

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

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

- 9 a. is not owned or operated by a governmental entity,
10 b. receives one hundred (100) tons or more per year of
11 material for composting, any part of which consists of
12 food waste, and
13 c. principally accepts material for composting that is
14 not agricultural in origin;

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

19 4. "Disclosure statement" means a written statement by the
20 applicant which contains:

- 21 a. the full name, business address, and social security
22 number of the applicant, and all affiliated persons,
23 b. the full name and business address of any legal entity
24 in which the applicant holds a debt or equity interest

1 of at least five percent (5%) or which is a parent
2 company or subsidiary of the applicant, and a
3 description of the ongoing organizational
4 relationships as they may impact operations within the
5 state,

6 c. a description of the experience and credentials of the
7 applicant, including any past or present permits,
8 licenses, certifications, or operational
9 authorizations relating to environmental regulation,

10 d. a listing and explanation of any administrative, civil
11 or criminal legal actions against the applicant and
12 affiliated person which resulted in a final agency
13 order or final judgment by a court of record,
14 including final order or judgment on appeal, in the
15 ten (10) years immediately preceding the filing of the
16 application relating to solid or hazardous waste.

17 Such action shall include, without limitations, any
18 permit denial or any sanction imposed by a state
19 regulatory agency or the United States Environmental
20 Protection Agency, and

21 e. a listing of any federal environmental agency and any
22 state environmental agency that has or has had
23 regulatory responsibility over the applicant;
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1 5. "Disposal site" means any place, including, but not limited
2 to, a transfer station or a roofing material recycling facility, at
3 which solid waste is dumped, abandoned, or accepted or disposed of
4 by incineration, land filling, composting, shredding, compaction,
5 baling or any other method or by processing by pyrolysis, resource
6 recovery or any other method, technique or process designed to
7 change the physical, chemical or biological character or composition
8 of any solid waste so as to render such waste safe or nonhazardous,
9 amenable to transport, recovery or storage or reduced in volume. A
10 disposal site shall not include a manufacturing facility which
11 processes scrap materials which have been separated for collection
12 and processing as industrial raw materials;

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

18 7. "Final closure" means those measures for providing final
19 capping material, proper drainage, perennial vegetative cover,
20 maintenance, monitoring and other closure actions required for the
21 site by rules of the Board;

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

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

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

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

23 12. "Maximum horizontal acceleration in lithified earth
24 material" means the maximum expected horizontal acceleration

1 depicted on a seismic hazard map, with a ninety percent (90%) or
2 greater probability that the acceleration will not be exceeded in
3 two hundred fifty (250) years, or the maximum expected horizontal
4 acceleration based on a site-specific seismic risk assessment;

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

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

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

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

20 15. "Person" means any individual, corporation, company, firm,
21 partnership, association, trust, state agency, government
22 instrumentality or agency, institution, county, any incorporated
23 city or town or municipal authority or trust in which any

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1 governmental entity is a beneficiary, venture, or other legal entity
2 however organized;

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

5 17. "Roofing Material" means all material associated with a
6 roofing project that is debris or is otherwise not intended for
7 future use by the roofer or the property owner, including but not
8 limited to shingles made from asphalt, fiberglass, composite, or
9 wood, as well as decking, flashing, fasteners, insulation, and
10 associated packaging materials;

11 18. "Roofing material recycling facility" means a site or
12 facility at which roofing material is processed for alternative
13 uses, or is accumulated for the purpose of processing or selling all
14 or parts of the roofing material for alternative uses, including but
15 not limited to road construction;

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

21 ~~18.~~ 20. "Solid waste" means all putrescible and nonputrescible
22 refuse in solid, semisolid, or liquid form including, but not
23 limited to, garbage, rubbish, ashes or incinerator residue, street
24 refuse, dead animals, demolition wastes, construction wastes,

1 roofing material, solid or semisolid commercial and industrial
2 wastes including explosives, biomedical wastes, chemical wastes,
3 herbicide and pesticide wastes. The term "solid waste" shall not
4 include:

5 a. scrap materials, not including roofing materials,
6 which are source separated for collection and
7 processing as industrial raw materials, except when
8 contained in the waste collected by or in behalf of a
9 solid waste management system, or

10 b. used motor oil, which shall not be considered to be a
11 solid waste, but shall be considered a deleterious
12 substance, if the used motor oil is recycled for
13 energy reclamation and is ultimately destroyed when
14 recycled;

15 ~~19.~~ 21. "Solid waste management system" means the system that
16 may be developed for the purpose of collection and disposal of solid
17 waste by any person engaging in such process as a business or by any
18 municipality, authority, trust, county or by any combination thereof
19 at one or more disposal sites;

20 ~~20.~~ 22. "Solid waste planning unit" means any county or any
21 part thereof, incorporated city or town, or municipal authority or
22 trust in which any governmental entity is a beneficiary, venture, or
23 other legal entity however organized, which the Department
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1 determines to be capable of planning and implementing an integrated
2 solid waste management program;

3 ~~21.~~ 23. "Transfer station" means any disposal site, processing
4 facility or other place where solid waste is transferred from a
5 vehicle or container to another vehicle or container for
6 transportation, including but not limited to a barge or railroad
7 unloading facility where solid waste, in bulk or in containers, is
8 unloaded, stored, processed or transported for any purpose. The
9 term "transfer station" shall not include the following:

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

19 ~~22.~~ 24. "Waste reduction" means to reduce the volume of waste
20 requiring disposal.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2-10-802.2 of Title 27A, unless
23 there is created a duplication in numbering, reads as follows:

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 A. In addition to meeting the requirements of the Oklahoma
2 Solid Waste Management Act generally applicable to solid waste
3 disposal sites, including but not limited to permitting, disclosure
4 statement, siting, closure plan and financial assurance, the owner
5 or operator of a roofing material recycling facility shall:

6 1. Install scales, weigh roofing material received and record
7 weights in accordance with the provisions of paragraphs 1 and 2 of
8 subsection A of Section 2-10-802 of Title 27A of the Oklahoma
9 Statutes;

10 2. Assess a fee of One Dollar and fifty cents (\$1.50) per ton
11 of roofing material received, retaining twenty-five cents (\$0.25)
12 per ton for a period of time necessary to recoup a capital
13 investment plus the interest costs expended in purchasing the
14 scales, of Forty Thousand Dollars (\$40,000.00). At the end of such
15 period the fee shall revert to One Dollar and twenty-five cents
16 (\$1.25) per ton;

17 3. Remit the fee to the Department of Environmental Quality in
18 accordance with the provisions of paragraphs 7 through 12 of
19 subsection B of Section 2-10-802 of Title 27A of the Oklahoma
20 Statutes. For a return with remittance filed on or before the due
21 date, the owner or operator may deduct and retain ten percent (10%)
22 of the fees collected. Records documenting the capital investment
23 and the use of the funds shall be included with each return; and
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1 4. Submit receipts for the payment for disposal of non-
2 recyclable materials at a permitted landfill or solid waste disposal
3 site in order to receive credit against the fee owed to the
4 Department of Environmental Quality for that tonnage.

5 B. An operation otherwise meeting the definition of a roofing
6 material recycling facility but that is included within and
7 regulated under a permit for a solid waste land disposal site is not
8 subject to the provisions of this section.

9 C. The Environmental Quality Board is authorized to adopt rules
10 recommended by the Solid Waste Management Advisory Council as needed
11 to implement the provisions of this section.

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

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17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
18 04/05/2012 - DO PASS.

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