

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB19 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Skye McNiel

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

PROPOSED COMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 19

By: Ballenger of the Senate

and

McNiel of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to solid waste; amending 27A O.S. 2001, Sections 2-10-103, 2-10-802 as last amended by Section 2, Chapter 301, O.S.L. 2010 and Section 2, Chapter 71, O.S.L. 2007, as amended by Section 3, Chapter 301, O.S.L. 2010 (27A O.S. Supp. 2010, Sections 2-10-802 and 2-10-802.1), which relate to the Oklahoma Solid Waste Management Act; adding definitions; requiring fee for composting material at commercial composting facilities; allowing facility owner to retain certain percentage of fee; requiring permit to operate commercial composting facility; directing Environmental Quality Board to adopt rules of operating commercial composting facilities; providing certain requirements for the rules; providing for certain slope requirements on solid waste landfill sites; authorizing Environmental Quality Board to promulgate rules; providing for codification; 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 2-10-103,
is amended to read as follows:

Section 2-10-103. As used in the Oklahoma Solid Waste
Management Act:

1. "Affiliated person" means:

- a. any officer, director or partner of the applicant,
- b. any person employed by the applicant as general or key manager who directs the operations of the site, transfer station, or facility which is the subject of the application, or
- c. any person owning or controlling more than five percent (5%) of the applicant's debt or equity;

2. "Commercial composting facility" means a composting facility that:

- a. is not owned or operated by a governmental entity,
- b. receives one hundred tons or more per year of material for composting, any part of which consists of food waste, and
- c. principally accepts material for composting that is not agricultural in origin;

3. "Composting facility" means a facility in which material is converted, under thermophilic conditions, to a product with a high humus content for use as a soil amendment or to prevent or remediate pollutants in soil, air, or stormwater run-off;

1 4. "Disclosure statement" means a written statement by the
2 applicant which contains:

- 3 a. the full name, business address, and social security
4 number of the applicant, and all affiliated persons,
- 5 b. the full name and business address of any legal entity
6 in which the applicant holds a debt or equity interest
7 of at least five percent (5%) or which is a parent
8 company or subsidiary of the applicant, and a
9 description of the ongoing organizational
10 relationships as they may impact operations within the
11 state,
- 12 c. a description of the experience and credentials of the
13 applicant, including any past or present permits,
14 licenses, certifications, or operational
15 authorizations relating to environmental regulation,
- 16 d. a listing and explanation of any administrative, civil
17 or criminal legal actions against the applicant and
18 affiliated person which resulted in a final agency
19 order or final judgment by a court of record,
20 including final order or judgment on appeal, in the
21 ten (10) years immediately preceding the filing of the
22 application relating to solid or hazardous waste.
23 Such action shall include, without limitations, any
24 permit denial or any sanction imposed by a state

1 regulatory agency or the United States Environmental
2 Protection Agency, and

3 e. a listing of any federal environmental agency and any
4 state environmental agency that has or has had
5 regulatory responsibility over the applicant;

6 ~~3-~~ 5. "Disposal site" means any place, including, but not
7 limited to, a transfer station, at which solid waste is dumped,
8 abandoned, or accepted or disposed of by incineration, land filling,
9 composting, shredding, compaction, baling or any other method or by
10 processing by pyrolysis, resource recovery or any other method,
11 technique or process designed to change the physical, chemical or
12 biological character or composition of any solid waste so as to
13 render such waste safe or nonhazardous, amenable to transport,
14 recovery or storage or reduced in volume. A disposal site shall not
15 include a manufacturing facility which processes scrap materials
16 which have been separated for collection and processing as
17 industrial raw materials;

18 ~~4-~~ 6. "Dwelling" means a permanently-constructed, habitable
19 structure designed and constructed for full-time occupancy in all
20 weather conditions, which is not readily mobile and shall include
21 but not be limited to a manufactured home as such term is defined by
22 paragraph 11 of Section 1102 of Title 47 of the Oklahoma Statutes;

23 ~~5-~~ 7. "Final closure" means those measures for providing final
24 capping material, proper drainage, perennial vegetative cover,

1 maintenance, monitoring and other closure actions required for the
2 site by rules of the Board;

3 ~~6.~~ 8. "Inert waste" means any solid waste that is insoluble in
4 water, chemically inactive, that will not leach contaminants, or is
5 commonly found as a significant percentage of residential solid
6 waste;

7 ~~7.~~ 9. "History of noncompliance" means any past operations by
8 an applicant or affiliated persons which clearly indicate a reckless
9 disregard for environmental regulation, or a demonstrated pattern of
10 prohibited conduct which could reasonably be expected to result in
11 adverse environmental impact if a permit were issued, as evidenced
12 by findings, conclusions and rulings of any final agency order or
13 final order or judgment of a court of record;

14 ~~8.~~ 10. "Integrated solid waste management plan" means a plan
15 that provides for the integrated management of all solid waste
16 within the planning unit and embodies sound principles of solid
17 waste management, natural resources conservation, energy production,
18 and employment-creating opportunities;

19 ~~9.~~ 11. "Lithified earth material" means all rock, including all
20 naturally occurring and naturally formed aggregates or masses of
21 minerals or small particles of older rock that formed by
22 crystallization of magma or by induration of loose sediments. The
23 term "lithified earth material" shall not include man-made
24 materials, such as fill, concrete, and asphalt, or unconsolidated

1 earth materials, soil, or regolith lying at or near the earth's
2 surface;

3 ~~10.~~ 12. "Maximum horizontal acceleration in lithified earth
4 material" means the maximum expected horizontal acceleration
5 depicted on a seismic hazard map, with a ninety percent (90%) or
6 greater probability that the acceleration will not be exceeded in
7 two hundred fifty (250) years, or the maximum expected horizontal
8 acceleration based on a site-specific seismic risk assessment;

9 ~~11.~~ 13. "Monofill" means a landfill which is used to dispose of
10 a single type of specified nonhazardous industrial solid waste,
11 except for other nonhazardous industrial solid wastes which are not
12 readily separable from the specified waste;

13 ~~12.~~ 14. "Nonhazardous industrial solid waste" means any of the
14 following wastes deemed by the Department to require special
15 handling:

- 16 a. unusable industrial or chemical products,
17 b. solid waste generated by the release of an industrial
18 product to the environment, or
19 c. solid waste generated by a manufacturing or industrial
20 process.

21 The term "nonhazardous industrial solid waste" shall not include
22 waste that is regulated as hazardous waste or is commonly found as a
23 significant percentage of residential solid waste;

24

~~13.~~ 15. "Person" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized;

~~14.~~ 16. "Recycling" means to reuse a material that would otherwise be disposed of as waste, with or without reprocessing;

~~15.~~ 17. "Seismic impact zone" means an area with a ten percent (10%) or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in two hundred fifty (250) years;

~~16.~~ 18. "Solid waste" means all putrescible and nonputrescible refuse in solid, semisolid, or liquid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes including explosives, biomedical wastes, chemical wastes, herbicide and pesticide wastes. The term "solid waste" shall not include:

- a. scrap materials which are source separated for collection and processing as industrial raw materials, except when contained in the waste collected by or in behalf of a solid waste management system, or

1 b. used motor oil, which shall not be considered to be a
2 solid waste, but shall be considered a deleterious
3 substance, if the used motor oil is recycled for
4 energy reclamation and is ultimately destroyed when
5 recycled;

6 ~~17.~~ 19. "Solid waste management system" means the system that
7 may be developed for the purpose of collection and disposal of solid
8 waste by any person engaging in such process as a business or by any
9 municipality, authority, trust, county or by any combination thereof
10 at one or more disposal sites;

11 ~~18.~~ 20. "Solid waste planning unit" means any county or any
12 part thereof, incorporated city or town, or municipal authority or
13 trust in which any governmental entity is a beneficiary, venture, or
14 other legal entity however organized, which the Department
15 determines to be capable of planning and implementing an integrated
16 solid waste management program;

17 ~~19.~~ 21. "Transfer station" means any disposal site, processing
18 facility or other place where solid waste is transferred from a
19 vehicle or container to another vehicle or container for
20 transportation, including but not limited to a barge or railroad
21 unloading facility where solid waste, in bulk or in containers, is
22 unloaded, stored, processed or transported for any purpose. The
23 term "transfer station" shall not include the following:
24

- a. a facility, such as an apartment complex or a large manufacturing plant, where the solid waste that is transferred has been generated by the occupants, residents, or functions of the facility,
- b. a citizens' collection station, or
- c. a waste collection system which leaves collected solid waste in enclosed containers along the collection route for later transport to a recycling or disposal facility serving the area; and

~~20-~~ 22. "Waste reduction" means to reduce the volume of waste requiring disposal.

SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-10-802, as last amended by Section 2, Chapter 301, O.S.L. 2010 (27A O.S. Supp. 2010, Section 2-10-802), is amended to read as follows:

Section 2-10-802. A. 1. Owners or operators of landfill disposal sites which are not generator-owned and -operated nonhazardous industrial waste monofills and owners or operators of commercial incinerators shall install scales. Such scales shall be installed on or within five (5) miles of the landfill disposal site or incinerator and shall be tested and certified as required by Section 14-35 of Title 2 of the Oklahoma Statutes relating to the authority of the State Board of Agriculture to test the standards of weights and measures within the state and to approve if found to be correct. For purposes of this section, any reference to

1 "incinerator" or "incineration" shall encompass waste-to-energy
2 facilities that produce recoverable energy by high-temperature
3 combustion.

4 2. The owner or operator shall upon receipt weigh all waste
5 received and record the weight in writing. If scales at a disposal
6 site or incinerator are not operative, tonnage shall be estimated on
7 a volume basis whereby the volume reported shall be no less than the
8 volume capacity of the containers or, if none, of the vehicles
9 delivering the waste, and one cubic yard of solid waste shall be
10 calculated to weigh one-third (1/3) ton. The owner or operator
11 shall place notice in the operating record of the disposal site or
12 incinerator of the time and date at which the scales became
13 inoperable, describe the steps taken to repair them, and note the
14 date use was resumed. If daily use has not resumed within thirty
15 (30) days after the scales became inoperable, the owner or operator
16 shall give written notice to the Department of Environmental
17 Quality.

18 3. The owner or operator shall also maintain a written record
19 of the weight or volume of any solid waste received which is
20 productively reused or recovered in materially the same form as when
21 received and sold in accordance with the permit for the landfill
22 disposal site or incinerator.

23 4. The scale location restriction of this subsection shall not
24 apply to federal or state military installations so long as:

- a. the scales are located within the physical boundary of that installation, and
- b. the disposal site or incinerator receives waste only from that military installation.

B. 1. Except as otherwise provided by this subsection:

- a. owners and operators of landfill disposal sites or commercial incinerators which receive an average of less than one hundred (100) tons of solid waste per operating day shall assess a fee of One Dollar and fifty cents (\$1.50) per ton of solid waste received for disposal or incineration. A total of fifty cents (\$.50) per ton of such fee shall be retained by the owner or operator and used exclusively for capital improvement to their facilities and for the projects required pursuant to the Oklahoma Solid Waste Management Act or the permit for the disposal site or incinerator for such period of time necessary to recoup a capital investment, plus the interest costs expended in purchasing the scales, of a total of Forty Thousand Dollars (\$40,000.00),
- b. when the owner or operators have recouped a capital investment of the total specified in subparagraph a of this paragraph, the fee to be assessed shall be One Dollar and twenty-five cents (\$1.25) per ton of solid

1 waste received for disposal or incineration. At such
2 time, for a return with remittance filed on or before
3 the due date, the owner or operator may deduct and
4 retain ten percent (10%) of the fees collected, and
5 c. records documenting the projects and use of the funds
6 shall be included with each return.

- 7 2. a. Owners and operators of landfill disposal sites or
8 commercial incinerators which receive an average of
9 more than one hundred (100) tons of solid waste per
10 operating day shall assess a fee of One Dollar and
11 fifty cents (\$1.50) per ton of solid waste received
12 for disposal or incineration, retaining twenty-five
13 cents (\$0.25) per ton for a period of time necessary
14 to recoup a capital investment, plus the interest
15 costs expended in purchasing the scales, of Forty
16 Thousand Dollars (\$40,000.00). At the end of such
17 period the fee shall revert to One Dollar and twenty-
18 five cents (\$1.25) per ton. For a return with
19 remittance filed on or before the due date, the owner
20 or operator may deduct and retain ten percent (10%) of
21 the fees collected.
22 b. Records documenting the capital investment and the use
23 of the funds shall be included with each return.
24

1 3. Owners and operators of commercial composting facilities
2 shall assess a fee of One Dollar and twenty-five cents (\$1.25) per
3 ton of all composting material received. For a return with
4 remittance filed on or before the due date, the owner or operator
5 may deduct and retain ten percent (10%) of the fees collected.

6 4. a. Owners and operators of landfill disposal sites or
7 commercial incinerators may be reimbursed for capital
8 investment costs that have been or will be expended
9 for the purchase and installation of a wheel wash
10 system for use at the landfill disposal site or
11 commercial incinerator facility. To be eligible to
12 claim this reimbursement, the owner or operator must
13 notify the Department no later than January 1, 2011,
14 of the intent to claim the reimbursement, and the
15 wheel wash system must be in place and operational no
16 later than January 1, 2012. Reimbursement shall be
17 paid only after the wheel wash system is installed and
18 operational and each landfill disposal site or
19 commercial incinerator shall be eligible for
20 reimbursement for only one wheel wash system.

21 b. The owner or operator shall provide records
22 documenting the capital investment costs of the wheel
23 wash system to the Department.
24

- 1 c. At such time as the wheel wash system is in place and
2 operational and the capital investment costs have been
3 approved by the Department, the Department shall
4 reimburse the owner or operator the approved costs,
5 subject to the limitations in subparagraph d of this
6 paragraph. The Department shall reimburse eligible
7 applicants in the order of approval until that
8 limitation has been reached. If there are multiple
9 eligible applicants awaiting reimbursement, the
10 Department shall apportion the reimbursement amount
11 among the eligible applicants according to the capital
12 investment costs approved by the Department.
- 13 d. If the total amount reimbursed to all eligible owners
14 and operators reaches Fifty Thousand Dollars
15 (\$50,000.00) within any state fiscal year, the
16 Department shall notify the owners and operators, and
17 thereafter the owners and operators shall not receive
18 any reimbursement until the next state fiscal year.
- 19 e. The Environmental Quality Board is authorized to
20 promulgate rules as necessary to implement the
21 provisions of the Solid Waste Management Act,
22 including rules specifying minimum standards or other
23 criteria for wheel wash systems necessary to qualify
24 for the reimbursement.

1 ~~4.~~ 5. The fee assessed by paragraph 1 or 2 shall not be imposed

2 on:

3 a. the solid waste received which is productively reused
4 or recovered in materially the same form as when
5 received in accordance with the permit for the
6 landfill disposal site or incinerator. The owner or
7 operator shall include records pertaining to this fee
8 exemption in the quarterly return of fees to the
9 Department,

10 b. generator-owned and -operated nonhazardous waste land
11 disposal monofills and waste subject to a fee pursuant
12 to Section 2-10-803 of this title. For emergencies
13 and other special events, the Department and the owner
14 or operator of a site subject to this section may
15 enter into a formal agreement to waive the fee, and

16 c. ash produced as a result of the combustion in a
17 commercial incinerator of waste on which the fee
18 imposed by this section has been paid.

19 ~~5.~~ 6. Large industrial waste generators who generate over ten
20 thousand (10,000) tons of nonhazardous industrial solid waste in the
21 state in a calendar year may annually apply to the Department for a
22 certificate exempting the disposal or incineration of such generated
23 waste in excess of ten thousand (10,000) tons from the disposal and
24 incineration fee authorized by this section. An applicant must have

1 implemented a pollution prevention plan for such waste and filed it
2 with the Department, provided operational documentation regarding
3 such plan and paid the disposal and incineration fee on ten thousand
4 (10,000) tons of the waste during the calendar year of application.
5 The Department-issued exemption certificates shall be valid for the
6 remainder of the calendar year of application, may contain
7 conditions, and, upon presentation by authorized persons, shall be
8 recognized by owners or operators of landfill disposal sites and
9 incinerators subject to this section. If a generator operates a
10 landfill or incinerator solely for waste from that generator, and if
11 that generator chooses to seek the exemption authorized by this
12 paragraph, the generator shall not be required to install scales or
13 keep records relative to quantity of waste received for the landfill
14 or incinerator.

15 ~~6-~~ 7. The fee assessed by paragraph 1 or 2 of this subsection
16 is to be a charge to waste producers in addition to any charges
17 specified in any contract or elsewhere. The fee shall be imposed
18 upon and passed through to disposers of waste using the facility.

19 ~~7-~~ 8. The owner or operator of a solid waste disposal site or
20 incinerator and the owner or operator of a commercial composting
21 facility shall collect the fee levied pursuant to this subsection as
22 trustee for the state and shall prepare and file with the Department
23 quarterly returns indicating:

1 a. the total tonnage of solid wastes or material for
2 composting received for disposal ~~or~~, incineration or
3 composting at the gate of the site, and

4 b. the total amount of the fees collected pursuant to
5 this section.

6 ~~8-~~ 9. Not later than thirty (30) days after the end of the
7 quarter to which such a return applies, the owner or operator shall
8 mail to the Department the return for that quarter together with the
9 fees collected during that quarter as indicated on the return.

10 ~~9-~~ 10. The owner or operator may receive an extension of not
11 more than thirty (30) days for filing the return and remitting the
12 fees, provided that:

13 a. the owner or operator has submitted a request for an
14 extension in writing to the Department together with a
15 detailed description of why the extension is
16 requested,

17 b. the Department has received the request not later than
18 the day on which the return is required to be filed,
19 and

20 c. the Department has approved the request.

21 ~~10-~~ 11. For any quarterly return filed more than thirty (30)
22 days after the last day of the quarter or extension date, the owner
23 or operator shall remit an additional five percent (5%) of the fees
24 collected during the month to which the return applies. If the fees

1 are not remitted within sixty (60) days of the last day of the
2 quarter during which they were collected, the owner or operator
3 shall pay an additional fifteen percent (15%) of the amount of the
4 fees for each month that they are late.

5 ~~11.~~ 12. If the owner or operator misrepresents, or fails to
6 properly measure or record, the amount of waste received or fails to
7 remit fees within sixty (60) days after the last day of the quarter
8 during which they were collected, the permit for the landfill
9 disposal site ~~or~~, incinerator or commercial composting facility
10 shall be summarily suspended by order and the Department shall
11 initiate the process of revoking the permit and may require closure
12 of the landfill ~~or~~, incinerator or commercial composting facility.

13 C. 1. The Department shall expend funds collected pursuant to
14 the provisions of this section solely for the administration and
15 enforcement of the provisions of the Oklahoma Solid Waste Management
16 Act and for the development of solid waste technical assistance
17 programs, solid waste public environmental education programs and
18 educational curricula, solid waste studies, development of a
19 statewide solid waste plan, solid waste recycling and litter
20 prevention programs, and other environmental improvements.

21 2. In order to assist the Department of Environmental Quality
22 regarding its responsibilities relating to the promotion of
23 recycling of solid waste, each fiscal year the Department shall
24 contract with units of local government, political subdivisions of

1 this state, components of The Oklahoma State System of Higher
2 Education, local and statewide organizations representing
3 municipalities or counties, or substate planning districts
4 recognized by the Oklahoma Department of Commerce, for up to a total
5 of One Hundred Thousand Dollars (\$100,000.00) and to the extent such
6 monies are available for projects promoting the recycling of solid
7 waste. Local governments, political subdivisions of this state,
8 components of The Oklahoma State System of Higher Education, local
9 and statewide organizations representing municipalities and counties
10 and substate planning districts recognized by the Oklahoma
11 Department of Commerce desiring to contract with the Department for
12 such projects shall meet the application requirements of rules
13 promulgated by the Environmental Quality Board and the criteria
14 established by a recycling priorities plan prepared annually by the
15 Department after review and comment by the Solid Waste Management
16 Advisory Council. Except as otherwise provided by this section,
17 contracts for such projects shall not be granted to state agencies.

18 3. Any litter prevention program shall be developed by the
19 Department in conjunction with the Department of Transportation.

20 4. a. To the extent that funds are available, the Department
21 may also reimburse any governmental entity for
22 equipment other than motor vehicles or buildings to
23 separate, process, modify, convert or treat solid
24

1 waste or recovered materials so that the resulting
2 product is being used in a productive manner.

3 b. The reimbursements shall be from solid waste fee funds
4 and shall not exceed twenty-five percent (25%) of the
5 person's total project costs. No reimbursement may be
6 larger than Twenty Thousand Dollars (\$20,000.00).

7 c. Reimbursements must be expended in accordance with
8 rules promulgated by the Environmental Quality Board
9 and criteria established through the Department's
10 annual recycling priorities plan. The Department
11 shall not expend more than Two Hundred Thousand
12 Dollars (\$200,000.00) in each fiscal year for such
13 reimbursements, nor shall the Department reimburse
14 waste tire facilities that may be eligible for
15 compensation from the Waste Tire Recycling Indemnity
16 Fund.

17 5. a. The Department, in conjunction with the Corporation
18 Commission, the Oklahoma Energy Resources Board and
19 the Oklahoma Conservation Commission, may develop a
20 plan to use suitable portions of the solid waste
21 stream to reclaim Oklahoma lands damaged by oil and
22 gas exploration and production or by mining
23 activities.
24

1 b. To the extent that funds are available, the Department
2 may use up to ten percent (10%) of the annual income
3 from the fees received pursuant to the provisions of
4 this section to implement the plan. The Department
5 may use its discretion in administering the funds for
6 the purpose of this paragraph, but shall keep records
7 subject to audit by the State Auditor and Inspector
8 for good business practices.

9 6. a. To the extent that funds are available, after having
10 reasonably met other specified uses of the solid waste
11 fund, the Department is authorized to expend up to
12 five percent (5%) of the total annual solid waste fee
13 income for the purpose of making incentive payments to
14 any person, firm or corporation located in this state
15 generating energy by utilizing solid waste landfill
16 methane or steam produced by a commercial incinerator.

17 b. The Environmental Quality Board shall promulgate rules
18 to administer the provisions of this paragraph.

19 c. No person, firm or corporation shall be eligible to
20 receive incentive payments as provided in subparagraph
21 a of this paragraph for more than three (3) years.
22 The amount of such payments shall be determined by the
23 Department based on the amount of energy generated and
24 the cost of production.

1 D. The provisions of this section shall not apply to landfill
2 disposal sites that receive only ash generated by the burning of
3 coal.

4 E. On or before September 1 of each year, the Department of
5 Environmental Quality shall prepare a report of income and
6 expenditures for the period of each fiscal year in which solid waste
7 fee monies authorized by this section were received and such report
8 shall be distributed to members of the Solid Waste Management
9 Advisory Council for review. By November 1 of each year, the
10 Council shall submit to the Executive Director, Governor, Speaker of
11 the House of Representatives and President Pro Tempore of the Senate
12 its written comments on the comparison of income with program
13 expenditures.

14 SECTION 3. AMENDATORY Section 2, Chapter 71, O.S.L.
15 2007, as amended by Section 3, Chapter 301, O.S.L. 2010 (27A O.S.
16 Supp. 2010, Section 2-10-802.1), is amended to read as follows:

17 Section 2-10-802.1 In any fiscal year in which the amount
18 reimbursed under paragraph ~~3~~ 4 of subsection B of Section 2-10-802
19 of this title for the costs of purchase and installation of wheel
20 wash systems is less than Fifty Thousand Dollars (\$50,000.00), the
21 Department of Environmental Quality may apply any or all of the
22 remainder toward the proper closure of solid waste landfills that
23 meet the following criteria:

24 1. The landfill is no longer in operation;

2. The owner or operator of the landfill failed to provide sufficient financial assurance for proper closure of the landfill; and

3. The owner or operator of the landfill cannot be identified, found or, despite all reasonable efforts, cannot be compelled to properly close the landfill.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-10-301.2 of Title 27A, unless there is created a duplication in numbering, reads as follows:

No person shall operate a commercial composting facility without a valid permit issued by the Department of Environmental Quality. The Environmental Quality Board shall adopt rules establishing requirements for the permitting and operation of commercial composting facilities. Such rules shall include, without limitation, requirements relating to:

1. Applicant disclosure information;
2. Siting;
3. Design, construction and operation;
4. Water protection and water management, including groundwater monitoring and stormwater control;
5. Closure; and
6. Financial assurance for the proper management and removal of all of the feedstock and product material that the site is capable of storing.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-10-801.2 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Except as provided in subsection B of this section, the
5 owner and operator of a solid waste landfill shall ensure the
6 following:

7 1. Exterior slopes, to the edge of the permitted footprint, are
8 maintained at all times to be no steeper overall than four (4)
9 horizontal to one (1) vertical (4:1), except as otherwise provided
10 in a plan approved by the Department of Environmental Quality; and

11 2. All interior slopes are maintained at all times to be no
12 steeper overall than three (3) horizontal to one (1) vertical (3:1),
13 except as otherwise provided in a plan approved by the Department.

14 B. The working face slopes of a solid waste landfill may vary
15 during daily placement of waste but shall be graded to meet the
16 applicable interior or exterior slope grades prior to placement of
17 the daily cover of soil or approved alternate daily cover material.

18 C. The Environmental Quality Board is authorized to promulgate
19 rules recommended by the Solid Waste Management Advisory Council as
20 needed to implement the provisions of this section.

21 SECTION 6. This act shall become effective July 1, 2011.

22 SECTION 7. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
24

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.

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4 53-1-7289 EK 03/29/11

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