

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1336

By: Justice and Fields of the
Senate

and

Watson of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to solid waste; amending 27A O.S.
11 2011, Sections 2-10-301 and 2-10-801.1, which relate
12 to permitting solid waste facilities; authorizing the
13 Environmental Quality Board to promulgate rules
14 permitting the construction and operation of disposal
15 sites; limiting certain rules; authorizing the
16 Department of Environmental Quality to issue certain
17 research and development permits for specified time
18 period; authorizing the Department to approve certain
19 alternative vegetation plans for commercial solid
20 waste landfill sites; and providing an effective
21 date.

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

23 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-10-301,
24 is amended to read as follows:

Section 2-10-301. A. Except as otherwise specified in this
section:

1. No person shall dispose of solid waste at any site or
facility other than a site or facility for which a permit for solid

1 or hazardous waste disposal has been issued by the Department of
2 Environmental Quality;

3 2. No person shall own or operate a site or facility at which
4 solid waste is disposed other than a site or facility for which a
5 permit for solid or hazardous waste disposal has been issued by the
6 Department;

7 3. No person shall knowingly transport solid waste to an
8 unpermitted site or facility; and

9 4. The Department shall not bring an enforcement action against
10 any unit of local government which undertakes any remediation of an
11 illegal dump which the local government had no role in creating
12 provided that the unit of local government first consults with and
13 follows the remediation advice of the Department. The Department is
14 authorized to recommend remediation of illegal dumps by burial of
15 the material on location, when such burial appears to pose less risk
16 than failure to remediate.

17 B. No provision of the Oklahoma Solid Waste Management Act
18 shall be construed to prevent a person from disposing of solid waste
19 from his or her household upon his or her property provided such
20 disposal does not create a nuisance or a hazard to the public health
21 or environment or does not violate a local government ordinance.

22 C. Notice of permit actions shall be in accordance with the
23 Uniform Permitting Act.

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1 D. The Department shall issue a permit to be effective for the
2 life of a given landfill site. The Environmental Quality Board may
3 promulgate rules regarding permit requirements for the commencement
4 of construction and operation of disposal sites. The rules
5 promulgated by the Board for the commencement of construction and
6 operation of landfill sites shall not apply to sites permitted prior
7 to the effective date of this act. For sites using new technology,
8 the Department may issue research and development permits to be
9 effective for specified periods of time. In order to assure
10 adequate financial assurance as required by this section, each
11 permittee who operates a landfill disposal site, other than a
12 generator owned and operated private industrial nonhazardous
13 monofill, shall submit information on an annual basis at such times
14 and in such form as the Department shall require, sufficient to
15 allow the Department to know the remaining landfill life.

16 E. Information and data submitted in support of a permit
17 application or a permit modification application for any site
18 serving a population equivalent of five thousand (5,000) or more
19 persons shall be prepared and sealed by a professional engineer
20 licensed to practice in this state. Applicants for smaller site
21 permits are encouraged but not required to seek professional
22 engineering assistance.

23 F. The Department shall not issue any permit for the siting or
24 expansion of an asbestos monofill which will be located closer than

1 five hundred (500) yards from any occupied residence. No asbestos
2 monofill shall be constructed within three (3) miles of the
3 corporate boundaries of any city or town.

4 G. Disposal sites approved by the Department to receive only
5 solid waste shall not accept for disposal any waste classified as
6 hazardous waste.

7 H. No permit shall be required for a disposal site constructed
8 pursuant to an order issued by the Department in an effort to
9 remediate an abandoned or inactive waste site. Such disposal site
10 shall only receive waste from the remediation project, and shall be
11 designed, constructed, and operated in accordance with the technical
12 standards established in the applicable rules promulgated by the
13 Environmental Quality Board. Such rules shall not be less stringent
14 than those which would apply to a federally funded remediation
15 project pursuant to the federal Comprehensive Environmental
16 Response, Compensation and Liability Act.

17 I. The Department shall not issue any permit for the siting of
18 a new municipal solid waste landfill in any location that is both:

19 1. Within a locally fractured or cavernous limestone or cherty
20 limestone bedrock; and

21 2. Within five (5) miles of any water well owned by a rural
22 water district that is used or has the potential to be used to
23 provide water to customers of the district.

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1 J. No permit shall be required for a project approved by the
2 Department and a local conservation district to use suitable
3 portions of the solid waste stream to reclaim and restore Oklahoma
4 lands.

5 SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-10-801.1,
6 is amended to read as follows:

7 Section 2-10-801.1 The owner or operator of any commercial
8 solid waste landfill, over fifty (50) feet in height above natural
9 surface contours that accepts more than two hundred (200) tons per
10 day of solid waste, must submit a vegetation plan to the Department
11 of Environmental Quality for approval. The vegetation plan shall
12 address establishment and maintenance of appropriate vegetative
13 cover for the purposes of erosion and dust control and aesthetic
14 enhancement. The vegetation plan shall be implemented in waste
15 disposal areas that have been undisturbed for ninety (90) days. The
16 Department may approve an alternative plan that accomplishes similar
17 objectives. The Environmental Quality Board shall promulgate rules,
18 developed and recommended by the Solid Waste Management Advisory
19 Council, relative to the contents of the ~~vegetation~~ plan.

20 SECTION 3. This act shall become effective November 1, 2014.

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22 COMMITTEE REPORT BY: COMMITTEE ON UTILITY AND ENVIRONMENTAL
23 REGULATION, dated 04/02/2014 - DO PASS, As Amended.

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