

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 441

6 By: Bingman

7 COMMITTEE SUBSTITUTE

8 An Act relating to environment and natural resources;
9 amending 27A O.S. 2001, Section 2-10-301, which
10 relates to solid waste disposal sites; prohibiting
11 disposal of whole waste tires in certain land
12 disposal sites; authorizing the Department of
13 Environmental Quality to approve certain alternative
14 storage methods; amending 27A O.S. 2001, Section 2-
15 11-401.2, as last amended by Section 1, Chapter 146,
16 O.S.L. 2007 (27A O.S. Supp. 2008, Section 2-11-
17 401.2), which relates to assessments for waste tires;
18 requiring assessments upon purchase of certain tires
19 for agricultural use; stating amount of assessments;
20 providing exception; authorizing tire dealers to
21 include certain tires in waste tire recycling
22 program; providing an effective date; and declaring
23 an emergency.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-10-301,
is amended to read as follows:

Section 2-10-301. A. Except as otherwise specified in this
section:

1. No person shall dispose of solid waste at any site or
facility other than a site or facility for which a permit for solid

1 or hazardous waste disposal has been issued by the Department of
2 Environmental Quality;

3 2. No person shall own or operate a site or facility at which
4 solid waste is disposed other than a site or facility for which a
5 permit for solid or hazardous waste disposal has been issued by the
6 Department;

7 3. No person shall knowingly transport solid waste to an
8 unpermitted site or facility; and

9 4. The Department shall not bring an enforcement action against
10 any unit of local government which undertakes any remediation of an
11 illegal dump which the local government had no role in creating
12 provided that the unit of local government first consults with and
13 follows the remediation advice of the Department. The Department is
14 authorized to recommend remediation of illegal dumps by burial of
15 the material on location, when such burial appears to pose less risk
16 than failure to remediate.

17 B. No provision of the Oklahoma Solid Waste Management Act
18 shall be construed to prevent a person from disposing of solid waste
19 from his or her household upon his or her property provided such
20 disposal does not create a nuisance or a hazard to the public health
21 or environment or does not violate a local government ordinance.

22 C. Notice of permit actions shall be in accordance with the
23 Uniform Permitting Act.

24

1 D. The Department shall issue a permit to be effective for the
2 life of a given site. In order to assure adequate financial
3 assurance as required by this section, each permittee who operates a
4 landfill disposal site, other than a generator owned and operated
5 private industrial nonhazardous monofill, shall submit information
6 on an annual basis at such times and in such form as the Department
7 shall require, sufficient to allow the Department to know the
8 remaining landfill life.

9 E. Information and data submitted in support of a permit
10 application or a permit modification application for any site
11 serving a population equivalent of five thousand (5,000) or more
12 persons shall be prepared and sealed by a professional engineer
13 licensed to practice in this state. Applicants for smaller site
14 permits are encouraged but not required to seek professional
15 engineering assistance.

16 F. The Department shall not issue any permit for the siting or
17 expansion of an asbestos monofill which will be located closer than
18 five hundred (500) yards from any occupied residence. No asbestos
19 monofill shall be constructed within three (3) miles of the
20 corporate boundaries of any city or town.

21 G. Disposal sites approved by the Department to receive only
22 solid waste shall not accept for disposal any waste classified as
23 hazardous waste.

24

1 H. No permit shall be required for a disposal site constructed
2 pursuant to an order issued by the Department in an effort to
3 remediate an abandoned or inactive waste site. Such disposal site
4 shall only receive waste from the remediation project, and shall be
5 designed, constructed, and operated in accordance with the technical
6 standards established in the applicable rules promulgated by the
7 Environmental Quality Board. Such rules shall not be less stringent
8 than those which would apply to a federally funded remediation
9 project pursuant to the federal Comprehensive Environmental
10 Response, Compensation and Liability Act.

11 I. The Department shall not issue any permit for the siting of
12 a new municipal solid waste landfill in any location that is both:

13 1. Within a locally fractured or cavernous limestone or cherty
14 limestone bedrock; and

15 2. Within five (5) miles of any water well owned by a rural
16 water district that is used or has the potential to be used to
17 provide water to customers of the district.

18 J. No permit shall be required for a project approved by the
19 Department and a local conservation district to use suitable
20 portions of the solid waste stream to reclaim and restore Oklahoma
21 lands.

22 K. Land disposal sites shall not accept, for disposal, any
23 whole waste tires. Whole waste tires received may be stored
24 temporarily within the permitted boundary, in quantities, for

1 durations and under conditions approved by the Department until
2 collected for lawful recycling.

3 SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-11-401.2,
4 as last amended by Section 1, Chapter 146, O.S.L. 2007 (27A O.S.
5 Supp. 2008, Section 2-11-401.2), is amended to read as follows:

6 Section 2-11-401.2 A. 1. Except as otherwise provided by this
7 section, the following assessments shall be made for tires for use on
8 motor vehicles:

9 a. ~~At~~ at the time any tire:

- 10 (1) with a rim diameter of seventeen and one-half (17
11 1/2) inches rim diameter or less is sold by a tire
12 dealer, there shall be assessed a waste tire
13 recycling fee of One Dollar (\$1.00) per tire,
14 (2) with a rim diameter greater than seventeen and
15 one-half (17 1/2) inches but less than or equal to
16 nineteen and one-half (19 1/2) inches is sold by a
17 tire dealer, there shall be assessed a waste tire
18 recycling fee of Two Dollars and fifty cents
19 (\$2.50) per tire,
20 (3) with a rim diameter greater than nineteen and one-
21 half (19 1/2) inches is sold by a tire dealer,
22 there shall be assessed a waste tire recycling fee
23 of Three Dollars and fifty cents (\$3.50) per tire,
24 and

1 (4) is sold by a tire dealer for use on a motorcycle,
2 motor-driven cycle or motorized bicycle, there
3 shall be assessed a waste tire recycling fee of
4 One Dollar (\$1.00) per tire~~.,~~

5 b. ~~At~~ at any time a motor vehicle with a tire rim diameter
6 of seventeen and one-half (17 1/2) inches or less is
7 first registered in this state, there shall be assessed
8 a waste tire recycling fee of One Dollar (\$1.00) per
9 tire~~.,~~

10 c. ~~At~~ at any time a motor vehicle with a tire rim diameter
11 of greater than seventeen and one-half (17 1/2) inches
12 but less than or equal to nineteen and one-half (19
13 1/2) inches is first registered in this state, there
14 shall be assessed a waste tire recycling fee of Two
15 Dollars and fifty cents (\$2.50) per tire, except as
16 otherwise provided by subparagraph e of this
17 paragraph~~.,~~

18 d. ~~At~~ at any time a motor vehicle with a tire rim diameter
19 of greater than nineteen and one-half (19 1/2) inches
20 is first registered in this state, there shall be
21 assessed a waste tire recycling fee of Three Dollars
22 and fifty cents (\$3.50) per tire, except as otherwise
23 provided by subparagraph e of this paragraph~~.,~~ and

1 e. ~~At~~ at any time a motorcycle, motor-driven cycle or
2 motorized bicycle is first registered in this state,
3 there shall be assessed a waste tire recycling fee of
4 One Dollar (\$1.00) per tire.

5 2. Motor vehicles registered pursuant to Section 1120 of Title
6 47 of the Oklahoma Statutes shall be exempt from the provisions of
7 this subsection.

8 3. No fee shall be assessed by a tire dealer for used tires or
9 retreaded tires for which the tire dealer can document that the
10 recycling fee has been previously paid.

11 4. All-terrain vehicles and off-road motorcycles registered
12 pursuant to the provisions of Section 1132 of Title 47 of the
13 Oklahoma Statutes shall be exempt from the provisions of this
14 section.

15 B. 1. Except as otherwise provided by this section, the
16 following assessments shall be made for tires used on implements of
17 husbandry and agricultural equipment. At the time any tire:

18 a. with a rim diameter less than or equal to nineteen and
19 one-half (19 1/2) inches is sold by a tire dealer,
20 there shall be assessed a waste tire recycling fee of
21 Two Dollars and fifty cents (\$2.50) per tire, and

22 b. with a rim diameter greater than nineteen and one-half
23 (19 1/2) inches is sold by a tire dealer, there shall
24

1 be assessed a waste tire recycling fee of five cents
2 (\$0.05) per pound of the weight of the tire.

3 2. The Department shall maintain a list of agricultural tire
4 weights for tires with a rim diameter greater than nineteen and one-
5 half (19 1/2) inches, and make that list available to tire dealers
6 upon request.

7 3. No fee shall be assessed by a tire dealer if the customer
8 retains the used tire for use on a farm or ranch. The customer shall
9 attest to such use on a form approved by the Department.

10 4. A tire dealer may pay the assessed fee for any waste tire in
11 current inventory and include that tire in the waste tire recycling
12 program.

13 C. 1. The tire dealer and motor license agent shall remit such
14 fee to the Oklahoma Tax Commission in the same manner as provided by
15 Section 1365 of Title 68 of the Oklahoma Statutes.

16 2. Except as otherwise provided by this section, the tire dealer
17 shall remit to the Tax Commission ninety-seven and three-quarters
18 percent (97.75%) of the fee due pursuant to this section at the time
19 of filing any report as required by the Tax Commission.

20 3. Motor license agents shall remit all but One Dollar (\$1.00)
21 of the fee assessed on each vehicle registered.

22 4. Failure to remit the fee at the time of filing the returns
23 shall cause the fee to become delinquent. If the fee becomes
24 delinquent the tire dealer or motor license agent forfeits any claim

1 to the discount authorized by this section and shall remit to the Tax
2 Commission one hundred percent (100%) of the amount of the fee due
3 plus any penalty due.

4 ~~C.~~ D. If the fee imposed or levied by subsection A of this
5 section, or any part of such amount, is not paid before the fee
6 becomes delinquent, there shall be collected on the total delinquent
7 fee interest at the rate of one and one-quarter percent (1 1/4%) per
8 month from the date of the delinquency until paid.

9 ~~D.~~ E. If any fee due under subsection A of this section, or any
10 part thereof, is not paid within fifteen (15) days after the fee
11 becomes delinquent, a penalty of ten percent (10%) on the total
12 amount of fee due and delinquent shall be added and paid.

13 ~~E.~~ F. All penalties or interest imposed by this section shall be
14 recoverable by the Tax Commission as a part of the fee imposed and
15 all penalties and interest shall be apportioned the same as the fee
16 on which the penalties or interest are collected.

17 SECTION 3. This act shall become effective July 1, 2009.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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