

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 622, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Leewright

Leewright-APW-FS-Req#1952
3/9/2021 6:49 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

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

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 622

6 By: Leewright of the Senate

7 and

8 Newton of the House

9 FLOOR SUBSTITUTE

10 An Act relating to environment and natural resources;
11 creating the Oklahoma PFAS Waste Act; defining terms;
12 requiring promulgation of rules and regulations by
13 Department of Environmental Quality on PFAS waste;
14 specifying content of certain rules; providing
15 exemption to certain waste facilities; establishing
16 certain liability for PFAS waste generators;
17 construing clause; requiring application and
18 authorization for certain activities; authorizing
19 Department to authorize certain activities; providing
20 for certain classification of PFAS waste; providing
21 for codification; providing an effective date; and
22 declaring an emergency.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-7-501 of Title 27a, unless
there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma PFAS
Waste Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-7-502 of Title 27a, unless
3 there is created a duplication in numbering, reads as follows:

4 A. As used in the Oklahoma PFAS Waste Act:

5 1. "PFAS" means perfluoroalkyl and polyfluoroalkyl substances;
6 and

7 2. "PFAS waste" means a material containing high concentrations
8 of PFAS that is being abandoned, discarded, disposed of, destroyed
9 or stored pending such disposal or destruction including:

10 a. waste aqueous film-forming foam ("AFFF") containing
11 PFAS,

12 b. waste containing high concentrations of PFAS that is
13 generated at PFAS manufacturing and processing
14 facilities,

15 c. waste containing high concentrations of PFAS that is
16 generated at facilities using PFAS in the production
17 of products other than PFAS,

18 d. waste containing high concentrations of PFAS from
19 remediation projects,

20 e. any other treatment waste containing high
21 concentrations of PFAS associated with the removal of
22 PFAS including but not limited to waste or waste
23 streams from spent water treatment materials used for
24

1 the removal of PFAS in drinking water or groundwater,
2 and

3 f. any other waste that typically contains high
4 concentrations of PFAS.

5 B. As used in the Oklahoma PFAS Waste Act, PFAS waste shall not
6 include consumer and industrial products that may incidentally
7 contain PFAS and are routinely discarded as part of the municipal
8 solid waste stream or the leachate from landfills that manage these
9 consumer and industrial products, and which does not substantially
10 exceed PFAS levels typically found or expected in that type of waste
11 or waste stream as determined by the Department of Environmental
12 Quality. The criteria for determining whether PFAS concentrations
13 substantially exceed levels typically found or expected in a
14 particular type of waste or waste stream shall be established by the
15 Department through the formal administrative rulemaking process.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2-7-503 of Title 27a, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Oklahoma Department of Environmental Quality shall adopt
20 and promulgate rules and regulations related to the receipt,
21 storage, treatment and disposal of PFAS waste in this state.

22 B. Rules and regulations adopted under subsection A of this
23 section shall include provisions requiring that any person accepting
24 PFAS waste for storage, treatment or disposal, or any combination

1 thereof shall demonstrate to the Department that the manner in which
2 the PFAS waste is to be stored, treated or disposed of is protective
3 of human health and the environment. The rules and regulations
4 shall establish criteria or guidelines to assist the Department in
5 making a determination regarding this protection.

6 C. Rules and regulations adopted under subsection A of this
7 section may require a person who stores, treats or disposes of PFAS
8 waste to provide financial assurance for applicable closure, post-
9 closure and corrective action requirements, or any potentially
10 necessary remedial or response actions. The rules and regulations
11 may establish requirements for types of financial assurance, methods
12 for calculating the necessary amounts of financial assurance,
13 duration that the financial assurance shall be maintained and any
14 other requirements the Department deems appropriate. The financial
15 assurance requirements shall not apply to federal facilities whose
16 debts and liabilities are the debts and liabilities of the United
17 States. The provisions of this subsection shall not apply to
18 disposal facilities which are in compliance with the provisions of
19 Section 2-10-701 of Title 27A of the Oklahoma Statutes and the rules
20 promulgated pursuant thereto.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2-7-504 of Title 27a, unless
23 there is created a duplication in numbering, reads as follows:

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1 The generator of PFAS waste shall be responsible for ensuring
2 that the PFAS waste is disposed of properly and, in the event of a
3 spill, leak or release, shall be responsible for any necessary
4 removal or remedial action and any damages to persons, property or
5 natural resources resulting from such a release. A generator of
6 PFAS waste may not transfer this liability to any other person.
7 Nothing in this section shall prohibit any agreement to insure, hold
8 harmless or indemnify a party to such agreement for any liability
9 under this section. Nothing in this section shall prohibit a cause
10 of action that the generator of the PFAS waste or any other person
11 subject to liability under this section, or a guarantor, may have or
12 would have, by reason of subrogation or otherwise, against such
13 person including the manufacturer of PFAS substances.

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2-7-505 of Title 27a, unless
16 there is created a duplication in numbering, reads as follows:

17 A. A person shall submit an application for the activity to the
18 Department of Environmental Quality and shall receive authorization
19 from the Department prior to receiving, storing, treating or
20 disposing of PFAS waste. The process and requirements necessary for
21 the authorization shall be governed by rules and regulations adopted
22 pursuant to Section 3 of this act. Prior to the adoption of such
23 rules and regulations, the Department may authorize the activities
24 covered under this subsection if it determines that the activities

1 will be conducted in a manner that is sufficiently protective of
2 human health and the environment as determined by the Department.

3 B. PFAS waste generated in or transported from another state
4 shall maintain the same classification or characterization it would
5 receive in the state of origin, unless such classification or
6 characterization is less protective of human health and the
7 environment than the classification or characterization it would
8 have received if generated in this state.

9 SECTION 6. This act shall become effective July 1, 2021.

10 SECTION 7. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

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