

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 448

                                  By: Taylor of the Senate

                                                          and

                                                          Boles of the House

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

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

17           SECTION 1.           AMENDATORY           27A O.S. 2011, Section 2-10-103,  
18   as amended by Section 1, Chapter 194, O.S.L. 2012 (27A O.S. Supp.  
19   2020, Section 2-10-103), is amended to read as follows:

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

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

1 that include pyrolysis, gasification, depolymerization, catalytic  
2 cracking, reforming, hydrogenation, solvolysis and other similar  
3 technologies. The recycled products produced at advanced recycling  
4 facilities include, but are not limited to, monomers, oligomers,  
5 plastics, plastics and chemical feedstocks, basic and unfinished  
6 chemicals, crude oil, naphtha, liquid transportation fuels, waxes,  
7 lubricants, coatings and other basic hydrocarbons. If properly  
8 conducted, advanced recycling shall not be considered disposal, as  
9 defined in Section 2-10-103 of this title, solid waste management  
10 system, as defined in this section, or incineration. For the  
11 purpose of advanced plastic recycling:

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

20       b. "Gasification" means a manufacturing process through  
21               which recovered feedstocks are heated and converted  
22               into a fuel and gas mixture in an oxygen-deficient  
23               atmosphere and the mixture is converted into valuable  
24               raw, intermediate and final products including, but

1 not limited to, plastic monomers, chemicals, waxes,  
2 lubricants, chemical feedstocks, crude oil, diesel,  
3 gasoline and diesel and gasoline blendstocks, home  
4 heating oil and other fuels including ethanol and  
5 transportation fuel that are returned to economic  
6 utility in the form of raw materials, products or  
7 fuels,

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

20 d. "Solvolysis" means a manufacturing process through  
21 which post-use plastics are reacted with the aid of  
22 solvents while heated at low temperatures, sometimes  
23 being pressurized, to make useful products while  
24 allowing additives and contaminants to be separated.

1           The products of solvolysis include, but are not  
2           limited to, monomers, intermediates and valuable raw  
3           materials. The process includes, but is not limited  
4           to, hydrolysis, aminolysis, ammonolysis,  
5           methanolysis, ethanolysis and glycolysis;

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

20           3. "Affiliated person" means:

- 21           a. any officer, director or partner of the applicant,
- 22           b. any person employed by the applicant as general or key
- 23           manager who directs the operations of the site,

1 transfer station~~7~~ or facility which is the subject of  
2 the application, or

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

5 ~~2.~~ 4. "Commercial composting facility" means a composting  
6 facility that:

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

13 ~~3.~~ 5. "Composting facility" means a facility in which material  
14 is converted, under thermophilic conditions, to a product with a  
15 high humus content for use as a soil amendment or to prevent or  
16 remediate pollutants in soil, air~~7~~ or stormwater run-off;

17 ~~4.~~ 6. "Disclosure statement" means a written statement by the  
18 applicant which contains:

- 19 a. the full name, business address~~7~~ and social security  
20 number of the applicant~~7~~ and all affiliated persons,  
21 b. the full name and business address of any legal entity  
22 in which the applicant holds a debt or equity interest  
23 of at least five percent (5%) or which is a parent  
24 company or subsidiary of the applicant~~7~~ and a

1 description of the ongoing organizational  
2 relationships as they may impact operations within the  
3 state,

4 c. a description of the experience and credentials of the  
5 applicant, including any past or present permits,  
6 licenses, certifications, or operational

7 authorizations relating to environmental regulation,

8 d. a listing and explanation of any administrative, civil  
9 or criminal legal actions against the applicant and  
10 affiliated person which resulted in a final agency  
11 order or final judgment by a court of record,

12 including final order or judgment on appeal, in the  
13 ten (10) years immediately preceding the filing of the  
14 application relating to solid or hazardous waste.

15 Such action shall include, without limitations, any  
16 permit denial or any sanction imposed by a state  
17 regulatory agency or the United States Environmental  
18 Protection Agency, and

19 e. a listing of any federal environmental agency and any  
20 state environmental agency that has or has had  
21 regulatory responsibility over the applicant;

22 ~~5.~~ 7. "Disposal site" means any place, including, but not  
23 limited to, a transfer station or a roofing material recycling  
24 facility, at which solid waste is dumped, abandoned, or accepted or

1 disposed of by incineration, land filling, composting, shredding,  
2 compaction, baling or any other method or by processing by  
3 pyrolysis, resource recovery or any other method, technique or  
4 process designed to change the physical, chemical or biological  
5 character or composition of any solid waste so as to render such  
6 waste safe or nonhazardous, amenable to transport, recovery or  
7 storage or reduced in volume. A disposal site shall not include a  
8 manufacturing facility which processes scrap materials which have  
9 been separated for collection and processing as industrial raw  
10 materials;

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

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

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

1        ~~9.~~ 11. "History of noncompliance" means any past operations by  
2 an applicant or affiliated persons which clearly indicate a reckless  
3 disregard for environmental regulation~~7~~ or a demonstrated pattern of  
4 prohibited conduct which could reasonably be expected to result in  
5 adverse environmental impact if a permit were issued, as evidenced  
6 by findings, conclusions and rulings of any final agency order or  
7 final order or judgment of a court of record;

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

13        ~~11.~~ 13. "Lithified earth material" means all rock~~7~~ including  
14 all naturally occurring and naturally formed aggregates or masses of  
15 minerals or small particles of older rock that formed by  
16 crystallization of magma or by induration of loose sediments. The  
17 term "lithified earth material" shall not include man-made  
18 materials, such as fill, concrete, and asphalt, or unconsolidated  
19 earth materials, soil~~7~~ or regolith lying at or near the earth's  
20 surface;

21        ~~12.~~ 14. "Maximum horizontal acceleration in lithified earth  
22 material" means the maximum expected horizontal acceleration  
23 depicted on a seismic hazard map, with a ninety percent (90%) or  
24 greater probability that the acceleration will not be exceeded in



1 two hundred fifty (250) years, or the maximum expected horizontal  
2 acceleration based on a site-specific seismic risk assessment;

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

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

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

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

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

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

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

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

20           19. "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. scrap materials which are source separated for  
2           collection and processing as industrial raw materials  
3           for intended use at an advanced recycling facility,

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

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

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

22           ~~16.~~ 20. "Recycling" means to reuse a material that would  
23 otherwise be disposed of as waste, with or without reprocessing;

1       ~~17.~~ 21. "Roofing Material" means all material associated with a  
2 roofing project that is debris or is otherwise not intended for  
3 future use by the roofer or the property owner, including but not  
4 limited to shingles made from asphalt, fiberglass, composite, or  
5 wood, as well as decking, flashing, fasteners, insulation, and  
6 associated packaging materials;

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

12       ~~19.~~ 23. "Seismic impact zone" means an area with a ten percent  
13 (10%) or greater probability that the maximum horizontal  
14 acceleration in lithified earth material, expressed as a percentage  
15 of the earth's gravitational pull (g), will exceed 0.10g in two  
16 hundred fifty (250) years;

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

- 1 a. scrap materials~~7~~ not including roofing materials~~7~~  
2 which are source separated for collection and  
3 processing as industrial raw materials, except when  
4 contained in the waste collected by or in behalf of a  
5 solid waste management system, ~~or~~
- 6 b. used motor oil, which shall not be considered to be a  
7 solid waste, but shall be considered a deleterious  
8 substance, if the used motor oil is recycled for  
9 energy reclamation and is ultimately destroyed when  
10 recycled, or
- 11 c. post-use polymers or recovered feedstocks that are  
12 processed at an advanced recycling facility or are  
13 held at such facility prior to processing to ensure  
14 production is not interrupted, unless post-use  
15 polymers or recovered feedstocks are improperly  
16 managed, abandoned or disposed of;

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

22 ~~22.~~ 26. "Solid waste planning unit" means any county or any  
23 part thereof, incorporated city or town, or municipal authority or  
24 trust in which any governmental entity is a beneficiary, venture~~7~~ or

1 other legal entity however organized, which the Department  
2 determines to be capable of planning and implementing an integrated  
3 solid waste management program;

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

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

20 ~~24.~~ 28. "Waste reduction" means to reduce the volume of waste  
21 requiring disposal.

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

23 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
24 dated 04/01/2021 - DO PASS.