

2. Prohibit or restrict the storage of controlled industrial waste for which land disposal is prohibited, except to the extent that such storage is solely for the purpose of accumulation of such quantities of controlled industrial wastes as are necessary to facilitate proper recovery, treatment, or disposal;

3. Prohibit or restrict the use of waste or used oil or other material used for dust suppression or road treatment, which is contaminated or mixed with dioxin or any other waste identified or listed by rules and regulations of the Board as a controlled industrial waste except a waste identified solely on the basis of ignitability;

4. Require such monitoring and control of air emissions at controlled industrial waste treatment, storage, and disposal facilities, including but not limited to open tanks, surface impoundments, and landfills, as may be necessary to protect human health and the environment;

5. Regulate the production, burning, distribution, and marketing of fuel containing controlled industrial waste as may be necessary to protect human health and the environment including, but not limited to, labeling and recordkeeping requirements;

6. Control the listed or identified controlled industrial wastes which discharge through a sewer system to a publicly owned treatment works for the protection of human health and the environment;

7. Provide in accordance with ~~Section 3005(e)~~ Sections 3005(c) and 3005(e) of the Resource Conservation and Recovery Act for the automatic termination of interim status for controlled industrial waste units failing to comply with applicable requirements for the submission of part B permit applications and certification of groundwater monitoring and financial responsibility compliance;

8. Require from applicants for and owners and operators of controlled industrial waste facilities evidence of financial responsibility for corrective action as may be required or ordered under the authority of the Oklahoma Controlled Industrial Waste Disposal Act;

9. Require that generators of controlled industrial waste establish and implement programs to reduce the volume or quantity and toxicity of such waste to the extent economically practicable; and

10. Specify levels or methods of treatment which substantially diminish the toxicity of the waste or likelihood of its migration so as to minimize threats to human health and the environment.

SECTION 2. AMENDATORY 63 O.S. 1981, Section 1-2014, as amended by Section 2, Chapter 51, O.S.L. 1987 (63 O.S. Supp. 1987, Section 1-2014), is amended to read as follows:

Section 1-2014. A. The practice of plowing controlled industrial waste into the soil surface for the purpose of disposal is hereby prohibited except pursuant to a plan approved by the Department for biodegradable or inert material. In addition, the site used for such disposal shall not be subject to flooding or extensive erosion. The hearing provisions of Section 1-2006 of this title shall not apply to soil farming operations conducted on the generator's plant site or nearby property under the control of the generator.

B. A controlled industrial waste facility for on-site treatment, storage or disposal shall not be sited in or over a principal groundwater resource or recharge area as defined by the Oklahoma Geological Survey, except pursuant to a plan approved by the Department. The plan shall contain such design criteria and groundwater monitoring provisions as deemed necessary by the Department to protect the quality of said principal groundwater resource or recharge area.

Additions in text are indicated by underline; deletions by ~~strikeouts~~

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superintendent of public instruction to serve the dependent separate schools of such county, which salary, wage and compensation claims may be considered and paid, on or after the termination of the service pay period; PROVIDED, that such claims by subordinate deputies and employees be first approved by the officer having charge of the office or department (62 O.S.1941, 314). The board of county commissioners may recess or adjourn its meetings within the session, either from time to time or from day to day, or on call of the chairman; but, if such board do not sooner adjourn its session for any month, such session shall terminate and be adjourned by operation of law on the last business day of such month. If the board shall have adjourned its session before the last business day of any month, the county clerk shall have power to call special sessions when the best interests of the county demand it, upon giving five days' notice of the time and object of calling the commissioners together, by posting up notices in three public places in the county, or by publication in some newspaper of general circulation in the county; PROVIDED, that in the case of a vacancy in the office of county clerk, the chairman of the board shall have power to call a special session for the purpose of filling such vacancy.

SECTION 2.¹ This act shall become effective November 1, 1988.

Approved March 21, 1988.

PUBLIC HEALTH AND SAFETY—CONTROLLED INDUSTRIAL WASTE DISPOSAL

CHAPTER 42

H.B.No. 1717

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY;
AMENDING SECTION 2, CHAPTER 180, O.S.L. 1986 AND
63 O.S. 1981, SECTION 1-2014, AS AMENDED BY
SECTION 2, CHAPTER 51, O.S.L. 1987 (63 O.S. SUPP.
1987, SECTIONS 1-2004.2 AND 1-2014), WHICH RELATE
TO THE OKLAHOMA CONTROLLED INDUSTRIAL WASTE
DISPOSAL ACT; MODIFYING SPECIFICATIONS FOR CERTAIN
RULES AND REGULATIONS; AUTHORIZING CERTAIN REVIEW
FOR NONAPPROVAL OF CERTAIN PLANS; PROVIDING FOR
CERTAIN EXCLUSIONS; PROVIDING FOR FINAL AUTHORITY
ON THE PLAN; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 2, Chapter 180, O.S.L. 1986 (63 O.S. Supp. 1987, Section 1-2004.2), is amended to read as follows:

Section 1-2004.2 In addition to other powers and duties specified by law, the Board shall adopt rules and regulations to:

1. Prohibit the placement of any liquid which is not a controlled industrial waste in a landfill for which a permit is required or which is operating under interim status authorized pursuant to Section 1-2009.1 of Title 63 of the Oklahoma Statutes;

1. 19 O.S.Supp.1988, § 326 note.

C. A controlled industrial waste facility for off-site treatment, storage or disposal shall not be sited in or over a principal groundwater resource or recharge area as defined by the Oklahoma Geological Survey. A controlled industrial waste facility for off-site treatment, storage or disposal shall not be sited in any other area of the state without the prior written approval of a plan by the affected property owners as such term is defined in Section 1-2006 of this title. Such plan shall provide for the minimization of hazards to the health and property of such affected property owners from emergency situations or from sudden or nonsudden releases of controlled industrial waste or constituents thereof.

If, after the applicant has made a reasonable effort to negotiate said plan with the affected property owners and has acquired the written approval of a majority of the affected property owners, the applicant may certify to the State Department of Health that such reasonable effort had been made and that a minority of the affected property owners would not consent. The State Department of Health may then issue said permit if it meets all other requirements.

The Department is expressly authorized to review the reasons of the affected property owners for nonapproval of the plan. If nonapproval is not based solely upon minimization of environmental hazards to the health and property of the affected property owners, the Department shall exclude those affected property owners from a calculation of a majority of affected property owners. The Department shall have the final authority to issue or not to issue any permit to any treatment, storage, or disposal facility.

D. The provisions of this section shall apply to:

1. Applications for future proposed sites;
2. Pending applications for construction permits; and
3. Applications for construction permits to modify existing storage or treatment facilities which have either a permit or interim status.

E. The provisions of subsections C and D shall not apply to applications to increase existing storage or disposal capacity or to modify existing disposal sites for treatment or disposal. Such modification of existing disposal sites shall include upgrading said facilities to use the best available waste destruction technology such as incineration, detoxification, recycling or neutralization technology.

Approved March 21, 1988. Emergency.

9. "Recycling" means the reuse, processing, treating, neutralizing or rerefining of materials and byproducts which, if discarded, would be controlled industrial waste into a product of beneficial use;

10. "Recyclable materials" means those materials and byproducts which if discarded would be controlled industrial waste;

11. "Storage facility" means any location where the temporary holding of controlled industrial waste or recyclable material occurs, including any tank, pit, lagoon, pond, or other specific place or area;

12. "Controlled industrial waste facility" as used herein shall mean and include storage and treatment facilities and disposal sites;

13. "Board" means the State Board of Health;

14. "Council" means the Controlled Industrial Waste Management Council;

15. "Site" or "proposed site" means the surface area of a disposal site, or other controlled industrial waste facility, as applied for in the application for a permit for the facility;

16. "On-site treatment, storage or disposal" means the treatment, storage or disposal at a controlled industrial waste facility of controlled industrial waste generated by the owner of the facility; and

17. "Off-site treatment, storage or disposal" means the treatment, storage or disposal at a controlled industrial waste facility of controlled industrial waste not generated by the owner of the facility; and

18. "Multi-user on-site treatment facility" means a treatment facility for controlled industrial waste generated by the co-owners of the facility and which meets the criteria specified by Section 2 of this act.

SECTION 2.¹ NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2008.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Two or more persons generating controlled industrial waste within the same county may enter into a compact to construct and operate a multi-user on-site treatment facility for the exclusive use of the members of such compact. Such facility shall not be used as a controlled industrial waste facility for off-site treatment storage or disposal of controlled industrial waste.

B. To be eligible for a permit issued pursuant to the provisions of this section and the Oklahoma Controlled Industrial Waste Disposal Act, a multi-user on-site treatment facility shall meet the following criteria:

1. The facility shall be co-owned by the generators of controlled industrial waste who are members of the compact;

2. Each member of the compact shall be identified in the application and permit. In addition, the individual controlled industrial waste generated by each member shall be separately and distinctly characterized in the application and in the permit and shall meet the compatibility requirements established by the Department;

3. The facilities generating controlled industrial waste which is to be treated at the multi-user on-site treatment facility shall

1. 63 O.S. Supp. 1988, § 1-2008.1.

Additions in text are indicated by underline; deletions by ~~strikethrough~~

INDUSTRIAL WASTE CONTROL—MULTI-USER
ON-SITE TREATMENT FACILITIES

CHAPTER 54

H.B.No. 1217

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING 63 O.S. 1981, SECTION 1-2002, AS AMENDED BY SECTION 1, CHAPTER 51, O.S.L. 1987 (63 O.S. SUPP. 1987, SECTION 1-2002), WHICH RELATES TO THE OKLAHOMA CONTROLLED INDUSTRIAL WASTE DISPOSAL ACT; ADDING TERM; AUTHORIZING MULTI-USER ON-SITE TREATMENT FACILITIES; PROVIDING FOR CERTAIN COMPACTS; SPECIFYING CRITERIA; PROVIDING FOR PERMITS; REQUIRING CERTAIN REVIEWS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 63 O.S. 1981, Section 1-2002, as amended by Section 1, Chapter 51, O.S.L. 1987 (63 O.S. Supp. 1987, Section 1-2002), is amended to read as follows:

Section 1-2002. As used in this act, unless the context otherwise requires:

1. "Controlled industrial waste" is defined as waste materials and byproducts, either solid or liquid, which are to be discarded by the generator, and which are toxic to human, animal, aquatic or plant life and which are generated in such quantity that they cannot be safely disposed of in properly operated, state-approved sanitary land fills, waste or sewage treatment facilities. Controlled industrial waste may include but is not limited to explosives, flammable liquids, spent acids, caustic solutions, poisons, containerized gases, sludge, tank bottoms containing heavy metallic ions, toxic organic chemicals, infectious materials, and materials such as paper, metal, cloth or wood which are contaminated with controlled industrial waste, and excludes domestic sewage;
2. "Disposal" means the final disposition of controlled industrial waste;
3. "Department" means the State Department of Health;
4. "Disposal site" means the location where any final disposition of controlled industrial waste occurs. Disposal sites include but are not limited to injection wells and surface disposal sites;
5. "Division" means the Controlled Industrial Waste Management Division;
6. "Person" means any individual, corporation, industry, firm, partnership, association, venture, trust, institution, federal, state or local governmental instrumentality, agency or body or any other legal entity however organized;
7. "Treatment" means the detoxification, neutralization, incineration or biodegradation of controlled industrial waste in order to remove or reduce its harmful properties or characteristics;
8. "Treatment facility" means any location where treating of controlled industrial waste occurs, but does not include a facility engaged only in recycling;

be located within the same county as the multi-user on-site treatment facility;

4. The multi-user on-site treatment facility shall be located upon the property of one of the compact members;

5. Financial responsibility requirements shall be the responsibility of the compact members and shall be prorated according to the relative amount of controlled industrial waste of a generator to be treated at the facility; and

6. The Department may require such other criteria and information in order to determine if the multi-user on-site treatment facility is physically and technically suitable for the controlled industrial waste to be treated at the facility.

C. Upon compliance with the provisions of the Oklahoma Controlled Industrial Waste Disposal Act, this section and any rules and regulations promulgated pursuant thereto, the Department shall issue permits for the construction and operation of a multi-user on-site treatment facility.

D. The board of county commissioners of the county in which such multi-user on-site treatment facility is located shall review all transportation routes from the facilities generating controlled industrial waste which are operated by members of the compact to the multi-user on-site treatment facility pursuant to the provisions of Section 1-2005.3 of Title 63 of the Oklahoma Statutes.

SECTION 3.² This act shall become effective November 1, 1988.

Approved March 25, 1988.

INSURANCE—REINSURANCE—DOMESTIC STOCK INSURERS

CHAPTER 55

H.B.No. 1600

AN ACT RELATING TO INSURANCE; AMENDING 36 O.S. 1981, SECTION 2132, WHICH RELATES TO REINSURANCE AGREEMENTS OF DOMESTIC STOCK INSURERS; REMOVING REQUIREMENT THAT DISAPPROVAL BY THE COMMISSIONER BE BASED ON CERTAIN FINDING; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 36 O.S. 1981, Section 2132, is amended to read as follows:

Section 2132. A. A domestic stock insurer may accept reinsurance for the same kind of insurance and within the same limits as it is authorized to transact direct, unless such reinsurance is prohibited by its articles of incorporation.

B. A domestic stock insurer may reinsure all or substantially all its business in force, or substantially all of a major class thereof, with another insurer by an agreement of bulk reinsurance;

2. 63 O.S.Supp.1988, § 1-2002 note.