

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 448

6 By: Taylor

7 COMMITTEE SUBSTITUTE

8 An Act relating to solid waste management; amending
9 27A O.S. 2011, Section 2-10-103, as amended by
10 Section 1, Chapter 194, O.S.L. 2012 (27A O.S. Supp.
11 2020, Section 2-10-103), which relates to the
12 Oklahoma Solid Waste Management Act; adding
13 definitions; modifying definitions; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-10-103,
17 as amended by Section 1, Chapter 194, O.S.L. 2012 (27A O.S. Supp.
18 2020, Section 2-10-103), is amended to read as follows:

19 Section 2-10-103. As used in the Oklahoma Solid Waste
20 Management Act:

21 1. "Advanced recycling" means a manufacturing process for the
22 conversion of post-use polymers and recovered feedstocks into basic
23 hydrocarbon raw materials, feedstocks, chemicals, liquid fuels and
24 other products like waxes and lubricants through processes that
include pyrolysis, gasification, depolymerization, catalytic

1 cracking, reforming, hydrogenation, solvolysis and other similar
2 technologies. The recycled products produced at advanced recycling
3 facilities include, but are not limited to, monomers, oligomers,
4 plastics, plastics and chemical feedstocks, basic and unfinished
5 chemicals, crude oil, naphtha, liquid transportation fuels, waxes,
6 lubricants, coatings and other basic hydrocarbons. Advanced
7 recycling shall not be considered disposal, as defined in Section 2-
8 7-103 of this title, solid waste management system, as defined in
9 this section or incineration;

10 2. "Advanced recycling facility" means a manufacturing facility
11 that receives, stores and converts post-use polymers and recovered
12 feedstocks it receives using advanced recycling. An advanced
13 recycling facility shall be subject to applicable Department of
14 Environmental Quality manufacturing regulations for air, water,
15 waste and land use. Advanced recycling facilities shall not be
16 considered disposal sites, solid waste management systems, transfer
17 stations, as defined in this section or incineration;

18 3. "Affiliated person" means:

- 19 a. any officer, director or partner of the applicant,
20 b. any person employed by the applicant as general or key
21 manager who directs the operations of the site,
22 transfer station, or facility which is the subject of
23 the application, or
24

1 c. any person owning or controlling more than five
2 percent (5%) of the applicant's debt or equity;

3 ~~2.~~ 4. "Commercial composting facility" means a composting
4 facility that:

5 a. is not owned or operated by a governmental entity,

6 b. receives one hundred (100) tons or more per year of
7 material for composting, any part of which consists of
8 food waste, and

9 c. principally accepts material for composting that is
10 not agricultural in origin;

11 ~~3.~~ 5. "Composting facility" means a facility in which material
12 is converted, under thermophilic conditions, to a product with a
13 high humus content for use as a soil amendment or to prevent or
14 remediate pollutants in soil, air, or stormwater run-off;

15 6. "Depolymerization" means a manufacturing process where post-
16 use polymers, as defined in this section, are broken into smaller
17 molecules such as monomers and oligomers or raw, intermediate or
18 final products, plastics and chemical feedstocks, basic and
19 unfinished chemicals, crude oil, naphtha, liquid transportation
20 fuels, waxes, lubricants, coatings and other basic hydrocarbons;

21 ~~4.~~ 7. "Disclosure statement" means a written statement by the
22 applicant which contains:

23 a. the full name, business address, and social security
24 number of the applicant, and all affiliated persons,

1 b. the full name and business address of any legal entity
2 in which the applicant holds a debt or equity interest
3 of at least five percent (5%) or which is a parent
4 company or subsidiary of the applicant, and a
5 description of the ongoing organizational
6 relationships as they may impact operations within the
7 state,

8 c. a description of the experience and credentials of the
9 applicant, including any past or present permits,
10 licenses, certifications, or operational
11 authorizations relating to environmental regulation,

12 d. a listing and explanation of any administrative, civil
13 or criminal legal actions against the applicant and
14 affiliated person which resulted in a final agency
15 order or final judgment by a court of record,
16 including final order or judgment on appeal, in the
17 ten (10) years immediately preceding the filing of the
18 application relating to solid or hazardous waste.
19 Such action shall include, without limitations, any
20 permit denial or any sanction imposed by a state
21 regulatory agency or the United States Environmental
22 Protection Agency, and

1 e. a listing of any federal environmental agency and any
2 state environmental agency that has or has had
3 regulatory responsibility over the applicant;

4 ~~5.~~ 8. "Disposal site" means any place~~,~~ including, but not
5 limited to, a transfer station or a roofing material recycling
6 facility, at which solid waste is dumped, abandoned~~,~~ or accepted or
7 disposed of by incineration, land filling, composting, shredding,
8 compaction, baling or any other method or by processing by
9 pyrolysis, resource recovery or any other method, technique or
10 process designed to change the physical, chemical or biological
11 character or composition of any solid waste so as to render such
12 waste safe or nonhazardous, amenable to transport, recovery or
13 storage or reduced in volume. A disposal site shall not include a
14 manufacturing facility which processes scrap materials which have
15 been separated for collection and processing as industrial raw
16 materials;

17 ~~6.~~ 9. "Dwelling" means a permanently-constructed, habitable
18 structure designed and constructed for full-time occupancy in all
19 weather conditions, which is not readily mobile and shall include
20 but not be limited to a manufactured home as such term is defined by
21 paragraph ~~16~~ 17 of Section 1102 of Title 47 of the Oklahoma
22 Statutes;

23 ~~7.~~ 10. "Final closure" means those measures for providing final
24 capping material, proper drainage, perennial vegetative cover,

1 maintenance, monitoring and other closure actions required for the
2 site by rules of the Board;

3 11. "Gasification" means a manufacturing process through which
4 recovered feedstocks are heated and converted into a fuel and gas
5 mixture in an oxygen-deficient atmosphere and the mixture is
6 converted into valuable raw, intermediate and final products
7 including but not limited to plastic monomers, chemicals, waxes,
8 lubricants, chemical feedstocks, crude oil, diesel, gasoline and
9 diesel and gasoline blendstocks, home heating oil and other fuels
10 including ethanol and transportation fuel that are returned to
11 economic utility in the form of raw materials, products or fuels;

12 ~~8.~~ 12. "Inert waste" means any solid waste that is insoluble in
13 water, chemically inactive, that will not leach contaminants, or is
14 commonly found as a significant percentage of residential solid
15 waste;

16 ~~9.~~ 13. "History of noncompliance" means any past operations by
17 an applicant or affiliated persons which clearly indicate a reckless
18 disregard for environmental regulation, or a demonstrated pattern of
19 prohibited conduct which could reasonably be expected to result in
20 adverse environmental impact if a permit were issued, as evidenced
21 by findings, conclusions and rulings of any final agency order or
22 final order or judgment of a court of record;

23 ~~10.~~ 14. "Integrated solid waste management plan" means a plan
24 that provides for the integrated management of all solid waste

1 within the planning unit and embodies sound principles of solid
2 waste management, natural resources conservation, energy production,
3 and employment-creating opportunities;

4 ~~11.~~ 15. "Lithified earth material" means all rock, including
5 all naturally occurring and naturally formed aggregates or masses of
6 minerals or small particles of older rock that formed by
7 crystallization of magma or by induration of loose sediments. The
8 term "lithified earth material" shall not include man-made
9 materials, such as fill, concrete, and asphalt, or unconsolidated
10 earth materials, soil, or regolith lying at or near the earth's
11 surface;

12 ~~12.~~ 16. "Maximum horizontal acceleration in lithified earth
13 material" means the maximum expected horizontal acceleration
14 depicted on a seismic hazard map, with a ninety percent (90%) or
15 greater probability that the acceleration will not be exceeded in
16 two hundred fifty (250) years, or the maximum expected horizontal
17 acceleration based on a site-specific seismic risk assessment;

18 ~~13.~~ 17. "Monofill" means a landfill which is used to dispose of
19 a single type of specified nonhazardous industrial solid waste,
20 except for other nonhazardous industrial solid wastes which are not
21 readily separable from the specified waste;

22 ~~14.~~ 18. "Nonhazardous industrial solid waste" means any of the
23 following wastes deemed by the Department to require special
24 handling:

- 1 a. unusable industrial or chemical products,
- 2 b. solid waste generated by the release of an industrial
- 3 product to the environment, or
- 4 c. solid waste generated by a manufacturing or industrial
- 5 process.

6 The term "nonhazardous industrial solid waste" shall not include
7 waste that is regulated as hazardous waste or is commonly found as a
8 significant percentage of residential solid waste;

9 ~~15.~~ 19. "Person" means any individual, corporation, company,
10 firm, partnership, association, trust, state agency, government
11 instrumentality or agency, institution, county, any incorporated
12 city or town or municipal authority or trust in which any
13 governmental entity is a beneficiary, venture, or other legal entity
14 however organized;

15 20. "Post-use polymer" means a plastic:

- 16 a. that is derived from any industrial, commercial,
- 17 agricultural or domestic activities,
- 18 b. that is not mixed with solid waste or hazardous waste
- 19 onsite or during processing at the advanced recycling
- 20 facility,
- 21 c. that the use or intended use of the plastic is as a
- 22 feedstock for the manufacturing of crude oil, fuels,
- 23 feedstocks, blendstocks, raw materials or other

1 intermediate products or final products using advanced
2 recycling,

3 d. that has been sorted from solid waste and other
4 regulated waste but may contain residual amounts of
5 solid waste such as organic material and incidental
6 contaminants or impurities, and

7 e. that is processed at an advanced recycling facility or
8 held at such facility prior to processing,

9 Post-use polymer shall not be considered solid waste, as defined in
10 this section;

11 21. "Pyrolysis" means a manufacturing process through which
12 post-use polymers are heated in the absence of oxygen until melted
13 and thermally decomposed and then cooled, condensed and converted
14 into valuable raw, intermediate and final products including but not
15 limited to plastic monomers, chemicals, waxes, lubricants, chemical
16 feedstocks, crude oil, diesel, gasoline and diesel and gasoline
17 blendstocks, home heating oil and other fuels including ethanol and
18 transportation fuel that are returned to economic utility in the
19 form of raw materials, products or fuels;

20 22. "Recovered feedstock" means one or more of the following
21 materials that has been processed so that it may be used as
22 feedstock in an advanced recycling facility:

23 a. post-use polymers, and/or
24

1 b. materials for which the United States environmental
2 protection agency has made a nonwaste determination
3 pursuant to 40 C.F.R. 241.3(c), or has otherwise
4 determined are feedstocks and not solid waste.

5 Recovered feedstock shall not include unprocessed municipal
6 solid waste or any material mixed with solid waste or hazardous
7 waste onsite or during processing at an advanced recycling facility.
8 Recovered feedstock shall not be considered "waste" or "solid
9 waste";

10 ~~16.~~ 23. "Recycling" means to reuse a material that would
11 otherwise be disposed of as waste, with or without reprocessing;

12 ~~17.~~ 24. "Roofing Material" means all material associated with a
13 roofing project that is debris or is otherwise not intended for
14 future use by the roofer or the property owner, including but not
15 limited to shingles made from asphalt, fiberglass, composite, or
16 wood, as well as decking, flashing, fasteners, insulation, and
17 associated packaging materials;

18 ~~18.~~ 25. "Roofing material recycling facility" means a site or
19 facility at which roofing material is processed for alternative
20 uses, or is accumulated for the purpose of processing or selling all
21 or parts of the roofing material for alternative uses, including but
22 not limited to road construction;

23 ~~19.~~ 26. "Seismic impact zone" means an area with a ten percent
24 (10%) or greater probability that the maximum horizontal

1 acceleration in lithified earth material, expressed as a percentage
2 of the earth's gravitational pull (g), will exceed 0.10g in two
3 hundred fifty (250) years;

4 ~~20.~~ 27. "Solid waste" means all putrescible and nonputrescible
5 refuse in solid, semisolid, or liquid form including, but not
6 limited to, garbage, rubbish, ashes or incinerator residue, street
7 refuse, dead animals, demolition wastes, construction wastes,
8 roofing material, solid or semisolid commercial and industrial
9 wastes including explosives, biomedical wastes, chemical wastes,
10 herbicide and pesticide wastes. The term "solid waste" shall not
11 include:

12 a. scrap materials, not including roofing materials,
13 which are source separated for collection and
14 processing as industrial raw materials, except when
15 contained in the waste collected by or in behalf of a
16 solid waste management system, ~~or~~

17 b. used motor oil, which shall not be considered to be a
18 solid waste, but shall be considered a deleterious
19 substance, if the used motor oil is recycled for
20 energy reclamation and is ultimately destroyed when
21 recycled, or

22 c. post-use polymers or recovered feedstocks that are
23 processed at an advanced recycling facility or are

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1 held at such facility prior to processing to ensure
2 production is not interrupted;

3 ~~21.~~ 28. "Solid waste management system" means the system that
4 may be developed for the purpose of collection and disposal of solid
5 waste by any person engaging in such process as a business or by any
6 municipality, authority, trust, county or by any combination thereof
7 at one or more disposal sites;

8 ~~22.~~ 29. "Solid waste planning unit" means any county or any
9 part thereof, incorporated city or town, or municipal authority or
10 trust in which any governmental entity is a beneficiary, venture, or
11 other legal entity however organized, which the Department
12 determines to be capable of planning and implementing an integrated
13 solid waste management program;

14 30. "Solvolysis" means a manufacturing process through which
15 post-use plastics are reacted with the aid of solvents while heated
16 at low temperatures, sometimes being pressurized, to make useful
17 products while allowing additives and contaminants to be separated.
18 The products of solvolysis include but are not limited to monomers,
19 intermediates and valuable raw materials. The process includes but
20 is not limited to hydrolysis, aminolysis, ammonolysis,
21 methanolysis, ethanolysis and glycolysis;

22 ~~23.~~ 31. "Transfer station" means any disposal site, processing
23 facility or other place where solid waste is transferred from a
24 vehicle or container to another vehicle or container for

1 transportation, including but not limited to a barge or railroad
2 unloading facility where solid waste, in bulk or in containers, is
3 unloaded, stored, processed or transported for any purpose. The
4 term "transfer station" shall not include the following:

5 a. a facility, such as an apartment complex or a large
6 manufacturing plant, where the solid waste that is
7 transferred has been generated by the occupants,
8 residents, or functions of the facility,

9 b. a citizens' collection station, or

10 c. a waste collection system which leaves collected solid
11 waste in enclosed containers along the collection
12 route for later transport to a recycling or disposal
13 facility serving the area; and

14 ~~24.~~ 32. "Waste reduction" means to reduce the volume of waste
15 requiring disposal.

16 SECTION 2. This act shall become effective November 1, 2021.

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