

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 441

By: Bingman

7 AS INTRODUCED

8 An Act relating to environment and natural resources;  
9 amending 27A O.S. 2001, Section 2-10-301, which  
10 relates to solid waste disposal sites; prohibiting  
11 disposal of whole waste tires in certain land  
disposal sites; authorizing the Department of  
Environmental Quality to approve certain alternative  
storage methods; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-10-301,

17 is amended to read as follows:

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

20 1. No person shall dispose of solid waste at any site or  
21 facility other than a site or facility for which a permit for solid  
22 or hazardous waste disposal has been issued by the Department of  
23 Environmental Quality;

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

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

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

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

20       C. Notice of permit actions shall be in accordance with the  
21 Uniform Permitting Act.

22       D. The Department shall issue a permit to be effective for the  
23 life of a given site. In order to assure adequate financial  
24 assurance as required by this section, each permittee who operates a

1 landfill disposal site, other than a generator owned and operated  
2 private industrial nonhazardous monofill, shall submit information  
3 on an annual basis at such times and in such form as the Department  
4 shall require, sufficient to allow the Department to know the  
5 remaining landfill life.

6 E. Information and data submitted in support of a permit  
7 application or a permit modification application for any site  
8 serving a population equivalent of five thousand (5,000) or more  
9 persons shall be prepared and sealed by a professional engineer  
10 licensed to practice in this state. Applicants for smaller site  
11 permits are encouraged but not required to seek professional  
12 engineering assistance.

13 F. The Department shall not issue any permit for the siting or  
14 expansion of an asbestos monofill which will be located closer than  
15 five hundred (500) yards from any occupied residence. No asbestos  
16 monofill shall be constructed within three (3) miles of the  
17 corporate boundaries of any city or town.

18 G. Disposal sites approved by the Department to receive only  
19 solid waste shall not accept for disposal any waste classified as  
20 hazardous waste.

21 H. No permit shall be required for a disposal site constructed  
22 pursuant to an order issued by the Department in an effort to  
23 remediate an abandoned or inactive waste site. Such disposal site  
24 shall only receive waste from the remediation project, and shall be

1 designed, constructed, and operated in accordance with the technical  
2 standards established in the applicable rules promulgated by the  
3 Environmental Quality Board. Such rules shall not be less stringent  
4 than those which would apply to a federally funded remediation  
5 project pursuant to the federal Comprehensive Environmental  
6 Response, Compensation and Liability Act.

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

9 1. Within a locally fractured or cavernous limestone or cherty  
10 limestone bedrock; and

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

14 J. No permit shall be required for a project approved by the  
15 Department and a local conservation district to use suitable  
16 portions of the solid waste stream to reclaim and restore Oklahoma  
17 lands.

18 K. Land disposal sites shall not accept, for disposal, any  
19 whole waste tires. Waste tires received may be stored temporarily  
20 within the permitted boundary, in quantities and under conditions  
21 approved by the Department, until collected for lawful recycling.

22 SECTION 2. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
24

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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