

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
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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.
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- 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 5. The fee assessed by paragraph 1 or 2 of this subsection
5 shall not be imposed 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 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 7. The fee assessed by paragraph 1 or 2 of this subsection
19 shall be imposed for all nonhazardous solid wastes accepted for
20 disposal at a site or facility to which a solid waste or hazardous
21 waste permit has been issued by the Department of Environmental
22 Quality, and is to be a charge to waste producers in addition to any
23 charges specified in any contract or elsewhere. The fee shall be
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1 imposed upon and passed through to disposers of waste using the
2 facility.

3 8. The owner or operator of a solid waste disposal site or
4 incinerator and the owner or operator of a commercial composting
5 facility shall collect the fee levied pursuant to this subsection as
6 trustee for the state and shall prepare and file with the Department
7 quarterly returns indicating:

8 a. the total tonnage of solid wastes or material for
9 composting received for disposal, incineration or
10 composting at the gate of the site, and

11 b. the total amount of the fees collected pursuant to
12 this section.

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

17 10. The owner or operator may receive an extension of not more
18 than thirty (30) days for filing the return and remitting the fees,
19 provided that:

20 a. the owner or operator has submitted a request for an
21 extension in writing to the Department together with a
22 detailed description of why the extension is
23 requested,

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- 1 b. the Department has received the request not later than
2 the day on which the return is required to be filed,
3 and
4 c. the Department has approved the request.

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

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

21 C. 1. The Department shall expend funds collected pursuant to
22 the provisions of this section solely for the administration and
23 enforcement of the provisions of the Oklahoma Solid Waste Management
24 Act and for the development of solid waste technical assistance

1 programs, solid waste public environmental education programs and
2 educational curricula, solid waste studies, development of a
3 statewide solid waste plan, solid waste recycling and litter
4 prevention programs, and other environmental improvements.

5 2. In order to assist the Department of Environmental Quality
6 regarding its responsibilities relating to the promotion of
7 recycling of solid waste, each fiscal year the Department shall
8 contract with units of local government, political subdivisions of
9 this state, components of The Oklahoma State System of Higher
10 Education, local and statewide organizations representing
11 municipalities or counties, or substate planning districts
12 recognized by the Oklahoma Department of Commerce, for up to a total
13 of One Hundred Thousand Dollars (\$100,000.00) and to the extent such
14 monies are available for projects promoting the recycling of solid
15 waste. Local governments, political subdivisions of this state,
16 components of The Oklahoma State System of Higher Education, local
17 and statewide organizations representing municipalities and counties
18 and substate planning districts recognized by the Oklahoma
19 Department of Commerce desiring to contract with the Department for
20 such projects shall meet the application requirements of rules
21 promulgated by the Environmental Quality Board and the criteria
22 established by a recycling priorities plan prepared annually by the
23 Department after review and comment by the Solid Waste Management

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1 Advisory Council. Except as otherwise provided by this section,
2 contracts for such projects shall not be granted to state agencies.

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

5 4. a. To the extent that funds are available, the Department
6 may also reimburse any governmental entity for
7 equipment other than motor vehicles or buildings to
8 separate, process, modify, convert or treat solid
9 waste or recovered materials so that the resulting
10 product is being used in a productive manner.

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

15 c. Reimbursements must be expended in accordance with
16 rules promulgated by the Environmental Quality Board
17 and criteria established through the Department's
18 annual recycling priorities plan. The Department
19 shall not expend more than Two Hundred Thousand
20 Dollars (\$200,000.00) in each fiscal year for such
21 reimbursements, nor shall the Department reimburse
22 used tire recycling facilities that may be eligible
23 for compensation from the Used Tire Recycling
24 Indemnity Fund.

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

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

6 The amount of such payments shall be determined by the
7 Department based on the amount of energy generated and
8 the cost of production.

9 D. The provisions of this section shall not apply to landfill
10 disposal sites that receive only ash generated by the burning of
11 coal.

12 E. On or before September 1 of each year, the Department of
13 Environmental Quality shall prepare a report of income and
14 expenditures for the period of each fiscal year in which solid waste
15 fee monies authorized by this section were received and such report
16 shall be distributed to members of the Solid Waste Management
17 Advisory Council for review. By November 1 of each year, the
18 Council shall submit to the Executive Director, Governor, Speaker of
19 the House of Representatives and President Pro Tempore of the Senate
20 its written comments on the comparison of income with program
21 expenditures.

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

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4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
5 04/04/2013 - DO PASS.

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