

1 STATE OF OKLAHOMA

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

3 SENATE BILL 448

By: Taylor

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5
6 AS INTRODUCED

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

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

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

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

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

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

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

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

19 ~~4.~~ 7. "Disclosure statement" means a written statement by the
20 applicant which contains:

- 21 a. the full name, business address, and social security
22 number of the applicant, and all affiliated persons,
- 23 b. the full name and business address of any legal entity
24 in which the applicant holds a debt or equity interest

1 of at least five percent (5%) or which is a parent
2 company or subsidiary of the applicant, and a
3 description of the ongoing organizational
4 relationships as they may impact operations within the
5 state,

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

10 d. a listing and explanation of any administrative, civil
11 or criminal legal actions against the applicant and
12 affiliated person which resulted in a final agency
13 order or final judgment by a court of record,
14 including final order or judgment on appeal, in the
15 ten (10) years immediately preceding the filing of the
16 application relating to solid or hazardous waste.

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

21 e. a listing of any federal environmental agency and any
22 state environmental agency that has or has had
23 regulatory responsibility over the applicant;
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1 ~~5.~~ 8. "Disposal site" means any place~~,~~ including, but not
2 limited to, a transfer station or a roofing material recycling
3 facility, at which solid waste is dumped, abandoned~~,~~ or accepted or
4 disposed of by incineration, land filling, composting, shredding,
5 compaction, baling or any other method or by processing by
6 pyrolysis, resource recovery or any other method, technique or
7 process designed to change the physical, chemical or biological
8 character or composition of any solid waste so as to render such
9 waste safe or nonhazardous, amenable to transport, recovery or
10 storage or reduced in volume. A disposal site shall not include a
11 manufacturing facility which processes scrap materials which have
12 been separated for collection and processing as industrial raw
13 materials;

14 ~~6.~~ 9. "Dwelling" means a permanently-constructed, habitable
15 structure designed and constructed for full-time occupancy in all
16 weather conditions, which is not readily mobile and shall include
17 but not be limited to a manufactured home as such term is defined by
18 paragraph ~~16~~ 17 of Section 1102 of Title 47 of the Oklahoma
19 Statutes;

20 ~~7.~~ 10. "Final closure" means those measures for providing final
21 capping material, proper drainage, perennial vegetative cover,
22 maintenance, monitoring and other closure actions required for the
23 site by rules of the Board;

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

10 ~~8.~~ 12. "Inert waste" means any solid waste that is insoluble in
11 water, chemically inactive, that will not leach contaminants, or is
12 commonly found as a significant percentage of residential solid
13 waste;

14 ~~9.~~ 13. "History of noncompliance" means any past operations by
15 an applicant or affiliated persons which clearly indicate a reckless
16 disregard for environmental regulation, or a demonstrated pattern of
17 prohibited conduct which could reasonably be expected to result in
18 adverse environmental impact if a permit were issued, as evidenced
19 by findings, conclusions and rulings of any final agency order or
20 final order or judgment of a court of record;

21 ~~10.~~ 14. "Integrated solid waste management plan" means a plan
22 that provides for the integrated management of all solid waste
23 within the planning unit and embodies sound principles of solid
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1 waste management, natural resources conservation, energy production,
2 and employment-creating opportunities;

3 ~~11.~~ 15. "Lithified earth material" means all rock, including
4 all naturally occurring and naturally formed aggregates or masses of
5 minerals or small particles of older rock that formed by
6 crystallization of magma or by induration of loose sediments. The
7 term "lithified earth material" shall not include man-made
8 materials, such as fill, concrete, and asphalt, or unconsolidated
9 earth materials, soil, or regolith lying at or near the earth's
10 surface;

11 ~~12.~~ 16. "Maximum horizontal acceleration in lithified earth
12 material" means the maximum expected horizontal acceleration
13 depicted on a seismic hazard map, with a ninety percent (90%) or
14 greater probability that the acceleration will not be exceeded in
15 two hundred fifty (250) years, or the maximum expected horizontal
16 acceleration based on a site-specific seismic risk assessment;

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

21 ~~14.~~ 18. "Nonhazardous industrial solid waste" means any of the
22 following wastes deemed by the Department to require special
23 handling:

24 a. unusable industrial or chemical products,

- b. solid waste generated by the release of an industrial product to the environment, or
- c. solid waste generated by a manufacturing or industrial process.

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

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

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

- a. that is derived from any industrial, commercial, agricultural or domestic activities,
- b. that is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility,
- c. that the use or intended use of the plastic is as a feedstock for the manufacturing of crude oil, fuels, feedstocks, blendstocks, raw materials or other intermediate products or final products using advanced recycling,

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

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

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

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

18 22. "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. materials for which the United States environmental
23 protection agency has made a nonwaste determination

1 pursuant to 40 C.F.R. 241.3(c), or has otherwise
2 determined are feedstocks and not solid waste.

3 Recovered feedstock shall not include unprocessed municipal
4 solid waste or any material mixed with solid waste or hazardous
5 waste onsite or during processing at an advanced recycling facility.

6 Recovered feedstock shall not be considered "waste" or "solid
7 waste";

8 ~~16.~~ 23. "Recycling" means to reuse a material that would
9 otherwise be disposed of as waste, with or without reprocessing;

10 ~~17.~~ 24. "Roofing Material" means all material associated with a
11 roofing project that is debris or is otherwise not intended for
12 future use by the roofer or the property owner, including but not
13 limited to shingles made from asphalt, fiberglass, composite, or
14 wood, as well as decking, flashing, fasteners, insulation, and
15 associated packaging materials;

16 ~~18.~~ 25. "Roofing material recycling facility" means a site or
17 facility at which roofing material is processed for alternative
18 uses, or is accumulated for the purpose of processing or selling all
19 or parts of the roofing material for alternative uses, including but
20 not limited to road construction;

21 ~~19.~~ 26. "Seismic impact zone" means an area with a ten percent
22 (10%) or greater probability that the maximum horizontal
23 acceleration in lithified earth material, expressed as a percentage
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1 of the earth's gravitational pull (g), will exceed 0.10g in two
2 hundred fifty (250) years;

3 ~~20.~~ 27. "Solid waste" means all putrescible and nonputrescible
4 refuse in solid, semisolid, or liquid form including, but not
5 limited to, garbage, rubbish, ashes or incinerator residue, street
6 refuse, dead animals, demolition wastes, construction wastes,
7 roofing material, solid or semisolid commercial and industrial
8 wastes including explosives, biomedical wastes, chemical wastes,
9 herbicide and pesticide wastes. The term "solid waste" shall not
10 include:

- 11 a. scrap materials, not including roofing materials,
12 which are source separated for collection and
13 processing as industrial raw materials, except when
14 contained in the waste collected by or in behalf of a
15 solid waste management system, or
- 16 b. used motor oil, which shall not be considered to be a
17 solid waste, but shall be considered a deleterious
18 substance, if the used motor oil is recycled for
19 energy reclamation and is ultimately destroyed when
20 recycled,
- 21 c. post-use polymers or recovered feedstocks that are
22 processed at an advanced recycling facility or are
23 held at such facility prior to processing to ensure
24 production is not interrupted;

1 ~~21.~~ 28. "Solid waste management system" means the system that
2 may be developed for the purpose of collection and disposal of solid
3 waste by any person engaging in such process as a business or by any
4 municipality, authority, trust, county or by any combination thereof
5 at one or more disposal sites;

6 ~~22.~~ 29. "Solid waste planning unit" means any county or any
7 part thereof, incorporated city or town, or municipal authority or
8 trust in which any governmental entity is a beneficiary, venture, or
9 other legal entity however organized, which the Department
10 determines to be capable of planning and implementing an integrated
11 solid waste management program;

12 30. "Solvolysis" means a manufacturing process through which
13 post-use polymers are purified with the aid of solvents, allowing
14 additives and contaminants to be removed. The products of
15 solvolysis are polymers capable of being recycled or reused without
16 first being reverted to a monomer. The process includes but is not
17 limited to hydrolysis, aminolysis, ammonolysis, methanolysis and
18 glycolysis;

19 ~~23.~~ 31. "Transfer station" means any disposal site, processing
20 facility or other place where solid waste is transferred from a
21 vehicle or container to another vehicle or container for
22 transportation, including but not limited to a barge or railroad
23 unloading facility where solid waste, in bulk or in containers, is
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1 unloaded, stored, processed or transported for any purpose. The
2 term "transfer station" shall not include the following:

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

12 ~~24.~~ 32. "Waste reduction" means to reduce the volume of waste
13 requiring disposal.

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

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16 58-1-1406 APW 1/19/2021 9:17:00 AM
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