

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 19

6 By: Ballenger of the Senate

7 and

8 McNiell of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to solid waste; amending 27A O.S.
11 2001, Sections 2-10-103, 2-10-802 as last amended by
12 Section 2, Chapter 301, O.S.L. 2010 and Section 2,
13 Chapter 71, O.S.L. 2007, as amended by Section 3,
14 Chapter 301, O.S.L. 2010 (27A O.S. Supp. 2010,
15 Sections 2-10-802 and 2-10-802.1), which relate to
16 the Oklahoma Solid Waste Management Act; adding
17 definitions; requiring fee for composting material at
18 commercial composting facilities; allowing facility
19 owner to retain certain percentage of fee; requiring
20 permit to operate commercial composting facility;
21 directing Environmental Quality Board to adopt rules
22 of operating commercial composting facilities;
23 providing certain requirements for the rules;
24 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:

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

3 1. "Affiliated person" means:

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

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

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

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

23 4. "Disclosure statement" means a written statement by the
24 applicant which contains:

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

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

4 ~~3-~~ 5. "Disposal site" means any place, including, but not
5 limited to, a transfer station, at which solid waste is dumped,
6 abandoned, or accepted or disposed of by incineration, land filling,
7 composting, shredding, compaction, baling or any other method or by
8 processing by pyrolysis, resource recovery or any other method,
9 technique or process designed to change the physical, chemical or
10 biological character or composition of any solid waste so as to
11 render such waste safe or nonhazardous, amenable to transport,
12 recovery or storage or reduced in volume. A disposal site shall not
13 include a manufacturing facility which processes scrap materials
14 which have been separated for collection and processing as
15 industrial raw materials;

16 ~~4-~~ 6. "Dwelling" means a permanently-constructed, habitable
17 structure designed and constructed for full-time occupancy in all
18 weather conditions, which is not readily mobile and shall include
19 but not be limited to a manufactured home as such term is defined by
20 paragraph 11 of Section 1102 of Title 47 of the Oklahoma Statutes;

21 ~~5-~~ 7. "Final closure" means those measures for providing final
22 capping material, proper drainage, perennial vegetative cover,
23 maintenance, monitoring and other closure actions required for the
24 site by rules of the Board;

1 ~~6.~~ 8. "Inert waste" means any solid waste that is insoluble in
2 water, chemically inactive, that will not leach contaminants, or is
3 commonly found as a significant percentage of residential solid
4 waste;

5 ~~7.~~ 9. "History of noncompliance" means any past operations by
6 an applicant or affiliated persons which clearly indicate a reckless
7 disregard for environmental regulation, or a demonstrated pattern of
8 prohibited conduct which could reasonably be expected to result in
9 adverse environmental impact if a permit were issued, as evidenced
10 by findings, conclusions and rulings of any final agency order or
11 final order or judgment of a court of record;

12 ~~8.~~ 10. "Integrated solid waste management plan" means a plan
13 that provides for the integrated management of all solid waste
14 within the planning unit and embodies sound principles of solid
15 waste management, natural resources conservation, energy production,
16 and employment-creating opportunities;

17 ~~9.~~ 11. "Lithified earth material" means all rock, including all
18 naturally occurring and naturally formed aggregates or masses of
19 minerals or small particles of older rock that formed by
20 crystallization of magma or by induration of loose sediments. The
21 term "lithified earth material" shall not include man-made
22 materials, such as fill, concrete, and asphalt, or unconsolidated
23 earth materials, soil, or regolith lying at or near the earth's
24 surface;

1 ~~10.~~ 12. "Maximum horizontal acceleration in lithified earth
2 material" means the maximum expected horizontal acceleration
3 depicted on a seismic hazard map, with a ninety percent (90%) or
4 greater probability that the acceleration will not be exceeded in
5 two hundred fifty (250) years, or the maximum expected horizontal
6 acceleration based on a site-specific seismic risk assessment;

7 ~~11.~~ 13. "Monofill" means a landfill which is used to dispose of
8 a single type of specified nonhazardous industrial solid waste,
9 except for other nonhazardous industrial solid wastes which are not
10 readily separable from the specified waste;

11 ~~12.~~ 14. "Nonhazardous industrial solid waste" means any of the
12 following wastes deemed by the Department to require special
13 handling:

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

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

22 ~~13.~~ 15. "Person" means any individual, corporation, company,
23 firm, partnership, association, trust, state agency, government
24 instrumentality or agency, institution, county, any incorporated

1 city or town or municipal authority or trust in which any
2 governmental entity is a beneficiary, venture, or other legal entity
3 however organized;

4 ~~14.~~ 16. "Recycling" means to reuse a material that would
5 otherwise be disposed of as waste, with or without reprocessing;

6 ~~15.~~ 17. "Seismic impact zone" means an area with a ten percent
7 (10%) or greater probability that the maximum horizontal
8 acceleration in lithified earth material, expressed as a percentage
9 of the earth's gravitational pull (g), will exceed 0.10g in two
10 hundred fifty (250) years;

11 ~~16.~~ 18. "Solid waste" means all putrescible and nonputrescible
12 refuse in solid, semisolid, or liquid form including, but not
13 limited to, garbage, rubbish, ashes or incinerator residue, street
14 refuse, dead animals, demolition wastes, construction wastes, solid
15 or semisolid commercial and industrial wastes including explosives,
16 biomedical wastes, chemical wastes, herbicide and pesticide wastes.
17 The term "solid waste" shall not include:

- 18 a. scrap materials which are source separated for
19 collection and processing as industrial raw materials,
20 except when contained in the waste collected by or in
21 behalf of a solid waste management system, or
22 b. used motor oil, which shall not be considered to be a
23 solid waste, but shall be considered a deleterious
24 substance, if the used motor oil is recycled for

1 energy reclamation and is ultimately destroyed when
2 recycled;

3 ~~17.~~ 19. "Solid waste management system" means the system that
4 may be developed for the purpose of collection and disposal of solid
5 waste by any person engaging in such process as a business or by any
6 municipality, authority, trust, county or by any combination thereof
7 at one or more disposal sites;

8 ~~18.~~ 20. "Solid waste planning unit" means any county or any
9 part thereof, incorporated city or town, or municipal authority or
10 trust in which any governmental entity is a beneficiary, venture, or
11 other legal entity however organized, which the Department
12 determines to be capable of planning and implementing an integrated
13 solid waste management program;

14 ~~19.~~ 21. "Transfer station" means any disposal site, processing
15 facility or other place where solid waste is transferred from a
16 vehicle or container to another vehicle or container for
17 transportation, including but not limited to a barge or railroad
18 unloading facility where solid waste, in bulk or in containers, is
19 unloaded, stored, processed or transported for any purpose. The
20 term "transfer station" shall not include the following:

- 21 a. a facility, such as an apartment complex or a large
22 manufacturing plant, where the solid waste that is
23 transferred has been generated by the occupants,
24 residents, or functions of the facility,

- 1 b. a citizens' collection station, or
2 c. a waste collection system which leaves collected solid
3 waste in enclosed containers along the collection
4 route for later transport to a recycling or disposal
5 facility serving the area; and

6 ~~20.~~ 22. "Waste reduction" means to reduce the volume of waste
7 requiring disposal.

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

11 Section 2-10-802. A. 1. Owners or operators of landfill
12 disposal sites which are not generator-owned and -operated
13 nonhazardous industrial waste monofills and owners or operators of
14 commercial incinerators shall install scales. Such scales shall be
15 installed on or within five (5) miles of the landfill disposal site
16 or incinerator and shall be tested and certified as required by
17 Section 14-35 of Title 2 of the Oklahoma Statutes relating to the
18 authority of the State Board of Agriculture to test the standards of
19 weights and measures within the state and to approve if found to be
20 correct. For purposes of this section, any reference to
21 "incinerator" or "incineration" shall encompass waste-to-energy
22 facilities that produce recoverable energy by high-temperature
23 combustion.

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

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

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

22 a. the scales are located within the physical boundary of
23 that installation, and

24

1 b. the disposal site or incinerator receives waste only
2 from that military installation.

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

4 a. owners and operators of landfill disposal sites or
5 commercial incinerators which receive an average of
6 less than one hundred (100) tons of solid waste per
7 operating day shall assess a fee of One Dollar and
8 fifty cents (\$1.50) per ton of solid waste received
9 for disposal or incineration. A total of fifty cents
10 (\$0.50) per ton of such fee shall be retained by the
11 owner or operator and used exclusively for capital
12 improvement to their facilities and for the projects
13 required pursuant to the Oklahoma Solid Waste
14 Management Act or the permit for the disposal site or
15 incinerator for such period of time necessary to
16 recoup a capital investment, plus the interest costs
17 expended in purchasing the scales, of a total of Forty
18 Thousand Dollars (\$40,000.00),

19 b. when the owner or operators have recouped a capital
20 investment of the total specified in subparagraph a of
21 this paragraph, the fee to be assessed shall be One
22 Dollar and twenty-five cents (\$1.25) per ton of solid
23 waste received for disposal or incineration. At such
24 time, for a return with remittance filed on or before

1 the due date, the owner or operator may deduct and
2 retain ten percent (10%) of the fees collected, and
3 c. records documenting the projects and use of the funds
4 shall be included with each return.

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

20 b. Records documenting the capital investment and the use
21 of the funds shall be included with each return.

22 3. Owners and operators of commercial composting facilities
23 shall assess a fee of One Dollar and twenty-five cents (\$1.25) per
24 ton of all composting material received. For a return with

1 remittance filed on or before the due date, the owner or operator
2 may deduct and retain ten percent (10%) of the fees collected.

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

18 b. The owner or operator shall provide records
19 documenting the capital investment costs of the wheel
20 wash system to the Department.

21 c. At such time as the wheel wash system is in place and
22 operational and the capital investment costs have been
23 approved by the Department, the Department shall
24 reimburse the owner or operator the approved costs,

1 subject to the limitations in subparagraph d of this
2 paragraph. The Department shall reimburse eligible
3 applicants in the order of approval until that
4 limitation has been reached. If there are multiple
5 eligible applicants awaiting reimbursement, the
6 Department shall apportion the reimbursement amount
7 among the eligible applicants according to the capital
8 investment costs approved by the Department.

9 d. If the total amount reimbursed to all eligible owners
10 and operators reaches Fifty Thousand Dollars
11 (\$50,000.00) within any state fiscal year, the
12 Department shall notify the owners and operators, and
13 thereafter the owners and operators shall not receive
14 any reimbursement until the next state fiscal year.

15 e. The Environmental Quality Board is authorized to
16 promulgate rules as necessary to implement the
17 provisions of the Solid Waste Management Act,
18 including rules specifying minimum standards or other
19 criteria for wheel wash systems necessary to qualify
20 for the reimbursement.

21 ~~4.~~ 5. The fee assessed by paragraph 1 or 2 shall not be imposed

22 on:

23 a. the solid waste received which is productively reused
24 or recovered in materially the same form as when

1 received in accordance with the permit for the
2 landfill disposal site or incinerator. The owner or
3 operator shall include records pertaining to this fee
4 exemption in the quarterly return of fees to the
5 Department,

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

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

15 ~~5.~~ 6. Large industrial waste generators who generate over ten
16 thousand (10,000) tons of nonhazardous industrial solid waste in the
17 state in a calendar year may annually apply to the Department for a
18 certificate exempting the disposal or incineration of such generated
19 waste in excess of ten thousand (10,000) tons from the disposal and
20 incineration fee authorized by this section. An applicant must have
21 implemented a pollution prevention plan for such waste and filed it
22 with the Department, provided operational documentation regarding
23 such plan and paid the disposal and incineration fee on ten thousand
24 (10,000) tons of the waste during the calendar year of application.

1 The Department-issued exemption certificates shall be valid for the
2 remainder of the calendar year of application, may contain
3 conditions, and, upon presentation by authorized persons, shall be
4 recognized by owners or operators of landfill disposal sites and
5 incinerators subject to this section. If a generator operates a
6 landfill or incinerator solely for waste from that generator, and if
7 that generator chooses to seek the exemption authorized by this
8 paragraph, the generator shall not be required to install scales or
9 keep records relative to quantity of waste received for the landfill
10 or incinerator.

11 ~~6.~~ 7. The fee assessed by paragraph 1 or 2 of this subsection
12 is to be a charge to waste producers in addition to any charges
13 specified in any contract or elsewhere. The fee shall be imposed
14 upon and passed through to disposers of waste using the facility.

15 ~~7.~~ 8. The owner or operator of a solid waste disposal site or
16 incinerator and the owner or operator of a commercial composting
17 facility shall collect the fee levied pursuant to this subsection as
18 trustee for the state and shall prepare and file with the Department
19 quarterly returns indicating:

- 20 a. the total tonnage of solid wastes or material for
21 composting received for disposal ~~or~~, incineration or
22 composting at the gate of the site, and
23 b. the total amount of the fees collected pursuant to
24 this section.

1 ~~8.~~ 9. Not later than thirty (30) days after the end of the
2 quarter to which such a return applies, the owner or operator shall
3 mail to the Department the return for that quarter together with the
4 fees collected during that quarter as indicated on the return.

5 ~~9.~~ 10. The owner or operator may receive an extension of not
6 more than thirty (30) days for filing the return and remitting the
7 fees, provided that:

8 a. the owner or operator has submitted a request for an
9 extension in writing to the Department together with a
10 detailed description of why the extension is
11 requested,

12 b. the Department has received the request not later than
13 the day on which the return is required to be filed,
14 and

15 c. the Department has approved the request.

16 ~~10.~~ 11. For any quarterly return filed more than thirty (30)
17 days after the last day of the quarter or extension date, the owner
18 or operator shall remit an additional five percent (5%) of the fees
19 collected during the month to which the return applies. If the fees
20 are not remitted within sixty (60) days of the last day of the
21 quarter during which they were collected, the owner or operator
22 shall pay an additional fifteen percent (15%) of the amount of the
23 fees for each month that they are late.

1 ~~11.~~ 12. If the owner or operator misrepresents, or fails to
2 properly measure or record, the amount of waste received or fails to
3 remit fees within sixty (60) days after the last day of the quarter
4 during which they were collected, the permit for the landfill
5 disposal site ~~or~~, incinerator or commercial composting facility
6 shall be summarily suspended by order and the Department shall
7 initiate the process of revoking the permit and may require closure
8 of the landfill ~~or~~, incinerator or commercial composting facility.

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

17 2. In order to assist the Department of Environmental Quality
18 regarding its responsibilities relating to the promotion of
19 recycling of solid waste, each fiscal year the Department shall
20 contract with units of local government, political subdivisions of
21 this state, components of The Oklahoma State System of Higher
22 Education, local and statewide organizations representing
23 municipalities or counties, or substate planning districts
24 recognized by the Oklahoma Department of Commerce, for up to a total

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

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

16 4. a. To the extent that funds are available, the Department
17 may also reimburse any governmental entity for
18 equipment other than motor vehicles or buildings to
19 separate, process, modify, convert or treat solid
20 waste or recovered materials so that the resulting
21 product is being used in a productive manner.

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

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

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

20 b. To the extent that funds are available, the Department
21 may use up to ten percent (10%) of the annual income
22 from the fees received pursuant to the provisions of
23 this section to implement the plan. The Department
24 may use its discretion in administering the funds for

1 the purpose of this paragraph, but shall keep records
2 subject to audit by the State Auditor and Inspector
3 for good business practices.

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

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

14 c. No person, firm or corporation shall be eligible to
15 receive incentive payments as provided in subparagraph
16 a of this paragraph for more than three (3) years.

17 The amount of such payments shall be determined by the
18 Department based on the amount of energy generated and
19 the cost of production.

20 D. The provisions of this section shall not apply to landfill
21 disposal sites that receive only ash generated by the burning of
22 coal.

23 E. On or before September 1 of each year, the Department of
24 Environmental Quality shall prepare a report of income and

1 expenditures for the period of each fiscal year in which solid waste
2 fee monies authorized by this section were received and such report
3 shall be distributed to members of the Solid Waste Management
4 Advisory Council for review. By November 1 of each year, the
5 Council shall submit to the Executive Director, Governor, Speaker of
6 the House of Representatives and President Pro Tempore of the Senate
7 its written comments on the comparison of income with program
8 expenditures.

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

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

- 19 1. The landfill is no longer in operation;
- 20 2. The owner or operator of the landfill failed to provide
21 sufficient financial assurance for proper closure of the landfill;
- 22 and

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

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

7 No person shall operate a commercial composting facility without
8 a valid permit issued by the Department of Environmental Quality.

9 The Environmental Quality Board shall adopt rules establishing
10 requirements for the permitting and operation of commercial
11 composting facilities. Such rules shall include, without
12 limitation, requirements relating to:

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

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

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

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

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

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

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

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

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

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