

An Act

ENROLLED SENATE
BILL NO. 1336

By: Justice and Fields of the
Senate

and

Watson of the House

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

SUBJECT: Solid waste disposal procedures

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-10-301, 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 or hazardous waste disposal has been issued by the Department of Environmental Quality;

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

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

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

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

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

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

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

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

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

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

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

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

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

J. No permit shall be required for a project approved by the Department and a local conservation district to use suitable

portions of the solid waste stream to reclaim and restore Oklahoma lands.

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

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

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

Passed the Senate the 29th day of April, 2014.

Anthony Sykes
Presiding Officer of the Senate

Passed the House of Representatives the 10th day of April, 2014.

Mike Jack
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th

day of April, 20 14, at 4:42 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of May, 20 14, at 2:11 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of May, 20 14, at 2:46 o'clock P M.

By: Chris Benze