordinance or resolution adopted  
6 during the period from July 1, 2008, through June 30, 2009, shall  
7 apply to any site or facility which applies to the Department for an  
8 operational permit on or after July 1, 2008, or which has an  
9 application for an operational permit pending with the Department on  
10 that date.

11       3. No such more restrictive ordinance or resolution shall be  
12 adopted by a local governing body after June 30, 2009.

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

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

18

19       51-2-2235           MJM           1/22/2008 6:40:31 PM

20

21

22

23

24