

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 19

By: Ballenger of the Senate

and

McNiel of the House

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10                                   COMMITTEE SUBSTITUTE

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

1 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-10-103,  
2 is amended to read as follows:

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

5 1. "Affiliated person" means:

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

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

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

21 3. "Composting facility" means a facility in which material is  
22 converted, under thermophilic conditions, to a product with a high

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1 humus content for use as a soil amendment or to prevent or remediate  
2 pollutants in soil, air, or stormwater run-off;

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

- 5 a. the full name, business address, and social security  
6 number of the applicant, and all affiliated persons,
- 7 b. the full name and business address of any legal entity  
8 in which the applicant holds a debt or equity interest  
9 of at least five percent (5%) or which is a parent  
10 company or subsidiary of the applicant, and a  
11 description of the ongoing organizational  
12 relationships as they may impact operations within the  
13 state,
- 14 c. a description of the experience and credentials of the  
15 applicant, including any past or present permits,  
16 licenses, certifications, or operational  
17 authorizations relating to environmental regulation,
- 18 d. a listing and explanation of any administrative, civil  
19 or criminal legal actions against the applicant and  
20 affiliated person which resulted in a final agency  
21 order or final judgment by a court of record,  
22 including final order or judgment on appeal, in the  
23 ten (10) years immediately preceding the filing of the

1 application relating to solid or hazardous waste.  
2 Such action shall include, without limitations, any  
3 permit denial or any sanction imposed by a state  
4 regulatory agency or the United States Environmental  
5 Protection Agency, and

- 6 e. a listing of any federal environmental agency and any  
7 state environmental agency that has or has had  
8 regulatory responsibility over the applicant;

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

21 ~~4.~~ 6. "Dwelling" means a permanently-constructed, habitable  
22 structure designed and constructed for full-time occupancy in all  
23 weather conditions, which is not readily mobile and shall include

1 but not be limited to a manufactured home as such term is defined by  
2 paragraph 11 of Section 1102 of Title 47 of the Oklahoma Statutes;

3 ~~5.~~ 7. "Final closure" means those measures for providing final  
4 capping material, proper drainage, perennial vegetative cover,  
5 maintenance, monitoring and other closure actions required for the  
6 site by rules of the Board;

7 ~~6.~~ 8. "Inert waste" means any solid waste that is insoluble in  
8 water, chemically inactive, that will not leach contaminants, or is  
9 commonly found as a significant percentage of residential solid  
10 waste;

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

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

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1        ~~9.~~ 11. "Lithified earth material" means all rock, including all  
2 naturally occurring and naturally formed aggregates or masses of  
3 minerals or small particles of older rock that formed by  
4 crystallization of magma or by induration of loose sediments. The  
5 term "lithified earth material" shall not include man-made  
6 materials, such as fill, concrete, and asphalt, or unconsolidated  
7 earth materials, soil, or regolith lying at or near the earth's  
8 surface;

9        ~~10.~~ 12. "Maximum horizontal acceleration in lithified earth  
10 material" means the maximum expected horizontal acceleration  
11 depicted on a seismic hazard map, with a ninety percent (90%) or  
12 greater probability that the acceleration will not be exceeded in  
13 two hundred fifty (250) years, or the maximum expected horizontal  
14 acceleration based on a site-specific seismic risk assessment;

15        ~~11.~~ 13. "Monofill" means a landfill which is used to dispose of  
16 a single type of specified nonhazardous industrial solid waste,  
17 except for other nonhazardous industrial solid wastes which are not  
18 readily separable from the specified waste;

19        ~~12.~~ 14. "Nonhazardous industrial solid waste" means any of the  
20 following wastes deemed by the Department to require special  
21 handling:

- 22            a. unusable industrial or chemical products,  
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1           b.    solid waste generated by the release of an industrial  
2                    product to the environment, or

3           c.    solid waste generated by a manufacturing or industrial  
4                    process.

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

8       ~~13.~~ 15. "Person" means any individual, corporation, company,  
9 firm, partnership, association, trust, state agency, government  
10 instrumentality or agency, institution, county, any incorporated  
11 city or town or municipal authority or trust in which any  
12 governmental entity is a beneficiary, venture, or other legal entity  
13 however organized;

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

16       ~~15.~~ 17. "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       ~~16.~~ 18. "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

1 refuse, dead animals, demolition wastes, construction wastes, solid  
2 or semisolid commercial and industrial wastes including explosives,  
3 biomedical wastes, chemical wastes, herbicide and pesticide wastes.

4 The term "solid waste" shall not include:

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

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

14 ~~17.~~ 19. "Solid waste management system" means the system that  
15 may be developed for the purpose of collection and disposal of solid  
16 waste by any person engaging in such process as a business or by any  
17 municipality, authority, trust, county or by any combination thereof  
18 at one or more disposal sites;

19 ~~18.~~ 20. "Solid waste planning unit" means any county or any  
20 part thereof, incorporated city or town, or municipal authority or  
21 trust in which any governmental entity is a beneficiary, venture, or  
22 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 ~~19.~~ 21. "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 ~~20.~~ 22. "Waste reduction" means to reduce the volume of waste  
20 requiring disposal.

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

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

14 2. The owner or operator shall upon receipt weigh all waste  
15 received and record the weight in writing. If scales at a disposal  
16 site or incinerator are not operative, tonnage shall be estimated on  
17 a volume basis whereby the volume reported shall be no less than the  
18 volume capacity of the containers or, if none, of the vehicles  
19 delivering the waste, and one cubic yard of solid waste shall be  
20 calculated to weigh one-third (1/3) ton. The owner or operator  
21 shall place notice in the operating record of the disposal site or  
22 incinerator of the time and date at which the scales became  
23 inoperable, describe the steps taken to repair them, and note the

1 date use was resumed. If daily use has not resumed within thirty  
2 (30) days after the scales became inoperable, the owner or operator  
3 shall give written notice to the Department of Environmental  
4 Quality.

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

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

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

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

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

- 9 b. when the owner or operators have recouped a capital  
10 investment of the total specified in subparagraph a of  
11 this paragraph, the fee to be assessed shall be One  
12 Dollar and twenty-five cents (\$1.25) per ton of solid  
13 waste received for disposal or incineration. At such  
14 time, for a return with remittance filed on or before  
15 the due date, the owner or operator may deduct and  
16 retain ten percent (10%) of the fees collected, and  
17 c. records documenting the projects and use of the funds  
18 shall be included with each return.

- 19 2. a. Owners and operators of landfill disposal sites or  
20 commercial incinerators which receive an average of  
21 more than one hundred (100) tons of solid waste per  
22 operating day shall assess a fee of One Dollar and  
23 fifty cents (\$1.50) per ton of solid waste received

1 for disposal or incineration, retaining twenty-five  
2 cents (\$0.25) per ton for a period of time necessary  
3 to recoup a capital investment, plus the interest  
4 costs expended in purchasing the scales, of Forty  
5 Thousand Dollars (\$40,000.00). At the end of such  
6 period the fee shall revert to One Dollar and twenty-  
7 five cents (\$1.25) per ton. For a return with  
8 remittance filed on or before the due date, the owner  
9 or operator may deduct and retain ten percent (10%) of  
10 the fees collected.

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

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

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

10 b. The owner or operator shall provide records  
11 documenting the capital investment costs of the wheel  
12 wash system to the Department.

13 c. At such time as the wheel wash system is in place and  
14 operational and the capital investment costs have been  
15 approved by the Department, the Department shall  
16 reimburse the owner or operator the approved costs,  
17 subject to the limitations in subparagraph d of this  
18 paragraph. The Department shall reimburse eligible  
19 applicants in the order of approval until that  
20 limitation has been reached. If there are multiple  
21 eligible applicants awaiting reimbursement, the  
22 Department shall apportion the reimbursement amount  
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1 among the eligible applicants according to the capital  
2 investment costs approved by the Department.

3 d. If the total amount reimbursed to all eligible owners  
4 and operators reaches Fifty Thousand Dollars  
5 (\$50,000.00) within any state fiscal year, the  
6 Department shall notify the owners and operators, and  
7 thereafter the owners and operators shall not receive  
8 any reimbursement until the next state fiscal year.

9 e. The Environmental Quality Board is authorized to  
10 promulgate rules as necessary to implement the  
11 provisions of the Solid Waste Management Act,  
12 including rules specifying minimum standards or other  
13 criteria for wheel wash systems necessary to qualify  
14 for the reimbursement.

15 ~~4.~~ 5. The fee assessed by paragraph 1 or 2 shall not be imposed

16 on:

17 a. the solid waste received which is productively reused  
18 or recovered in materially the same form as when  
19 received in accordance with the permit for the  
20 landfill disposal site or incinerator. The owner or  
21 operator shall include records pertaining to this fee  
22 exemption in the quarterly return of fees to the  
23 Department,

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- 1           b. generator-owned and -operated nonhazardous waste land  
2 disposal monofills and waste subject to a fee pursuant  
3 to Section 2-10-803 of this title. For emergencies  
4 and other special events, the Department and the owner  
5 or operator of a site subject to this section may  
6 enter into a formal agreement to waive the fee, and
- 7           c. ash produced as a result of the combustion in a  
8 commercial incinerator of waste on which the fee  
9 imposed by this section has been paid.

10       ~~5.~~ 6. Large industrial waste generators who generate over ten  
11 thousand (10,000) tons of nonhazardous industrial solid waste in the  
12 state in a calendar year may annually apply to the Department for a  
13 certificate exempting the disposal or incineration of such generated  
14 waste in excess of ten thousand (10,000) tons from the disposal and  
15 incineration fee authorized by this section. An applicant must have  
16 implemented a pollution prevention plan for such waste and filed it  
17 with the Department, provided operational documentation regarding  
18 such plan and paid the disposal and incineration fee on ten thousand  
19 (10,000) tons of the waste during the calendar year of application.  
20 The Department-issued exemption certificates shall be valid for the  
21 remainder of the calendar year of application, may contain  
22 conditions, and, upon presentation by authorized persons, shall be  
23 recognized by owners or operators of landfill disposal sites and

1 incinerators subject to this section. If a generator operates a  
2 landfill or incinerator solely for waste from that generator, and if  
3 that generator chooses to seek the exemption authorized by this  
4 paragraph, the generator shall not be required to install scales or  
5 keep records relative to quantity of waste received for the landfill  
6 or incinerator.

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

11 ~~7.~~ 8. The owner or operator of a solid waste disposal site or  
12 incinerator and the owner or operator of a commercial composting  
13 facility shall collect the fee levied pursuant to this subsection as  
14 trustee for the state and shall prepare and file with the Department  
15 quarterly returns indicating:

- 16 a. the total tonnage of solid wastes or material for  
17 composting received for disposal ~~or~~, incineration or  
18 composting at the gate of the site, and  
19 b. the total amount of the fees collected pursuant to  
20 this section.

21 ~~8.~~ 9. Not later than thirty (30) days after the end of the  
22 quarter to which such a return applies, the owner or operator shall  
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1 mail to the Department the return for that quarter together with the  
2 fees collected during that quarter as indicated on the return.

3 ~~9.~~ 10. The owner or operator may receive an extension of not  
4 more than thirty (30) days for filing the return and remitting the  
5 fees, provided that:

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

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

13 c. the Department has approved the request.

14 ~~10.~~ 11. For any quarterly return filed more than thirty (30)  
15 days after the last day of the quarter or extension date, the owner  
16 or operator shall remit an additional five percent (5%) of the fees  
17 collected during the month to which the return applies. If the fees  
18 are not remitted within sixty (60) days of the last day of the  
19 quarter during which they were collected, the owner or operator  
20 shall pay an additional fifteen percent (15%) of the amount of the  
21 fees for each month that they are late.

22 ~~11.~~ 12. If the owner or operator misrepresents, or fails to  
23 properly measure or record, the amount of waste received or fails to

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1 remit fees within sixty (60) days after the last day of the quarter  
2 during which they were collected, the permit for the landfill  
3 disposal site ~~or~~, incinerator or commercial composting facility  
4 shall be summarily suspended by order and the Department shall  
5 initiate the process of revoking the permit and may require closure  
6 of the landfill ~~or~~, incinerator or commercial composting facility.

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

15 2. In order to assist the Department of Environmental Quality  
16 regarding its responsibilities relating to the promotion of  
17 recycling of solid waste, each fiscal year the Department shall  
18 contract with units of local government, political subdivisions of  
19 this state, components of The Oklahoma State System of Higher  
20 Education, local and statewide organizations representing  
21 municipalities or counties, or substate planning districts  
22 recognized by the Oklahoma Department of Commerce, for up to a total  
23 of One Hundred Thousand Dollars (\$100,000.00) and to the extent such

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

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

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

21 b. The reimbursements shall be from solid waste fee funds  
22 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  
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1 may use its discretion in administering the funds for  
2 the purpose of this paragraph, but shall keep records  
3 subject to audit by the State Auditor and Inspector  
4 for good business practices.

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

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

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

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

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

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

11 SECTION 3. AMENDATORY Section 2, Chapter 71, O.S.L.  
12 2007, as amended by Section 3, Chapter 301, O.S.L. 2010 (27A O.S.  
13 Supp. 2010, Section 2-10-802.1), is amended to read as follows:

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

21 1. The landfill is no longer in operation;

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

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

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

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

- 16           1. Applicant disclosure information;
- 17           2. Siting;
- 18           3. Design, construction and operation;
- 19           4. Water protection and water management, including groundwater  
20 monitoring and stormwater control;
- 21           5. Closure; and

22  
23  
24

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

1 6. Financial assurance for the proper management and removal of  
2 all of the feedstock and product material that the site is capable  
3 of storing.

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

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

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

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

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

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

24

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

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

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7 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE &  
8 ENVIRONMENT, dated 04-06-2011 - DO PASS, As Amended.

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