

1 **SENATE FLOOR VERSION**

2 February 18, 2021

3 SENATE BILL NO. 622

By: Leewright

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6 An Act relating to environment and natural  
7 resources; creating the Oklahoma PFAS Waste Act;  
8 defining terms; requiring promulgation of rules and  
9 regulations by Department of Environmental Quality on  
10 PFAS waste; specifying content of certain rules;  
11 establishing certain liability for PFAS waste  
12 generators; construing clause; requiring application  
13 and authorization for certain activities; authorizing  
14 Department to authorize certain activities; providing  
15 for certain classification of PFAS waste; providing  
16 for codification; providing an effective date; and  
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 2-7-501 of Title 27a, unless  
21 there is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Oklahoma PFAS  
23 Waste Act".

24 SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 2-7-502 of Title 27a, unless  
there is created a duplication in numbering, reads as follows:

A. As used in the Oklahoma PFAS Waste Act:

1 1. "PFAS" means perfluoroalkyl and polyfluoroalkyl substances;  
2 and

3 2. "PFAS waste" means:

4 a. aqueous film-forming foam ("AFFF") containing PFAS,

5 b. waste containing high concentrations of PFAS that is  
6 generated at PFAS manufacturing and processing  
7 facilities,

8 c. waste containing high concentrations of PFAS that is  
9 generated at facilities using PFAS in the production  
10 of products other than PFAS,

11 d. waste containing high concentrations of PFAS from  
12 remediation projects,

13 e. any other treatment waste associated with the removal  
14 of PFAS including but not limited to waste or waste  
15 streams from spent water treatment materials used for  
16 the removal of PFAS in drinking water, groundwater  
17 and/or leachate, and

18 f. any other waste that typically contains or is expected  
19 to contain high concentrations of PFAS.

20 B. As used in the Oklahoma PFAS Waste Act, PFAS waste shall not  
21 include consumer and industrial products that may incidentally  
22 contain PFAS and are routinely discarded as part of the municipal  
23 solid waste stream unless the concentration of PFAS contained in the  
24 waste substantially exceeds levels typically found or expected in

1 that type of waste or waste stream as determined by the Department  
2 of Environmental Quality.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2-7-503 of Title 27a, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. The Oklahoma Department of Environmental Quality shall adopt  
7 and promulgate rules and regulations related to the receipt,  
8 storage, treatment and disposal of PFAS waste in this state.

9 B. Rules and regulations adopted under subsection A of this  
10 section shall include provisions requiring that any person accepting  
11 PFAS waste for storage, treatment and/or disposal shall demonstrate  
12 to the Department that the manner in which the PFAS waste is to be  
13 stored, treated and/or disposed of is protective of human health and  
14 the environment. The rules and regulations shall establish criteria  
15 or guidelines to assist the Department in making a determination  
16 regarding this protection.

17 C. Rules and regulations adopted under subsection A of this  
18 section may require a person who stores, treats or disposes of PFAS  
19 waste to provide financial assurance for applicable closure, post-  
20 closure and corrective action requirements, or any potentially  
21 necessary remedial or response actions. The rules and regulations  
22 may establish requirements for types of financial assurance, methods  
23 for calculating the necessary amounts of financial assurance,

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1 duration that the financial assurance shall be maintained and any  
2 other requirements the Department deems appropriate.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2-7-504 of Title 27a, unless  
5 there is created a duplication in numbering, reads as follows:

6 The generator of PFAS waste shall be responsible for ensuring  
7 that the PFAS waste is disposed of properly and, in the event of a  
8 spill, leak or release, shall be responsible for any necessary  
9 removal or remedial action and any damages to persons, property or  
10 natural resources resulting from such a release. A generator of  
11 PFAS waste may not transfer this liability to any other person.  
12 Nothing in this section shall prohibit any agreement to insure, hold  
13 harmless or indemnify a party to such agreement for any liability  
14 under this section. Nothing in this section shall prohibit a cause  
15 of action that the generator of the PFAS waste or any other person  
16 subject to liability under this section, or a guarantor, may have or  
17 would have, by reason of subrogation or otherwise, against such  
18 person.

19 SECTION 5. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 2-7-505 of Title 27a, unless  
21 there is created a duplication in numbering, reads as follows:

22 A. A person shall submit an application for the activity to the  
23 Department of Environmental Quality and shall receive authorization  
24 from the Department prior to receiving, storing, treating or

1 disposing of PFAS waste. The process and requirements necessary for  
2 the authorization shall be governed by rules and regulations adopted  
3 pursuant to Section 3 of this act. Prior to the adoption of such  
4 rules and regulations, the Department may authorize the activities  
5 covered under this subsection if it determines that the activities  
6 will be conducted in a manner that is sufficiently protective of  
7 human health and the environment as determined by the department.

8 B. PFAS waste generated in or transported from another state  
9 shall maintain the same classification or characterization it would  
10 receive in the state of origin, unless such classification or  
11 characterization is less protective of human health and the  
12 environment than the classification or characterization it would  
13 have received if generated in this state.

14 SECTION 6. This act shall become effective July 1, 2021.

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

19 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
20 February 18, 2021 - DO PASS

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