

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 19

By: Ballenger of the Senate
and
McNiel of the House

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8 An Act relating to solid waste; providing for certain
9 slope requirements on solid waste landfill sites;
10 authorizing Environmental Quality Board to promulgate
11 rules; providing for codification; providing an
12 effective date; and declaring an emergency.

13 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
14 and insert

15 "An Act relating to solid waste; amending 27A O.S.
16 2001, Sections 2-10-103, 2-10-802, as last amended
17 by Section 2, Chapter 301, O.S.L. 2010 and Section
18 2, Chapter 71, O.S.L. 2007, as amended by Section 3,
19 Chapter 301, O.S.L. 2010 (27A O.S. Supp. 2010,
20 Sections 2-10-802 and 2-10-802.1), which relate to
21 the Oklahoma Solid Waste Management Act; adding
22 definitions; requiring fee for composting material
23 at commercial composting facilities; requiring
24 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; and providing for
codification.

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

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

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

6 1. "Affiliated person" means:

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

14 2. "Commercial composting facility" means a composting facility

15 that:

- 16 a. is not owned or operated by a governmental entity,
17 b. receives one hundred (100) tons or more per year of
18 material for composting, any part of which consists of
19 food waste, and
20 c. principally accepts material for composting that is
21 not agricultural in origin;

22 3. "Composting facility" means a facility in which material is
23 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
24 application relating to solid or hazardous waste.

1 Such action shall include, without limitations, any
2 permit denial or any sanction imposed by a state
3 regulatory agency or the United States Environmental
4 Protection Agency, and

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

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

20 ~~4.~~ 6. "Dwelling" means a permanently-constructed, habitable
21 structure designed and constructed for full-time occupancy in all
22 weather conditions, which is not readily mobile and shall include
23 but not be limited to a manufactured home as such term is defined by
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1 paragraph ~~11~~ 16 of Section 1102 of Title 47 of the Oklahoma
2 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;

23 ~~9.~~ 11. "Lithified earth material" means all rock, including all
24 naturally occurring and naturally formed aggregates or masses of

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

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

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

17 ~~12.~~ 14. "Nonhazardous industrial solid waste" means any of the
18 following wastes deemed by the Department to require special
19 handling:

- 20 a. unusable industrial or chemical products,
21 b. solid waste generated by the release of an industrial
22 product to the environment, or
23 c. solid waste generated by a manufacturing or industrial
24 process.

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

4 ~~13.~~ 15. "Person" means any individual, corporation, company,
5 firm, partnership, association, trust, state agency, government
6 instrumentality or agency, institution, county, any incorporated
7 city or town or municipal authority or trust in which any
8 governmental entity is a beneficiary, venture, or other legal entity
9 however organized;

10 ~~14.~~ 16. "Recycling" means to reuse a material that would
11 otherwise be disposed of as waste, with or without reprocessing;

12 ~~15.~~ 17. "Seismic impact zone" means an area with a ten percent
13 (10%) or greater probability that the maximum horizontal
14 acceleration in lithified earth material, expressed as a percentage
15 of the earth's gravitational pull (g), will exceed 0.10g in two
16 hundred fifty (250) years;

17 ~~16.~~ 18. "Solid waste" means all putrescible and nonputrescible
18 refuse in solid, semisolid, or liquid form including, but not
19 limited to, garbage, rubbish, ashes or incinerator residue, street
20 refuse, dead animals, demolition wastes, construction wastes, solid
21 or semisolid commercial and industrial wastes including explosives,
22 biomedical wastes, chemical wastes, herbicide and pesticide wastes.

23 The term "solid waste" shall not include:
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- 1 a. scrap materials which are source separated for
2 collection and processing as industrial raw materials,
3 except when contained in the waste collected by or in
4 behalf of a solid waste management system, or
5 b. used motor oil, which shall not be considered to be a
6 solid waste, but shall be considered a deleterious
7 substance, if the used motor oil is recycled for
8 energy reclamation and is ultimately destroyed when
9 recycled;

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

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

21 ~~19.~~ 21. "Transfer station" means any disposal site, processing
22 facility or other place where solid waste is transferred from a
23 vehicle or container to another vehicle or container for
24 transportation, including but not limited to a barge or railroad

1 unloading facility where solid waste, in bulk or in containers, is
2 unloaded, stored, processed or transported for any purpose. The
3 term "transfer station" shall not include the following:

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

13 ~~20.~~ 22. "Waste reduction" means to reduce the volume of waste
14 requiring disposal.

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

18 Section 2-10-802. A. 1. Owners or operators of landfill
19 disposal sites which are not generator-owned and -operated
20 nonhazardous industrial waste monofills and owners or operators of
21 commercial incinerators shall install scales. Such scales shall be
22 installed on or within five (5) miles of the landfill disposal site
23 or incinerator and shall be tested and certified as required by
24 Section 14-35 of Title 2 of the Oklahoma Statutes relating to the

1 authority of the State Board of Agriculture to test the standards of
2 weights and measures within the state and to approve if found to be
3 correct. For purposes of this section, any reference to
4 "incinerator" or "incineration" shall encompass waste-to-energy
5 facilities that produce recoverable energy by high-temperature
6 combustion.

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

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

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

5 a. the scales are located within the physical boundary of
6 that installation, and

7 b. the disposal site or incinerator receives waste only
8 from that military installation.

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

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

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

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

1 or operator may deduct and retain ten percent (10%) of
2 the fees collected.

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

5 3. Owners and operators of commercial composting facilities
6 shall assess a fee of One Dollar and twenty-five cents (\$1.25) per
7 ton of all composting material received.

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

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

1 including rules specifying minimum standards or other
2 criteria for wheel wash systems necessary to qualify
3 for the reimbursement.

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

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

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

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

22 ~~5.~~ 6. Large industrial waste generators who generate over ten
23 thousand (10,000) tons of nonhazardous industrial solid waste in the
24 state in a calendar year may annually apply to the Department for a

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

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

22 ~~7.~~ 8. The owner or operator of a solid waste disposal site or
23 incinerator and the owner or operator of a commercial composting
24 facility shall collect the fee levied pursuant to this subsection as

1 trustee for the state and shall prepare and file with the Department
2 quarterly returns indicating:

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

6 b. the total amount of the fees collected pursuant to
7 this section.

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

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

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

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

22 c. the Department has approved the request.

23 ~~10.~~ 11. For any quarterly return filed more than thirty (30)
24 days after the last day of the quarter or extension date, the owner

1 or operator shall remit an additional five percent (5%) of the fees
2 collected during the month to which the return applies. If the fees
3 are not remitted within sixty (60) days of the last day of the
4 quarter during which they were collected, the owner or operator
5 shall pay an additional fifteen percent (15%) of the amount of the
6 fees for each month that they are late.

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

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

23 2. In order to assist the Department of Environmental Quality
24 regarding its responsibilities relating to the promotion of

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

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

22 4. a. To the extent that funds are available, the Department
23 may also reimburse any governmental entity for
24 equipment other than motor vehicles or buildings to

1 separate, process, modify, convert or treat solid
2 waste or recovered materials so that the resulting
3 product is being used in a productive manner.

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

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

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

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;

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 6. Financial assurance for the proper management and removal of
23 all of the feedstock and product material that the site is capable
24 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.”

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