

1 ENGROSSED SENATE
2 BILL NO. 448

By: Taylor of the Senate

3 and

4 Boles of the House

5
6 An Act relating to solid waste management; amending
7 27A O.S. 2011, Section 2-10-103, as amended by
8 Section 1, Chapter 194, O.S.L. 2012 (27A O.S. Supp.
9 2020, Section 2-10-103), which relates to the
10 Oklahoma Solid Waste Management Act; adding
11 definitions; modifying definitions; and providing an
12 effective date.

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

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

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

19 1. "Advanced plastic recycling" means a manufacturing process
20 for the conversion of post-use polymers and recovered feedstocks
21 into basic hydrocarbon raw materials, feedstocks, chemicals, liquid
22 fuels and other products like waxes and lubricants through processes
23 that include pyrolysis, gasification, depolymerization, catalytic
24 cracking, reforming, hydrogenation, solvolysis and other similar
technologies. The recycled products produced at advanced recycling

1 facilities include, but are not limited to, monomers, oligomers,
2 plastics, plastics and chemical feedstocks, basic and unfinished
3 chemicals, crude oil, naphtha, liquid transportation fuels, waxes,
4 lubricants, coatings and other basic hydrocarbons. If properly
5 conducted, advanced recycling shall not be considered disposal, as
6 defined in Section 2-10-103 of this title, solid waste management
7 system, as defined in this section, or incineration. For the
8 purpose of advanced plastic recycling:

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

17 b. "Gasification" means a manufacturing process through
18 which recovered feedstocks are heated and converted
19 into a fuel and gas mixture in an oxygen-deficient
20 atmosphere and the mixture is converted into valuable
21 raw, intermediate and final products including, but
22 not limited to, plastic monomers, chemicals, waxes,
23 lubricants, chemical feedstocks, crude oil, diesel,
24 gasoline and diesel and gasoline blendstocks, home

1 heating oil and other fuels including ethanol and
2 transportation fuel that are returned to economic
3 utility in the form of raw materials, products or
4 fuels,

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

17 d. "Solvolysis" means a manufacturing process through
18 which post-use plastics are reacted with the aid of
19 solvents while heated at low temperatures, sometimes
20 being pressurized, to make useful products while
21 allowing additives and contaminants to be separated.
22 The products of solvolysis include, but are not
23 limited to, monomers, intermediates and valuable raw
24 materials. The process includes, but is not limited

1 to, hydrolysis, aminolysis, ammonolysis,
2 methanolysis, ethanolysis and glycolysis;

3 2. "Advanced plastic recycling facility" means a manufacturing
4 facility that receives, stores and converts post-use polymers and
5 recovered feedstocks it receives using advanced recycling. An
6 advanced recycling facility shall be subject to applicable
7 Department of Environmental Quality regulations for air, water,
8 waste and land use. Advanced recycling facilities shall not be
9 considered disposal sites, solid waste management systems, transfer
10 stations as defined in this section or incineration. Advanced
11 recycling facilities shall be subject to inspections by the
12 Department to ensure compliance with applicable laws and
13 regulations. If an advanced recycling facility does not comply with
14 the requirements of this definition it shall not be considered is
15 not an advanced recycling facility and is subject to all applicable
16 solid waste laws and regulations as determined by the Department;

17 3. "Affiliated person" means:

- 18 a. any officer, director or partner of the applicant,
19 b. any person employed by the applicant as general or key
20 manager who directs the operations of the site,
21 transfer station, or facility which is the subject of
22 the application, or
23 c. any person owning or controlling more than five
24 percent (5%) of the applicant's debt or equity;

1 ~~2.~~ 4. "Commercial composting facility" means a composting
2 facility that:

- 3 a. is not owned or operated by a governmental entity,
- 4 b. receives one hundred (100) tons or more per year of
5 material for composting, any part of which consists of
6 food waste, and
- 7 c. principally accepts material for composting that is
8 not agricultural in origin;

9 ~~3.~~ 5. "Composting facility" means a facility in which material
10 is converted, under thermophilic conditions, to a product with a
11 high humus content for use as a soil amendment or to prevent or
12 remediate pollutants in soil, air, or stormwater run-off;

13 ~~4.~~ 6. "Disclosure statement" means a written statement by the
14 applicant which contains:

- 15 a. the full name, business address, and social security
16 number of the applicant, and all affiliated persons,
- 17 b. the full name and business address of any legal entity
18 in which the applicant holds a debt or equity interest
19 of at least five percent (5%) or which is a parent
20 company or subsidiary of the applicant, and a
21 description of the ongoing organizational
22 relationships as they may impact operations within the
23 state,

- 1 c. a description of the experience and credentials of the
2 applicant, including any past or present permits,
3 licenses, certifications, or operational
4 authorizations relating to environmental regulation,
- 5 d. a listing and explanation of any administrative, civil
6 or criminal legal actions against the applicant and
7 affiliated person which resulted in a final agency
8 order or final judgment by a court of record,
9 including final order or judgment on appeal, in the
10 ten (10) years immediately preceding the filing of the
11 application relating to solid or hazardous waste.
12 Such action shall include, without limitations, any
13 permit denial or any sanction imposed by a state
14 regulatory agency or the United States Environmental
15 Protection Agency, and
- 16 e. a listing of any federal environmental agency and any
17 state environmental agency that has or has had
18 regulatory responsibility over the applicant;

19 ~~5.~~ 7. "Disposal site" means any place, including, but not
20 limited to, a transfer station or a roofing material recycling
21 facility, at which solid waste is dumped, abandoned, or accepted or
22 disposed of by incineration, land filling, composting, shredding,
23 compaction, baling or any other method or by processing by
24 pyrolysis, resource recovery or any other method, technique or

1 process designed to change the physical, chemical or biological
2 character or composition of any solid waste so as to render such
3 waste safe or nonhazardous, amenable to transport, recovery or
4 storage or reduced in volume. A disposal site shall not include a
5 manufacturing facility which processes scrap materials which have
6 been separated for collection and processing as industrial raw
7 materials;

8 ~~6.~~ 8. "Dwelling" means a permanently-constructed, habitable
9 structure designed and constructed for full-time occupancy in all
10 weather conditions, which is not readily mobile and shall include
11 but not be limited to a manufactured home as such term is defined by
12 paragraph ~~16~~ 17 of Section 1102 of Title 47 of the Oklahoma
13 Statutes;

14 ~~7.~~ 9. "Final closure" means those measures for providing final
15 capping material, proper drainage, perennial vegetative cover,
16 maintenance, monitoring and other closure actions required for the
17 site by rules of the Board;

18 ~~8.~~ 10. "Inert waste" means any solid waste that is insoluble in
19 water, chemically inactive, that will not leach contaminants, or is
20 commonly found as a significant percentage of residential solid
21 waste;

22 ~~9.~~ 11. "History of noncompliance" means any past operations by
23 an applicant or affiliated persons which clearly indicate a reckless
24 disregard for environmental regulation~~7~~ or a demonstrated pattern of

1 prohibited conduct which could reasonably be expected to result in
2 adverse environmental impact if a permit were issued, as evidenced
3 by findings, conclusions and rulings of any final agency order or
4 final order or judgment of a court of record;

5 ~~10.~~ 12. "Integrated solid waste management plan" means a plan
6 that provides for the integrated management of all solid waste
7 within the planning unit and embodies sound principles of solid
8 waste management, natural resources conservation, energy production,
9 and employment-creating opportunities;

10 ~~11.~~ 13. "Lithified earth material" means all rock_T including
11 all naturally occurring and naturally formed aggregates or masses of
12 minerals or small particles of older rock that formed by
13 crystallization of magma or by induration of loose sediments. The
14 term "lithified earth material" shall not include man-made
15 materials, such as fill, concrete, and asphalt, or unconsolidated
16 earth materials, soil_T or regolith lying at or near the earth's
17 surface;

18 ~~12.~~ 14. "Maximum horizontal acceleration in lithified earth
19 material" means the maximum expected horizontal acceleration
20 depicted on a seismic hazard map, with a ninety percent (90%) or
21 greater probability that the acceleration will not be exceeded in
22 two hundred fifty (250) years, or the maximum expected horizontal
23 acceleration based on a site-specific seismic risk assessment;

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1 ~~13.~~ 15. "Monofill" means a landfill which is used to dispose of
2 a single type of specified nonhazardous industrial solid waste,
3 except for other nonhazardous industrial solid wastes which are not
4 readily separable from the specified waste;

5 ~~14.~~ 16. "Nonhazardous industrial solid waste" means any of the
6 following wastes deemed by the Department to require special
7 handling:

- 8 a. unusable industrial or chemical products,
- 9 b. solid waste generated by the release of an industrial
10 product to the environment, or
- 11 c. solid waste generated by a manufacturing or industrial
12 process.

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

16 ~~15.~~ 17. "Person" means any individual, corporation, company,
17 firm, partnership, association, trust, state agency, government
18 instrumentality or agency, institution, county, any incorporated
19 city or town or municipal authority or trust in which any
20 governmental entity is a beneficiary, venture, or other legal entity
21 however organized;

22 18. "Post-use polymer" means a plastic:

- 23 a. that is derived from any industrial, commercial,
24 agricultural or domestic activities,

- 1 b. that is not mixed with solid waste or hazardous waste
2 onsite or during processing at the advanced recycling
3 facility,
- 4 c. that the use or intended use of the plastic is as a
5 feedstock for the manufacturing of crude oil, fuels,
6 feedstocks, blendstocks, raw materials or other
7 intermediate products or final products using advanced
8 recycling,
- 9 d. that has been sorted from nonhazardous solid waste but
10 may still contain residual amounts of nonhazardous
11 solid waste such as organic material and incidental
12 contaminants or impurities, and
- 13 e. that is processed at an advanced recycling facility or
14 held at such facility prior to processing.

15 Post-use polymer shall not be considered solid waste as defined in
16 this section, unless the post-use polymer is improperly managed,
17 abandoned or disposed of;

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

- 21 a. post-use polymers, and/or
- 22 b. scrap materials which are source separated for
23 collection and processing as industrial raw materials
24 for intended use at an advanced recycling facility,

1 c. materials for which the United States Environmental
2 Protection Agency has made a nonwaste determination,
3 or has otherwise determined are feedstocks and not
4 solid waste, and

5 d. recovered feedstock shall not include waste tires,
6 which shall remain governed by the Section 2-11-401 et
7 seq. of this title.

8 Recovered feedstock shall not include unprocessed municipal
9 solid waste or any material mixed with solid waste or hazardous
10 waste at an advanced recycling facility Recovered feedstock shall
11 not include any materials that are specifically regulated as a solid
12 waste. If recovered feedstock is accumulated in anticipation of
13 future markets or is stored in a quantity exceeding that which may
14 be reasonably expected to be used or recycled within one (1) year,
15 the material shall be regulated as a solid waste. Recovered
16 feedstock shall not be considered "waste" or "solid waste", unless
17 the recovered feedstock is improperly managed, abandoned or disposed
18 of;

19 ~~16.~~ 20. "Recycling" means to reuse a material that would
20 otherwise be disposed of as waste, with or without reprocessing;

21 ~~17.~~ 21. "Roofing Material" means all material associated with a
22 roofing project that is debris or is otherwise not intended for
23 future use by the roofer or the property owner, including but not
24 limited to shingles made from asphalt, fiberglass, composite, or

1 wood, as well as decking, flashing, fasteners, insulation, and
2 associated packaging materials;

3 ~~18.~~ 22. "Roofing material recycling facility" means a site or
4 facility at which roofing material is processed for alternative
5 uses, or is accumulated for the purpose of processing or selling all
6 or parts of the roofing material for alternative uses, including but
7 not limited to road construction;

8 ~~19.~~ 23. "Seismic impact zone" means an area with a ten percent
9 (10%) or greater probability that the maximum horizontal
10 acceleration in lithified earth material, expressed as a percentage
11 of the earth's gravitational pull (g), will exceed 0.10g in two
12 hundred fifty (250) years;

13 ~~20.~~ 24. "Solid waste" means all putrescible and nonputrescible
14 refuse in solid, semisolid, or liquid form including, but not
15 limited to, garbage, rubbish, ashes or incinerator residue, street
16 refuse, dead animals, demolition wastes, construction wastes,
17 roofing material, solid or semisolid commercial and industrial
18 wastes including explosives, biomedical wastes, chemical wastes,
19 herbicide and pesticide wastes. The term "solid waste" shall not
20 include:

- 21 a. scrap materials, not including roofing materials,
22 which are source separated for collection and
23 processing as industrial raw materials, except when
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1 contained in the waste collected by or in behalf of a
2 solid waste management system, ~~or~~

3 b. used motor oil, which shall not be considered to be a
4 solid waste, but shall be considered a deleterious
5 substance, if the used motor oil is recycled for
6 energy reclamation and is ultimately destroyed when
7 recycled, or

8 c. post-use polymers or recovered feedstocks that are
9 processed at an advanced recycling facility or are
10 held at such facility prior to processing to ensure
11 production is not interrupted, unless post-use
12 polymers or recovered feedstocks are improperly
13 managed, abandoned or disposed of;

14 ~~21.~~ 25. "Solid waste management system" means the system that
15 may be developed for the purpose of collection and disposal of solid
16 waste by any person engaging in such process as a business or by any
17 municipality, authority, trust, county or by any combination thereof
18 at one or more disposal sites;

19 ~~22.~~ 26. "Solid waste planning unit" means any county or any
20 part thereof, incorporated city or town, or municipal authority or
21 trust in which any governmental entity is a beneficiary, venture, or
22 other legal entity however organized, which the Department
23 determines to be capable of planning and implementing an integrated
24 solid waste management program;

1 ~~23.~~ 27. "Transfer station" means any disposal site, processing
2 facility or other place where solid waste is transferred from a
3 vehicle or container to another vehicle or container for
4 transportation, including but not limited to a barge or railroad
5 unloading facility where solid waste, in bulk or in containers, is
6 unloaded, stored, processed or transported for any purpose. The
7 term "transfer station" shall not include the following:

- 8 a. a facility, such as an apartment complex or a large
9 manufacturing plant, where the solid waste that is
10 transferred has been generated by the occupants,
11 residents, or functions of the facility,
- 12 b. a citizens' collection station, or
- 13 c. a waste collection system which leaves collected solid
14 waste in enclosed containers along the collection
15 route for later transport to a recycling or disposal
16 facility serving the area; and

17 ~~24.~~ 28. "Waste reduction" means to reduce the volume of waste
18 requiring disposal.

19 SECTION 2. This act shall become effective November 1, 2021.
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1 Passed the Senate the 10th day of March, 2021.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives