

An Act

ENROLLED SENATE
BILL NO. 448

By: Taylor of the Senate

and

Boles of the House

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

SUBJECT: Waste management

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

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

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

1. "Advanced plastic recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, liquid fuels and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis and other similar technologies. The recycled products produced at advanced recycling facilities include, but are not limited to, monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished

chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings and other basic hydrocarbons. If properly conducted, advanced recycling shall not be considered disposal, as defined in Section 2-10-103 of this title, solid waste management system, as defined in this section, or incineration. For the purpose of advanced plastic recycling:

- a. "Depolymerization" means a manufacturing process where post-use polymers as defined in this section are broken into smaller molecules such as monomers and oligomers or raw, intermediate or final products, plastics and chemical feedstocks, basic and unfinished chemicals, crude oil, naphtha, liquid transportation fuels, waxes, lubricants, coatings and other basic hydrocarbons,
- b. "Gasification" means a manufacturing process through which recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere and the mixture is converted into valuable raw, intermediate and final products including, but not limited to, plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline and diesel and gasoline blendstocks, home heating oil and other fuels including ethanol and transportation fuel that are returned to economic utility in the form of raw materials, products or fuels,
- c. "Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed and then cooled, condensed and converted into valuable raw, intermediate and final products including, but not limited to, plastic monomers, chemicals, waxes, lubricants, chemical feedstocks, crude oil, diesel, gasoline and diesel and gasoline blendstocks, home heating oil and other fuels including ethanol and transportation fuel that are returned to economic utility in the form of raw materials, products or fuels,

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

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

3. "Affiliated person" means:

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

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

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

- b. receives one hundred (100) tons or more per year of material for composting, any part of which consists of food waste, and
- c. principally accepts material for composting that is not agricultural in origin;

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

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

- a. the full name, business address, and social security number of the applicant, and all affiliated persons,
- b. the full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they may impact operations within the state,
- c. a description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations relating to environmental regulation,
- d. a listing and explanation of any administrative, civil or criminal legal actions against the applicant and affiliated person which resulted in a final agency order or final judgment by a court of record, including final order or judgment on appeal, in the ten (10) years immediately preceding the filing of the application relating to solid or hazardous waste. Such action shall include, without limitations, any permit denial or any sanction imposed by a state

regulatory agency or the United States Environmental Protection Agency, and

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

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

~~6.~~ 8. "Dwelling" means a permanently-constructed, habitable structure designed and constructed for full-time occupancy in all weather conditions, which is not readily mobile and shall include but not be limited to a manufactured home as such term is defined by paragraph ~~46~~ 17 of Section 1102 of Title 47 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

- 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.~~ 17. "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;

18. "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,
- d. that has been sorted from nonhazardous solid waste but may still contain residual amounts of nonhazardous solid waste such as organic material and incidental contaminants or impurities, and
- e. that is processed at an advanced recycling facility or held at such facility prior to processing.

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

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

- a. post-use polymers, and/or
- b. scrap materials which are source separated for collection and processing as industrial raw materials for intended use at an advanced recycling facility,
- c. materials for which the United States Environmental Protection Agency has made a nonwaste determination, or has otherwise determined are feedstocks and not solid waste, and
- d. recovered feedstock shall not include waste tires, which shall remain governed by the Section 2-11-401 et seq. of this title.

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

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

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

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

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

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

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

~~21.~~ 25. "Solid waste management system" means the system that may be developed for the purpose of collection and disposal of solid

waste by any person engaging in such process as a business or by any municipality, authority, trust, county or by any combination thereof at one or more disposal sites;

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

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

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

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

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

Passed the Senate the 10th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____