

A  
COMPARISON OF  
STATE HAZARDOUS WASTE  
MANAGEMENT LEGISLATION

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# TABLE OF CONTENTS

27153

	Page
Introduction . . . . .	1
Comparison of Bills . . . . .	2
[Findings of Necessity and Purpose] . . . . .	3
[Definitions] . . . . .	3
General Definitions . . . . .	5
Hazardous Waste Management System Definitions . . . . .	6
Hazardous Waste Definitions . . . . .	8
[Powers and Duties of the Department] . . . . .	16
Duties . . . . .	16
Powers . . . . .	20
[Permits] . . . . .	23
[Hazardous Waste Treatment/Disposal Sites] . . . . .	26
[Transportation of Hazardous Wastes] . . . . .	29
[Imminent Hazard] . . . . .	31
[Enforcement] . . . . .	33
[Hazardous Waste Technical Advisory Committee] . . . . .	37
[Inspections; Right of Entry] . . . . .	39
[Liability] . . . . .	39
[Records, Reports, Monitoring] . . . . .	40
[Employee Protection] . . . . .	41
[Interstate Cooperation] . . . . .	41
[Miscellaneous] . . . . .	41
References . . . . .	44

Appendix

## LIST OF TABLES

		Page
Table I	- [Definitions] . . . . .	4
Table II	- Comparison of Hazardous Waste Definitions . . . .	10
Table III	- Duties of the Department . . . . .	18
Table III	- Powers of the Department . . . . .	21
Table IV	- [Permits] . . . . .	24
Table V	- [Hazardous Waste Treatment/Disposal Sites] and [Transportation of Hazardous Wastes] . . . .	27
Table VI	- [Imminent Hazard] and [Enforcement] . . . . .	32
Table VII	- [Hazardous Waste Management Technical Advisory Committee], [Inspections; Right of Entry], [Liability], and [Records, Reports, Monitoring] . . . . .	38
Table VIII	- [Employee Protection], [Interstate Cooperation], [Miscellaneous], [Repealer], [Severability], [Effective Date], and [Codification] . . . . .	42

## A COMPARISON OF STATE HAZARDOUS WASTE MANAGEMENT LEGISLATION

### Introduction

The purpose of this presentation is to provide a graphic and descriptive comparison of the hazardous waste management statutes or proposed acts of the states of California (1)\*, Illinois (2), Iowa (3), Minnesota (4), Oklahoma (5), and Oregon (6) and the draft model acts of the U.S. Environmental Protection Agency (7) and the National Solid Wastes Management Association (8). The basis for comparison will be primarily the coverage of the acts. For the purpose of this discussion, the use of the word "bills" will refer to the existing statutes, proposed acts, and draft model acts.

The objectives of this document are to illustrate provisions and mechanisms used by various states and to indicate the sections of a bill which could be utilized to obtain comprehensive authority. The discussion of the provisions of the bills is designed to present the coverage of the eight bills. Tables I and II through VIII provide an indication of the topics addressed by the bills and the location of provisions in the bills. Table II presents the elements of the definitions of hazardous waste, and the Appendix presents the provisions of all eight bills in a uniform framework.

The Minnesota and Illinois bills and Iowa's proposed bill represent efforts to amend existing legislation in order to obtain comprehensive hazardous waste management authority. California and Oregon passed substantially new legislation and Oklahoma has proposed new legislation. The models compare with efforts to obtain new legislation much better than with the amendments.

The constraints on developing recommendations for state hazardous waste management authority are as follows:

1. The 50 states have individual approaches which are often not compatible.
2. Many states will desire to amend an existing act to provide a comprehensive hazardous waste management program.
3. The problems and solutions may require unique division of responsibility, such as found in Minnesota where the Minnesota Pollution Control Agency, Metropolitan Inter-County Council, county governments, and Minnesota Public Service Commission share the regulatory responsibility.
4. Many statements or provisions are not separable in various bills or are included in attendant portions of other existing statutes.

\* Numbers refer to the references listed on Page 44.

Time did not allow for extensive research into the provisions of the amended statutes. In the case of the Illinois Environmental Protection Act (9), the basic statements or introductions to lengthy sections are provided as an indication of the contents of the section without reproducing the passages devoted to air, water, and other programs or the extensive procedures provided for regulations, variances, penalties, enforcement, and miscellaneous procedures. In addition, the complete Minnesota legislation was not available for the comparison.

The history of the bills under consideration are as follows by state:

1. The Oregon legislation was passed in 1971 and codified as 459.410 to 459.690 ORS. Amendments to the act were passed in 1973 to clarify and strengthen the requirements of the Act (10).

2. The California legislation was approved by the Governor on December 13, 1972, and became Chapter 1236 of the State of California Statutes of 1972 (11).

3. The Minnesota legislation was an amendment to the existing statutes and was adopted in 1974 to regulate hazardous waste management (4).

4. The Illinois amendments were passed in 1975, amending the Illinois Environmental Protection Act (2).

5. The Iowa bill was proposed by the Iowa Department of Environmental Quality in 1975 and was held over for study by a House-Senate Interim Committee (12).

6. The Oklahoma bill is a committee substitute for a proposed act and was introduced to the 2nd Session of the 35th Legislature (1976) (5).

7. The National Solid Wastes Management Association (NSWMA) Legislative Model was developed by the Association's Institute of Waste Technology's Chemical Waste Committee and is the sixth working draft (8).

8. The U.S. Environmental Protection Agency (EPA) Model State Hazardous Waste Management Act (Draft) was developed by the Office of Solid Waste Management Programs for the purpose of soliciting comments and discussion. It is not a final draft and has not been recommended in the draft form (7).

### Comparison of Bills

The following sections have been used to divide and compare existing legislation, bills or models in the Appendix and text:

1. [Short Title]
2. [Finding of Necessity and Declaration of Purpose]
3. [Definitions]
4. [Powers and Duties of the Department]

5. [Permits]
6. [Hazardous Waste Treatment/Disposal Sites]
7. [Transportation of Hazardous Wastes]
8. [Imminent Hazard]
9. [Enforcement]
10. [Hazardous Waste Management Technical Advisory Board]
11. [Inspections, Right of Entry]
12. [Liability]
13. [Records, Reports, Monitoring]
14. [Employee Protection]
15. [Interstate Cooperation]
16. [Miscellaneous]
17. [Repealer]
18. [Severability]
19. [Effective Date]
20. [Codification]

T These sections do not match any act in existence; however, they provide a convenient framework for discussion purposes. The sections on [Short Title], [Repealer], [Severability], [Effective Date], and [Codification] are unique to each and will not be discussed except to indicate their necessity in developing a complete bill. The [Miscellaneous] section includes provisions governing local responsibilities, state agency responsibilities, statements of intent or responsibility not otherwise included in more than one bill.

#### [Findings of Necessity and Purpose]

Only California and the two model acts include this section indicating a decline in the usage of such statements. The California statement is brief and provides a statement of both the necessity and purpose in the broadest of terms. The EPA model provides the most comprehensive statement of necessity, although the term "public safety" could be added to the statement. The statement of purpose from the EPA model is the most comprehensive, although it may be beneficial to add the NSWMA's clause concerning utilization of private enterprise.

#### [Definitions]

The first section of major importance is the [Definitions] section, which sets the stage for the provisions which follow. Every word which is a key to the provisions of the law should be defined. However, a state such as Illinois, which amended an existing act, relied on the definitions of the existing act and did not even attempt to add a definition of "hazardous waste." Table I presents the list of words or terms defined for each of the state bills and the subsections in which they are found. Due to the similarity between processing and treatment and the descriptions of hazardous waste, these categories are consolidated.

TABLE I

Definitions	Location of Definitions	California	Illinois	Iowa <sup>1</sup>	Minnesota	Oklahoma	Oregon <sup>1</sup>	EPA Draft No. 1	NSWMA Draft No. 6
		Art. 2	Sect. 3	Sect. 2		Sect. 2	459.410	Sect. 3	Sect. 3
1. Agency			(a)	Sect. 3	Subd. 2.				
2. Board			(c)						
3. Commission				7.			(1)		
4. Contaminant			(d)						
5. Corrosive	28748			3.					
6. Department	25111					(3)	(2)	A	(1)
7. Director	25112						(3)		(2)
8. Disposal	25113			5.		(2)	(4)	B	(3)
9. Disposal Site	25114					(4)	(5)	C	(4)
10. Extremely Hazardous Waste	25115								
11. Flammable	28751								
12. Generation								D	
13. Handling	25116								(5)
14. Hazardous Substance	28743			1.					
15. Hazardous Waste (or Environmentally Hazardous Waste)	25117			6.	Subd. 13	(1)	(6)	E	(6)
16. Hazardous Waste Management				(see 5.)	Subd. 7			K	
17. Institute			(f)						
18. Irritant	28749			4.					
19. Manifest									(9)
20. Municipality			(p)						
21. Nuclear Installation							(7)		
22. Open Dumping			(h)						
23. Person	25118		(i)			(5)		F	(10)
24. Processing (or Treatment or Hazardous Waste Processing)	25119			(see 5.)		(6)	(see (4))	I	(7)
25. Processing Facility (or Treatment Facility or Hazardous Waste Processing Facility)	25120					(7)	(see (5))	J	(8)
26. Recycle	25121			(see 5.)			(see (4))		
27. Refuse			(k)						
28. Sanitary Landfill			(l)						
29. Section						(8)			
30. Solid Waste				Sect. 17					
31. Storage				(see 5.)			(see (4))	G	(11)
32. Strong Sensitizer	28750								
33. Toxic	28745			2.					
34. Transport								H	
35. Waste	25122								

<sup>1</sup> Note, the references in parentheses refer to subsections of the state statute only.

The definitions are grouped into three sets for the purposes of this discussion; general, hazardous waste management system, and hazardous waste definitions. The general words or terms refer to those common to most environmental protection programs, such as the regulatory agency, persons, etc.

The hazardous waste management system words or terms identify and describe the elements or activities which could be required or regulated. A hazardous waste management system could include generation, storage, handling, transport, recycling, processing (or treatment or hazardous waste processing), processing facilities (or, etc.), disposal, disposal site, and manifest, which can be a mechanism or form used to follow hazardous waste movements. Attendant definitions for a hazardous waste management system could include labeling, collection, or recovery of hazardous wastes.

The hazardous waste definitions identify the words or terms used to describe materials considered hazardous. The definition of hazardous wastes can generally be divided into introduction, physical and hazardous criteria, and general statements. The hazardous criteria, such as toxic, corrosive, etc., can be further defined in the legislation or be defined by the regulatory agency in the rules or regulations.

Depending on the practices of the state, all or a majority of the definitions for the elements of a hazardous waste management system or hazardous waste criteria may be defined in the regulations. The following discussion is based only on the definitions included in the bills.

### General Definitions

Each bill defines either an agency or department or section to implement the program. Illinois, Iowa, and Oregon define commissions or boards with the authority to adopt regulations and approve various official actions. Illinois also has an institute to provide research and other capabilities. California, Oregon, and NSWMA defines the director's position or title, while Illinois and Iowa amended existing acts, which already included definitions of a director's position. Oklahoma created a section director with specific qualifications. Minnesota and EPA did not define a director but assigns the functions of a director to an agency and department, respectively.

The definition of "nuclear installation" was included in the Oregon list to aid in the definition of hazardous wastes. The definition of "person" is included in almost all bills and includes all of the parties to which the act applies.

The definitions which do not appear to be critical to development of a hazardous waste management act are "contaminant," "municipality," "open dumping," "refuse," and "sanitary landfill," all of which appear in the definitions of the Illinois Environmental Protection Act, which was amended to include hazardous waste. The solid waste management legislation of the state would require these or similar definitions but the hazardous waste management legislation may not.



## Hazardous Waste Management System Definitions

The bills approach the definition of a hazardous waste management system by defining the system in one word or term (Oregon, Iowa, and Minnesota) or defining the system elements (California, NSWMA, Oklahoma, Illinois) or both (EPA).

The Oregon and Iowa treatment of a hazardous waste management system will be discussed under the definition of "disposal." The Minnesota definition of "hazardous waste management" contains more detail concerning the initial phases of the system by beginning with "identification, labeling, classification, storage, collection, and removal of hazardous waste from public and private property..."; however, it fails to include a complete description of the other activities. The EPA definition adds the terms "systematic and comprehensive management" and includes the words "generation, storage, transport, treatment, recycling, recovery, or disposal," which completes the definition in a more comprehensive manner. Minnesota adds the term "by approved methods," which is also worthy of consideration. A combination of the two definitions would provide better coverage.

The definition of the word "storage" is the first system term with more than one definition, and the EPA definition is the most comprehensive. The Oklahoma definition of "disposal" sets a limit of two years for the period of time that constitutes actual storage while EPA includes only "a period of years."

The California definition of the word "handling" appears to be more inclusive than the NSWMA definition with the addition of "packaging." However, the word "packaging" is not defined and could include identification, labeling, classification, and/or containerization. Neither the California nor NSWMA bills include "collection or removal" of hazardous waste in the definition of "handling."

EPA offered a definition of the word "transport," and this definition appears adequate.

The word "processing (or treatment or hazardous waste processing)" was defined in four of the bills, and the EPA definition appears to be the most comprehensive listing, which includes "any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste, including any hazardous waste, so as to..." accomplish a number of objectives. The other definitions limit the objective of the processing "to remove or reduce its harmful properties or characteristics." The EPA definition also avoids a discussion of the types of processing steps included in other definitions; however, it does have one limitation in the interpretation of "hazardous waste" as a subset of "solid waste." This problem could easily be avoided by eliminating the reference to solid waste, which is not defined.

The term "processing facility (or treatment facility or hazardous waste processing facility)" is also defined in four of the bills. The words "location, site, facility, and plant" are all used in the various definitions to indicate a place; however, the EPA description of "where" is less confusing than any of the others. California limits the facility to a place where "final" processing or deposition occurs. While after an extensive definition of "processing," the Oklahoma definition of a "processing facility" did not mention that processing needed to take place at the facility. The NSWMA model's definition did not mention that the generation site could be a "processing facility." The EPA model's definition utilized the word "facility" in the definition of a "treatment facility," which is not good practice although the definition is complete. Consequently, a comprehensive definition of a "processing facility" requires a combination of the above definitions.

The word "recycle" is defined only in the California legislation and appears adequate. The EPA definition of "hazardous waste management" and "treatment" indicate the necessity for defining "recycle," and the NSWMA definition of "hazardous waste processing" indicates a need for a definition of "recovery." The distinction between "recycle," "recovery," and "processing" should be developed in the definition framework if they are to be used in the text of a bill, which includes California, Iowa, Oklahoma, Oregon, EPA, and NSWMA models.

The definitions of the word "disposal" are contained in six of the bills (the Illinois and Minnesota amendments and existing legislation did not contain a definition). The intent of these definitions are markedly different. Iowa and Oregon have defined the word to mean the entire hazardous waste management system, including storage, discarding or burial, recycling, and decontamination. In both cases, the definitions include words or terms which require further explanation, but neither bill provides clarification. Although this usage of "disposal" is acceptable and necessary to understand the state law, the practice is somewhat misleading and to a great degree confusing. In addition, the Iowa bill utilizes disposal very flexibly, which increases the confusion.

The other four bills begin their definitions of "disposal" as "to abandon, deposit, intern, or otherwise discard" (California and Oklahoma); as "the discharge, deposit, dumping, spilling, leaking, or placing of any substance" (EPA); and as "the ultimate introduction" (NSWMA). The remaining portions of the definitions vary considerably, with California and Oklahoma stating "as a final action after such waste is no longer intended to be used," while EPA indicates disposal is an interim action of self-defeating characteristics, and NSWMA is even less definitive. The California and Oklahoma definitions are the same with the exception that Oklahoma's bill includes a statement that storage of hazardous waste for two years or more shall be considered disposal. These two definitions appear to be the most comprehensive.

The definition of "disposal site" is contained in five of the bills and is a "geographical site" or "location" in each. The California, Oklahoma, and EPA definitions differ by the words "deposition" or "disposition" and by the indication of what is disposed of, while the NSWMA definition introduces the word "ultimate disposal" in place of "final disposition." The Oklahoma definition appears to be the most comprehensive and definitive of the four. Oregon mentions both storage and disposal in and on the land; however, the "disposal site" definition does not fit well with the previous definition of "disposal," which included the other elements of a hazardous waste management system. Reconciliation of this problem may provide Oregon with the most comprehensive definition of the group.

### Hazardous Waste Definitions

The final consideration under definitions is to define "hazardous waste." Table I indicates that all the bills provided a definition of "hazardous waste" except the Illinois' amendments, which inserted its definition in the regulations authorization section of the amendments.

California's definition began with the definition of "waste;" which is "any materials for which no use or reuse is intended and which is to be discarded." Iowa's bill provided a clarified definition of "solid waste," which may be an excellent provision if the potential for conflict between hazardous waste and solid waste legislation exists. California and Iowa defined a "hazardous substance" (California's from a previous statute) to build a hazardous waste definition. The "hazardous substance" definition of each includes the words "toxic, corrosive, irritant, flammable or which generates pressure through decomposition, heat, or other means." However, the Iowa definition is more comprehensive in its treatment of the problems caused by hazardous waste.

With the introduction of the descriptive terms for materials or substances which are hazardous, the next step is to examine the definitions of these words which are offered. "Toxic" is defined by Iowa as "visible physiological, anatomic, or biochemical change in a biological system," and by California as a substance "which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface." The Iowa approach is more environmentally oriented, while the California approach is specific to human effects. "Corrosive" is also defined by both sources, and Iowa includes both the effects on "human tissue" and materials, while California limits the effect to "living tissue." The definitions provide fairly specific conditions which would constitute "corrosion" of tissue. California provides a comprehensive definition of the word "flammable." "Irritant" is defined by both California and Iowa; however, the meanings are vastly different. California relates "irritant" to "corrosive" except milder and causing an inflammatory reaction in prolonged contact with living tissue. Iowa relates "irritant" to substances which cause or produce fumes of a dangerous

or irritating nature when in contact with fire or exposed to air. The California definition appears to have a more substantial method of testing. The only definition for "strong sensitizer" was offered by California and appears adequate. The definitions leave the exact definition of the words or terms to the regulations, which must set methods of measurement and prescribe limits for what constitutes a hazard.

Table II was constructed to expand the investigation and illustrate the definitions of the bills. The definition of "hazardous waste" is presented in terms of the introduction, criteria, and general statements within the definition. The criteria include physical form, quantity, and hazard characteristics (13), and the general statements include other descriptors.

The introduction into the definitions predominately defines "waste," unless the word is defined elsewhere (California), as "discarded, useless, or unwanted materials" or provides previously defined descriptors therefor, such as "refuse." This, apparently good form, is found in the California, Iowa, Minnesota, and Oregon definitions (except for the use of the undefined introduction by Oregon's definition of "c) residues..."). The second part of the introduction generally specifies a combination or mixture of materials, which is practiced in a majority of definitions. Several definitions then specified "which are to be disposed"; however, the limiting action of this phrase should be carefully considered with the definitions of "dispose."

The first criteria of a hazardous waste in most definitions considers physical form. The EPA, NSWMA, and Minnesota definitions include solid, liquid, contained gaseous, and semisolid materials. The Oregon and Iowa definitions do not mention the physical form, which is not necessarily a limitation. If physical form is mentioned, the more comprehensive form provides greater coverage.

The second criteria is quantity of material. Quantity is mentioned only in the Oklahoma and NSWMA definitions, though it is included in other provisions of the Iowa bill and alluded to in other bills. Oklahoma limits the meaning to "quantity not safely disposed of in a sanitary landfill or sewage treatment plant," and NSWMA's definition assigns the determination of quantity to the Director. NSWMA's bill also included "concentrations" as a criteria, and it was assigned to the Director to define. In any case, the regulations must detail a method of determination. Iowa's bill placed the quantity criteria in the powers of Commission section of their bill and also required commission determination.

The criteria of hazardous characteristics is prefaced by "but not limited to" in the Illinois, Oklahoma, Iowa, Minnesota, and EPA definitions, and all definition of hazardous waste, except Oregon, included one or more hazard criteria. The Oregon bill leaves determination of the hazard criteria to the commission. The most common of these hazard criteria are listed in Table II (13). Other descriptors for hazardous waste include acids, caustics, chemicals, oils, solvents, sludges, tank bottoms with heavy metal ions, toxic organic chemicals, pesticides (and the types of pesticides), and a variety of descriptive phrases or clauses.

Comparison of Hazardous Waste Definitions

Table II

State	California	Minnesota
Definition Elements	Chapter 1236	Amendments
A. Introduction	any waste material or mixture of wastes	any refuse or discarded materials or combinations of refuse or discarded materials in
B. Criteria		
1. Physical form		
a. Solid	x	x
b. Liquid	x	x
c. Semisolid		x
d. Contained Gas		x
e. Other		
2. Quantity - How determined or established		
3. Hazard		but not limited to
a. Toxic to	x	
(1) humans		
(2) animals		
(3) plants		
(4) aquatic life		
(5) other		
b. Flammable	x	x
c. Explosive	x	x
d. Corrosive	x	x
e. Reactivity		
f. Oxidizing Material		x
g. Radioactive		
h. Irritant	x	x
i. Strong sensitizer	x	
j. Bioconcentration		
k. Carcinogen, Mutagen, Teratogen		
l. Other	which generates pressure through decomposition, heat, or other means.	poisons
C. General	if such waste or mixture of wastes may cause substantial personal injury, serious illness, or harm to wildlife, during or as a proximate result of any disposal of such wastes or mixture of wastes.	which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical biological, or physical properties

Table II Continued

State	Illinois	Iowa
Definition Elements	Amendments	Proposed Act
A. Introduction		any useless, unwanted, or discarded hazardous substance or mixture of substances.
B. Criteria		
1. Physical form		
a. Solid	x	
b. Liquid		
c. Semisolid		
d. Contained Gas		
e. Other		
2. Quantity - How determined or established		
3. Hazard	but not limited to	not limited to
a. Toxic to		x
(1) humans		
(2) animals		
(3) plants		
(4) aquatic life		
(5) other		
b. Flammable		x
c. Explosive	x	
d. Corrosive		x
e. Reactivity		
f. Oxidizing Material		
g. Radioactive	x	
h. Irritant		x
i. Strong sensitizer		
j. Bioconcentration		
k. Carcinogen, Mutagen, Teratogen		
l. Other	chemicals, pathological wastes, and wastes likely to cause fire.	or which generates pressure through decomposition, heat, or other means.
C. General	with inherent properties which make such waste difficult or dangerous to manage by normal means.	disposal of which requires special precautions to prevent exposure of the population or the environment. exposure to which would probably result in danger to the public health or safety or to the environment.

Table II Continued

	State	EPA	NSWMA
Definition Elements	Model	Model	
A: Introduction	any waste or combination of wastes	any discarded, or combination thereof	
B: Criteria			
1. Physical form			
a. Solid	x		x
b. Liquid	x		x
c. Semisolid	x		x
d. Contained Gas	x		x
e. Other			
2. Quantity - How determined or established			which is determined by the Director because of its quantity, concentration, or chemical characteristics.
3. Hazard	but not limited to		
a. Toxic to	x		x
(1) humans			
(2) animals			
(3) plants			
(4) aquatic life			
(5) other			
b. Flammable	x		x
c. Explosive			
d. Corrosive	x		x
e. Reactivity			x
f. Oxidizing Material			
g. Radioactive			
h. Irritant	x		x
i. Strong sensitizer	x		
j. Bioconcentration			x
k. Carcinogen, Mutagen, Teratogen			
l. Other	which in the judgment of the Department, may cause, contribute to, and increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors.	infectious	
C: General	that may otherwise cause or contribute to adverse, acute, or chronic effects on the health of persons or other living organisms.	to pose a substantial present or potential danger to human health or the environmental because.	

Table II Continued

State

Oregon

Definition Elements

Act

A. Introduction

include all of the following which are not declassified by the commission:

- a. discarded, useless, or unwanted materials or residues resulting from any substance or combination of substances intended for the purpose of defoliating plants or for the preventing, destroying, repelling, or mitigating of insects, fungi, weeds, rodents, or predatory animals, including but not limited to defoliant, desiccants, ...
- b. discarded, useless, or unwanted radioactive material including naturally occurring or accelerator produced isotopes and by-product material or special nuclear material as defined by 453.605 but excluding material produced by a nuclear installation,
- c. residues resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources, if such residues are classified as environmentally hazardous waste by order of the commission after notice and public hearing,
- d. discarded, useless, or unwanted containers and receptacles used in the transportation, storage, use, or application of the substances previously described above.



Table II Continued

Definition Elements	State	Oklahoma
A. Introduction	Proposed refuse products which are to be disposed	
B. Criteria		
1. Physical form		
a. Solid	x	
b. Liquid	x	
c. Semisolid		
d. Contained Gas		
e. Other		
2. Quantity - How determined or established	Quantity not safely disposed of in a sanitary landfill or sewage treatment plant.	
3. Hazard	not limited to	
a. Toxic to		
(1) humans	x	
(2) animals	x	
(3) plants	x	
(4) aquatic life	x	
(5) other		
b. Flammable	x liquids	
c. Explosive	x	
d. Corrosive		
e. Reactivity		
f. Oxidizing Material		
g. Radioactive		
h. Irritant		
i. Strong Sensitizer		
j. Bioconcentration		
k. Carcinogen, Mutagen, Teratogen		
l. Other	spent acids and caustics, sludges, points, tank bottoms with heavy metal ions, toxic organic chemicals or materials contaminated with the above.	
3. General		

In order to provide organizational order from this imposing array of terms, Iowa and California limited the number of descriptors of hazards to seven and five, respectively, and provided separate definitions of each as previously discussed. This method deserves consideration. Oregon defined pesticides and related compounds, radioactive material, containers and receptacles, and residues from various operations in considerable detail. The law leaves determination of "hazardous" residues to the Commission and the declassification of pesticides and related compounds, radioactive materials, and containers and receptacles also to the Commission. The statements concerning hazardous wastes for Oklahoma also include containers and materials which have been contaminated.

The other terms or words used to describe hazardous wastes are related to the origination of the material or generator. If a list of these types of descriptors is to be included in the definition, it could be developed through a more rigorous treatment of the definition of "generator" or "residues" or other terms to be used in the definition. However, a vague listing of waste products (chemicals, oil, etc.) does not enhance the clarity of the definitions because the list cannot be complete, does not include a definition of hazard, and may inadvertently include non-hazardous materials. If a listing is desired, the law should stipulate preparation of a list.

The general statements related to disposal were included in the Iowa definition, "disposal of which requires special precautions to prevent exposure of the population and the environment," and the California definition, "if such waste or mixture of wastes may cause substantial personal injury, serious illness; or harm to wildlife, during or as a proximate result of any disposal of such wastes or mixture of waste." Minnesota, Illinois, and Iowa added statements concerning special handling requirements, which included descriptors such as "difficult" and "routine" handling. The intent of these statements should be designed to provide a measurement to aid in the definition of hazardous; however, the general nature of statements may make them more than difficult to define in regulations, especially in light of changing technology.

The EPA definition added factors to be considered in the classification of a hazardous waste, such as "the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation or concentration in tissue, and other factors...." Iowa's bill added the persistence and bioconcentration criteria in the powers of the Commission section of their bill, and California's act added the persistence and resistance to natural degradation or detoxification criteria in the statement authorizing lists of hazardous and extremely hazardous wastes. NSWMA included the additional California criteria in the section authorizing criteria for determining hazardous waste.

In summary, there are apparently two basic methods for defining "hazardous waste." The first is to define waste, physical form, quantity, hazard, and source or type, followed by a reasonable statement of what the hazard is to include and perhaps the factors to be considered. The second

is to define the origination of the material and place the responsibility for refinement of the definition on an agency or commission. In either case, the regulatory agency will have to struggle with the identification, measurement, and evaluation of hazardous wastes and consider a variety of factors in order to establish a workable program.

The comparison of the definitions of the eight bills has provided a framework for developing state legislation. The general terms or words required for a bill are usually quite obvious to the persons drafting the legislation and working examples are provided. The definition of a hazardous waste management system is important to the overall understanding of the system to be regulated and the points of control. The hazardous waste management system can be defined as one term, such as the Minnesota definition, or can be defined and then each word or term defined to provide further clarity of meaning, such as the California or EPA definitions. The majority of the bills included definitions of selected words or terms describing elements of the hazardous waste management system; however, none were fully comprehensive, and a combination of the definitions would provide more complete coverage. The definitions of the elements, such as "disposal" and "processing," also deserve careful attention to assure that the word conveys the meaning desired. The definitions of hazardous waste vary in both approach and in requirements. Table II presents the coverage of the definitions and divides the definitions into component parts for examination. By utilization of this construction technique, the most comprehensive parts of each definition can be selected. The further definition of key terms in the definition; such as Iowa's and California's definitions of "toxic," "corrosive," etc.; can provide further clarity to the meaning of the legislation.

#### [Powers and Duties of the Department]

##### Duties

Consideration of the completeness or coverage of this section of the bills began with the construction of Table III, which illustrates the duties as described in the bills. Unfortunately, the complete text of the Minnesota Statutes was not available to allow the duties of the agency to be extracted. The other bills were substantially more complete. The authority they convey is not complete, however, except possibly for the general authority in the Oregon legislation which stated:

"The department shall: (1) Provide for the administration, enforcement, and implementation of ORS 459.410 to 459.690 and may perform all functions necessary for the regulation of the operation and construction of disposal sites and, in consultation with the appropriate county planning commissions, the designation of such sites."

The duties of an agency are usually assigned to an agency or department (or section in Oklahoma). The California, Oregon, and EPA bills assign the duties to a department and Minnesota and Illinois to an agency. The duties are further assigned and made the responsibility of the director in the Illinois, Iowa, and NSWMA bills.

A brief review of Table III indicates the omissions which each state agency would have in the administration of their bill provided the interpretations of the author are correct. Rather than comment on the coverage of each duty from each bill, the more complete statements on duties will be highlighted with unusual features pointed out.

The Illinois approach to reporting and maintenance of records is to allow the Director to prescribe the requirements. The Oklahoma and NSWMA bills provide requirements for reporting in the law by assigning frequencies and descriptions to the reports. EPA devoted a section to the reporting, which called for rules to be established by the Department on the subject. Further discussion of the reporting and related requirements will be in the [Records, Reports, Monitoring] section.

The next activity is the maintenance of records of generation and disposal, which is specifically mentioned in the Oklahoma, NSWMA, Iowa, and Minnesota bills. Illinois' legislation again is not specific but provides authority to the Director to develop a system. The most complete statement concerning maintenance of records is Iowa's, which specifies the need for an inventory, including data on generation, storage, and disposal (systems definition), in addition to allowing the commission to determine other data necessary.

Conduct and coordination of research is specifically mentioned in the California and NSWMA duties and mentioned in general terms in the Illinois Director's duties. The California statement allows consideration and conduct of studies, while the NSWMA statement provides for coordination and contracts for studies, a subtle difference.

The California and Oklahoma bills allow the provision of technical assistance though the California bill limits the assistance to "state and local agencies." The Oklahoma statement allows a wider range of activities. Provision of public information and education activities is implied in several of the bills, namely California and Illinois. The Iowa statement has the clearest and most complete directive, which includes contracting for services, report preparation, and information dissemination. In addition, the provision of training is included in the Iowa statement and is only peripherally allowed in the Illinois bill. The provision of planning assistance is mentioned only peripherally in two bills, California and Oklahoma.

The Illinois, Iowa, Oklahoma, Oregon, and EPA bills made statements concerning the conduct of inspections, which will be treated in depth in a later section. Four of the bills treated the subject of surveillance and monitoring. The most complete statement on the subject was the Oregon provisions, which both established the programs (459.670) and provided that fees collected from the disposal site or facility operator shall pay for the program (459.610). The California and Illinois statements are not as direct or inclusive with regard to the points of surveillance, and the NSWMA statement is vague and could be subject to more than one interpretation.

[Powers and Duties of  
the Department]

TABLE III

California Illinois Iowa Minnesota Oklahoma Oregon EPA Draft NSWMA  
(proposed) (proposed) No. 1 Draft No. 6

Duties of the Department						459.430		
To Prescribe Reporting		Sec.4.B,H			Sec.4.9,10	459.440	Sec. 6	Sec. 7(8)
To Maintain Records of Generation and Disposal		Sec. 4.B	Sec. 5.1	116.101	Sec. 4.6			Sec. 4(5)
To Conduct & Coordinate Research	25170 (a)	Sec. 4.B						Sec. 4(7)*
To Provide Technical Assistance	25170 (c)				Sec. 4.12			
To Provide Public Info. & Educ.	25170 (b)	Sec. 4.B	Sec. 5.2					
To Provide Training		Sec. 4.G	Sec. 5.2					
To Provide Planning Assistance	25170 (c)				Sec. 4.12			
To Conduct Inspections		Sec. 4.C	Sec. 5.4		Sec. 4.5	459.670	Sec. 7	
To Conduct Monitoring/Surveillance	25170 (d)	Sec.4.B,C				459.610,670		Sec. 4(4)
To Approve & Issue Permits		Sec.4.G,H	Sec. 5.3	116.07(4a)	Sec. 4.3	459.580	Sec4(C)(3)	Sec7(2)(a)*
To Conduct Enforcement		Sec. 4.E				459.430		Sec. 4(4)
To Develop Forms & Procedures					Sec. 4.7	459.530		Sec. 7(6)
To Contract for Services		Sec.4.A,L						
To Obtain Fed. Funds, etc.		Sec. 4.L						Sec. 4(6)*
To Encourage Exchange & Recycling	25170 (b)		Sec. 4.7		Sec. 4.13			
To Study H.W. Management Generation Practices			Sec. 5.1	116.101		459.430	Sec. 4(A)	Sec. 4(5)
Locations (suitable)			Sec. 5.1	116.101		459.430	Sec. 4(A)	Sec. 4(5)
Locations (not suitable)			Sec. 5.1	116.101		459.430	Sec. 4(A)	
To Plan for H.W. Management Develop & Revise			Sec. 4.3*	116.101*			Sec.4(B)*	
Adopt Public Hearing								
To Develop Rules & Regulations		Sec.4.J,L						Sec. 4(1)
Standards								Sec. 4(1)
Guidelines								Sec. 4(1)
Criteria					Sec. 4.1			Sec. 4(1)
Listings	25140				Sec. 4.1	459.430		
To Consult State Agencies & Others on Uniform Requirements	25150				Sec. 5.B			Sec. 5(4)
To Review & Approve Generator Plans					Sec. 4.8			

\* Partial Authority

Uniquely, California's the only bill without permit authority. The other seven bills direct the Department (or other agency) to establish a permit program. The key words appear to be "issue, modify, suspend, revoke, or deny" a permit for "construction, operation, alteration, or modification" in accordance with the adopted rules and regulations, standards, or other requirements. The submission of plans and specifications is also mentioned or required in the Illinois, Oregon, and Iowa bills in this section. The Iowa statement appears to be the most complete up to the point of limiting the coverage of the permits to hazardous waste disposal sites. The EPA and Illinois bills, on the other hand, broaden the permit statement to include any permits that may be required under this act. The NSWMA bill is the only one that does not include a majority of the key words.

The enforcement of the provisions of the act are assigned to an agency or department in this section of only three bills: Illinois, Oregon, and NSWMA.

The development of forms and procedures for use by the Department was stipulated for specific applications in the bills which contained such a statement. Oklahoma directed the development of a manifest, Oregon the development of a permit application form, and NSWMA the development of procedures for obtaining a permit.

The ability to contract for services and obtain or utilize federal funds or other funding sources was explicitly included in the Illinois bill and for federal funds in the NSWMA bill.

The encouragement of recycling was mentioned in the California, Iowa, and Oklahoma bills, with Iowa presenting the most complete statement. The study of hazardous waste management may be conducted by Illinois and California; the Minnesota, Oregon, and EPA bills direct that it shall be accomplished with limits and definitive outputs listed in Table III. The Iowa bill requires maintenance of an inventory but does not include outputs in the form of recommendations. The outgrowth of the study directives in the Iowa, Minnesota, and EPA bills are hazardous waste management plans, while the Oregon bill requires several findings resembling a limited plan. The EPA study requirements are the most definitive; however, only Iowa's bill commits the department to an ongoing program.

The NSWMA bill provides a clear statement of who is responsible for the development and adoption of the rules and regulations, standards, guidelines, and criteria. The other bills state who is responsible for adoption but not for development with minor exceptions; i.e., California's development of lists, Oregon's development of recommendations on declassifying hazardous wastes, Oklahoma's designation of hazardous wastes, and Illinois' development of procedural regulations. Although the developmental responsibility is implied with the adoption responsibility, the statement of the responsibility, especially when the agency or commission "may" adopt a requirement, is useful. California's bill required the department to consult with a variety of local and state agencies prior to adoption of regulations, and Oklahoma's added federal regulatory agencies to this list. The NSWMA model added that the Director should consider the action of contiguous states to the extent feasible for uniform regulations.

Oklahoma provided the most unique aspect of the duties of a department by requiring the development and maintenance by generators of plans for those generating or shipping hazardous wastes into the state for disposal. This activity will become a part of the manifest system and requires that a current plan for the handling and disposal of any hazardous waste be maintained by the generator or shipper.

The duties of a department can be stipulated in: (a) one general statement, as found in the Oregon act; (b) a series of allowable department activities, as found in the Illinois act and Iowa and Oklahoma bills; or (c) in scattered statements through the act, as found in the EPA model. The most comprehensive series of statements was found in the Illinois act with general statements covering all activities except planning and technical assistance. The explicit hazardous waste statements in the bills include the encouragement of recycling and exchange, study hazardous waste management, and plan for hazardous waste management, with only Iowa's bill providing all of the activities. The instructions to develop the regulatory documents are most complete in the NSWMA model, although the instructions to develop listings for different purposes are found in three bills other than the NSWMA bill. Consultation with other agencies is directed by three bills, and review and approval of generator plans is included only in the Oklahoma bill.

## Powers

The powers which could be assigned to a regulatory unit include the adoption of rules and regulation, standards, guidelines, criteria, listings, and procedures covering any aspect of hazardous waste management. The powers for adoption are usually limited by a state administrative procedures act requiring public hearings or by a statement in the act requiring the same. In addition, statements concerning consideration of variations in the state, establishment of local preemptions, directives for emergency actions, and requirements for local plans or operator certification can be included.

The powers of the regulatory unit can be assigned to a department agency, director, commission, or board. The Oregon and Iowa bills assign the power to adopt regulations and other requirements to a commission, while Illinois' bill utilizes a board; Minnesota's bill an agency; and the California, EPA, and NSWMA bills utilize a department. The last three bills also create technical advisory groups to provide guidance to the department. The powers assigned to the regulatory units are illustrated in Table III and indicate a wide variety of responsibilities.

The California authorization to develop standards or regulations is limited by the definition of handling, processing, and disposal and by the phrase "to protect against hazards to the public health, to domestic livestock, and to wildlife." The California authorization includes the consideration of variations by geographical areas of the state and the preparation of lists of hazardous wastes and extremely hazardous wastes. The section on transportation adds the adoption of rules and regulations on this subject, including lists (manifests) and contents thereof. Public hearings are necessary before adoption of standards or regulations.

[Powers and Duties of  
the Department]

TABLE III

California Illinois Iowa Minnesota Oklahoma Oregon EPA Draft NSWMA  
(proposed) (proposed) No. 1 Draft No. 6

		Title 7 Sec. 26- 29						
Powers of the Department								
To Adopt and Revise					Sec. 5.A			
Rules & Regulations	25150	Sec. 22.	Sec.4.2,4	116.07(4)	Sec. 4.2	459.440	Sec. 4(C)	Sec. 6, 7
Standards	25150	Sec. 22.C	Sec. 4.5	116.07(2)	Sec. 5.A	459.440	Sec. 4	Sec. 6, 7
Guidelines			Sec. 5.2					Sec. 6, 7
Criteria			Sec. 4.1	116.07(4)			Sec. 4(C)	Sec. 5
Listings	25140		Sec. 4.1	116.07(4)	Sec.4.1,4	459.430	Sec. 4(C)	Sec. 5(3)
Procedures		Sec.22,39				459.440	Sec. 4(C)	Sec. 7(6)
Coverage of Rules & Regulations								
Generation							Sec. 4(C)	
Storage		Sec.22.C	Sec. 4.2	116.07(4)			Sec. 4(C)	Sec. 6
Containers & Labeling	25150	Sec.22.C	Sec. 4.2	116.07(4)			Sec. 4(C)	
Transportation	25150	Sec.22.C	Sec. 4.2	116.07(4)			Sec. 4(C)	Sec. 6
Processing or Treatment	25150	Sec.22.C	Sec. 4.2	116.07(4)	Sec. 4.2	459.440	Sec. 4(C)	Sec. 6
Disposal	25150	Sec.22.C	Sec. 4.2	116.07(4)	Sec. 4.2	459.440	Sec. 4(C)	Sec. 6
Permits		Sec. 39	Sec. 4.4	116.07(4a)			Sec. 5.A.	
Construction			Sec. 4.4	116.07(4a)	Sec. 4.2		Sec. 5.A.	Sec. 7
Operation		Sec. 39	Sec. 4.4	116.07(4a)	Sec. 4.2	459.440	Sec. 5.A.	Sec. 7
Terms or Conditions		Sec. 39	Sec. 4.5	116.07(4a)			Sec. 4(C)	
Manifests	25161				Sec. 4.7			Sec.7(8)(a)
For Adoption Hold Public Hearing	25152	Sec.28,29	yes		Sec. 5	459.440	Sec. 4(C)	Sec. 6,4,7
Consider Variation in State	25151	Sec. 27		116.07(2)			Sec. 4(D)	Sec.7(2)(a)
Preempt Local Government				116.07(2)				Sec. 4.(1)
To Direct Emergency Actions		Sec.4(E)	Sec. 5.4		Sec.14(1)	459.680	Sec. 10	Sec. 4.(3)
To Require Generator Plans					Sec. 4.8			
To Require Operator Certification		Sec. 22(b)					Sec. 9(3)	



The Illinois authorization is extremely broad, perhaps to the point of vagueness. The statement "without limiting the generality of this authority" establishes the tenor of the section. The standards authorized can include handling, storage, transport, processing, and disposal of hazardous waste; and a permit program is authorized by board approval, including terms and conditions and standards for location, design, operation, and maintenance. The definition of hazardous waste is limited in the permit section by excluding on-farm disposal of pesticides. The Illinois act further provides for monitoring and permit procedures (not adopted) and operator certification requirements (adopted by the Board). Consideration of variations in the state in addition to public hearings are required before adoption of regulations or standards.

The Iowa authority allows rules to establish the substances or classes of substances to be considered hazardous and adds new criteria to the determination of hazardous wastes. The Iowa authority for rules on hazardous wastes is limited by the definition of hazardous substances and by considerations "necessary to protect the public and the environment from unnecessary exposure to such wastes." The Iowa authority further provides for rules establishing a permit system for installation and operation, terms and conditions therefor, and standards of operation and maintenance for facilities. The Iowa Administrative Procedures Act directs public hearings for regulation adoption.

The Minnesota authority allows the promulgation of regulations and standards for identification, labeling, classification, storage, collection, treatment, and disposal of hazardous wastes after considering the population density and other variations of the state, public hearings, limits of technical knowledge, and accepted practices.

The Oklahoma bill provides for the adoption of regulations and minimum standards for the construction and operation of processing facilities and disposal sites, the designation of hazardous wastes subject to the limitations of the definition, and the provision of lists of materials unacceptable at any particular site and manifests (forms). The regulations and standards are subject to public hearings.

The Oregon Act provides for adoption of rules and orders, subject to public hearings, for minimum requirements for disposal of hazardous wastes including types and quantities to be disposed; for operation, maintenance, monitoring, reporting, and supervising of disposal sites; and for location of disposal sites. In addition, procedures for hearings, filing reports, plan submission, and license issuance, etc., are to be authorized by rules along with the radioactive waste disposal requirements.

The EPA model required the establishment, within two years, of criteria for hazardous wastes; rules for the generation, transport, storage, handling, treatment, and disposal of hazardous wastes; and rules for the permits program, for standards and procedures of safe operation and maintenance of treatment facilities or disposal sites, for containerization and labeling

of hazardous wastes, and for lists of waste incompatible for storage and disposal together. The limitations of these authorities are in the definitions and considerations of variations in the state. Public hearings are required prior to adoption.

The NSWMA model directs the adoption of regulations, standards, and guidelines for the handling, processing, and disposal of hazardous wastes; the adoption of procedures for coordination and evaluation of research and contracting for the same; and adoption of criteria for determining hazardous waste. In addition, the director shall compile listings of hazardous wastes and adopt procedures for obtaining a permit. Public hearings and the review of the hazardous waste technical advisory group are required before adoption of any documents.

Minnesota's bill adds a statement that no regulations of local government shall be inconsistent with those set by the pollution control agency. The NSWMA bill takes this one step further and forbids the adoption of enforcement of any rule or regulation in an area of department jurisdiction by another state agency or local government. The Oregon legislation charges the agency with the responsibility for coordinating and supervising the functions of all state and local governments with regard to hazardous waste. The California bill requires technical assistance to state and local units of government.

Six of the bills authorize emergency action by the department. This will be discussed in further detail in the [Imminent Hazard] section.

Oklahoma's bill requires preapproved plans for persons generating or shipping hazardous waste in the state, including a description of the waste, disposal method, and site. This unique feature requires current plans for all generators who are disposing of hazardous waste and should provide an effective control method. The Illinois and EPA bills provide for operator certification programs; however, neither bill includes instructions on how or under what conditions the program should be operated.

In terms of coverage, the Iowa and EPA bills provide the most complete authorizations with minor exceptions, such as manifests, operator certification, and generator plans. Also missing from the EPA bill is the directive to provide technical assistance and coordinate the efforts of local government. The Minnesota act is the most succinct of the bills and may, if the complete act were available, provide for as comprehensive a program as the two acts cited above. The local generator permitting responsibility of the county governments in the Minnesota amendments should provide the same type of generator control as the Oklahoma generator plans will provide. Manifests will be discussed in the [Transportation] section.

#### [Permits]

Table IV presents the permit powers granted by the various bills. A brief examination of the Table IV indicates that only the California Department of Public Health is without the authority to permit at least sites and facilities. The California State Water Resources Control Board permits and controls facilities with discharges (or potential discharges) to water including land disposal sites.

TABLE IV

California Illinois Iowa Minnesota Oklahoma Oregon EPA Draft NSWMA  
 (proposed) (proposed) No. 1 Draft No. 6

[Permits]				473D.051			Sec. 5	
Required for Generation				400.161				
Required for Storage			Sec. 4.4			459.510	(B)	Sec. 7(b)
Required for Transportation			Sec. 4.4				(D)	Sec. 7(b)
Required for Processing/Treatment		Sec. 39	Sec. 4.4	116.07(4a)		459.510	(A)(C)	Sec. 7(b)
Construction		Sec. 39	Sec. 4.4	116.07(4a)	Sec. 6	459.540	(A)	Sec. 7(c)
Alteration			Sec. 4.4				(A)	
Operation		Sec. 39	Sec. 4.4	116.07(4a)	Sec. 8	459.540	(A)	Sec. 7(d)
Required for Disposal		Sec. 21,39	Sec. 4.4	116.07(4a)		459.510	(A)	Sec. 7(b)
Construction		Sec. 21,39	Sec. 4.4	116.07(4a)	Sec. 6	459.540	(A)	Sec. 7(c)
Alteration			Sec. 4.4				(A)	
Operation		Sec. 21,39	Sec. 4.4	116.07(4a)	Sec. 8	459.540	(A)	Sec. 7(d)
Application Required		Sec. 4.H	Sec. 6.2		Sec. 6,7,8	459.530	(A)(C)	Sec. 7(c)
On Department Forms						459.530	(E)	
By Registered P.E.			Sec. 6.2		Sec. 7			
Department Response Required		Sec. 40						
Denial		Sec. 39	Sec. 4.4	116.07(4a)	Sec. 4.11	459.520		
Hearing		Sec. 40	Sec. 5.3					
Variance		Sec. 35-38	Sec. 5.3				(I)	Sec. 7(g)
Hearing		Sec. 36						Sec. 7(g)
Period of Permit							(G)	
Existing Sites					Sec. 5.C	459.520		Sec. 7(g)
Fees		Sec. 4.I		473D.051 400.161		459.530		
Department Terms and Conditions		Sec. 39	Sec. 4.5	116.07(4a)	Sec. 8E		(F)	
Revocation		Sec. 33	Sec. 5.3			459.620	(H)	Sec. 8(4)
Hearing		Sec. 31,32				459.620	(H)	Sec. 8(4)
						459.440		
Site or Facility Maintenance		Sec. 21	Sec. 4.5		Sec. 11	459.590		

Illinois Environmental Protection Act provides an extensive permit section, variance section, and a minimal statement concerning the permit program provided for hazardous waste management. The Act does not allow modification of a permit, but supplemental permits can accomplish the same purpose or variances can be utilized. Permits for generation, storage, and transportation may or may not be allowed depending on the interpretation of the meaning of collection and disposal. The Act provides for extensive denial and revocation processes. It does not allow requirement of a bond to obtain a permit; however, the Board can require a bond as a result of an enforcement action or for granting a variance.

The Iowa bill would require a permit for any new hazardous waste disposal "facility," which is not defined in that act, or for additions or modifications to the same. In a separate statement, permits for operation are also required after July 1, 1978. To obtain a permit, either new or supplemental, plans and specifications for facilities and sites must be prepared by a registered professional engineer and approved by the department. Construction must be according to approved plans and specs. The denial process is explained in the bill, and the provisions of terms and conditions is a power of the Commission.

The Minnesota amendments provide for dual permitting authority for different purposes. The counties are allowed to establish a permit, license, or registration procedure for generators of hazardous wastes and to collect fees. The county rules, regulations, standards, or ordinances must be consistent with the Pollution Control Agency regulations and standards but can include any subject covered by the state regulations. The Pollution Control Agency can issue, continue, or deny permits for treatment or disposal sites or facilities under department terms and conditions.

The Oklahoma bill provides for construction permits, application (design and construction) under the supervision of a professional engineer, and operation permits. The construction permit provisions require adjacent property owner notification and hearings if requested. The operation permit provisions stipulate liability insurance and financial responsibility.

The Oregon Act requires a license for hazardous waste disposal sites and includes a grandfather clause. The license application forms of the department and their contents are stipulated in addition to a nonrefundable fee of \$5,000. Revocation procedures are also provided. The requirements for public hearings on each site application, both at the state and local level, are included along with the required approval of the application by several state agencies. The department is also required to conduct an investigation and report its recommendations to the Commission, who then make the final decision subject to judicial review.

The permit section of the EPA model requires an application on department forms for a permit to construct, alter or operate, a treatment or disposal facility or transport, store, treat, or dispose of hazardous waste. The department may establish the terms and conditions of the permits. The permit shall be valid for five years and be renewable. The

revocation procedure is stipulated for violations of the terms and conditions of the permit only, and the provision of variances for hardship, not to exceed 12 months, is included. The wording of the section could include existing hazardous waste management systems; however, it is not explicit.

The NSWMA model requires the Director to promulgate a permit program for handling, processing, and disposal of hazardous wastes; criteria for permit issuance only, and procedures for permit issuance. The model also allows Director approval for handling, processing, and disposal under the regulations without a permit. Persons who concentrate or prepare hazardous wastes for shipment are exempt from permits. Construction permits and applications are required for all new processing sites and disposal facilities as are operation permits. Transportation of hazardous wastes to an unpermitted facility is not allowed. Existing sites and facilities are granted a variance, a hearing where the department must provide evidence that the site does not need standards, and additional time to meet the requirements. Existing permits for the same are also extended beyond the effective date of the act. The permits section also contained a statement of intent to use private enterprise, which was relegated to the [Miscellaneous] section.

The Iowa and EPA bills contain the most comprehensive permit provisions for a hazardous waste management system, yet neither includes permits for generation, which are established only in the Minnesota amendments at the county level. Oregon's Act includes the most comprehensive statements on what should be in the application, though only Iowa and Oklahoma require a professional engineer to design the site, and only Oklahoma requires a professional engineer to supervise construction. Illinois is the only state which requires a response by the state agency within a time limit. The procedures for denying a permit, obtaining a variance, and revoking a permit are extensively explained in the Illinois Act. The Iowa and Illinois bills have supplemental permits which can be utilized to substitute for variances. Only the EPA model provided a time limit on permits. The Oregon, NSWMA, and Oklahoma bills provided a grandfather clause for existing permits, with Oregon's statements being the most comprehensive. The allowance for department terms and conditions was included in five bills, with the EPA and Illinois statements being the most comprehensive. Oregon's Act provides the most extensive application review procedures and fees for administration. Minnesota's Act was the only bill to provide for extensive local involvement through the county permits and fees. Four bills provide for long-term site monitoring or maintenance to varying degrees, with Oregon's statement being the most comprehensive.

#### [Hazardous Waste Treatment/Disposal Sites]

Table V presents the provisions of [Hazardous Waste Treatment/Disposal Sites], which is primarily concerned with the terms and conditions for such sites established by the bills.

The Illinois act establishes a permit program and stipulates that the Agency can require such conditions as are necessary to comply with the act. Those terms and conditions required by the act are "periodic reports and full access to adequate records and the inspection of facilities," in addition to compliance with the Board's regulations.

TABLE V

[illegible]

Iowa's bill would require conditions for permits to be established by the Commission and directs that "sufficient surety bond or other financial commitment to insure proper maintenance, closure, and monitoring of the hazardous waste disposal facility" be required. In addition, the Commission, by rule, may require public hearings and must allow participation and public notice in the permit process.

The Minnesota amendments allow the pollution control agency the freedom to require such conditions as the agency deems necessary. In addition, a permit cannot be issued in the Metropolitan Inter-County Council area which does not comply with the Council's comprehensive plan, and copies of applications are required to be sent to the Council and a time limit for action is specified.

Oklahoma's bill allows the Section to require monitoring equipment, safety devices, signs, or "other equipment deemed necessary to ensure the suitable operation of the facility or site." The conditions required by the bill for a permit are liability insurance within limits up to \$500,000, evidence of financial solvency, and ability to operate and maintain the site according to the requirements; and evidence that the operation is under a qualified person (with guidance on qualifications stipulated). In addition, the operator is required to maintain and monitor any closed site for ten years after closure and must, upon receipt of a permit or extension, file the permit with the Registrar of Deeds in the county where the site is located and report this filing to the Section. Notification of adjacent property owners and local health departments is also required with a public hearing to be held if requested on applications.

The Oregon Act places the most conditions on a permit beginning with the requirement for conveying the site to the state where hazardous wastes are to be disposed of by storage. The Act stipulates that if the state were required to pay for the land, then the licensee shall pay the state an annual fee sufficient to make the site self-supporting and self-liquidating. Other conditions include expeditious completion of the project; commencement of operations upon completion of site construction; discontinuance of operations only with approval from the department; maintenance of sufficient liability insurance to protect health, welfare, and environment; establishment of safety and emergency procedures; resotation of the site at closure; and maintenance of a cash bond in the name of the state sufficient to cover closing, maintenance, and monitoring costs. Permits are also conditioned by reporting requirements on material received and license fee requirements based on volume or a percentage of the gate fee or both. The fees are placed in an account and, with earnings, can accumulate a sum to replace the cash bond. If closure precedes this event, the cash bond will be used to obtain the difference. In addition, annual license fees sufficient to maintain a monitoring and surveillance program for the site shall be charged and appropriated to the department. Finally, the Commission can obtain the site title for the state by condemnation proceedings.

The EPA model stipulates that the department prescribes the terms and conditions for permits which shall include but not be limited to evidence of liability insurance for the protection of the public health and the environment; evidence of financial responsibility to assure the same protection as the liability insurance if the site were abandoned, stopped operations, or interrupted operations; and evidence that the qualifications of the personnel meet training and education qualifications determined to be necessary by the department based on the hazardous wastes to be handled. The department must certify said personnel and recertify them if the hazardous waste types significantly change. In addition, the department is authorized to establish fees to be paid by hazardous waste treatment/disposal sites for the purpose of administering the act and deposit such fees in an account established for that purpose.

The NSWMA model did not mention terms or conditions for permits.

The terms and conditions of permits for hazardous waste treatment/disposal sites can be as extensive or as minimal as the state legislators desire. Oregon and EPA bills have the most comprehensive set of conditions in the bills, though the Minnesota, EPA, Iowa, and Illinois bills allow the regulatory agency to establish conditions beyond the requirements of the law. The liability insurance and the cash bond requirements of the Oregon act are the most comprehensive. The EPA bill allows department discretion in the form of the financial security. The Oklahoma and Oregon bills require a statement of the financial status of the applicant prior to issuance of the permit. Four of the bills provide for operator qualifications, and EPA's requirement is the most comprehensive with certification and recertification provisions. However, the certification program is not fully explained and is not mentioned elsewhere in the act. The California and EPA provisions for schedules of fees are very similar and provide an income for the state program to pay for administration of the act. Oregon went one step further with the establishment of two annual fees; one to pay for monitoring and protection of the site after closure (and replace the cash bond) and the other to pay for a monitoring and surveillance program while the site is operating. The unique feature of the second fee is that it is continuously reappropriated to the department. Oregon's Act further requires the conveyance of the title of a licensed site to the state, state and local hearings on each site application, and review by state agencies who can recommend disapproval. If the Health Department recommends disapproval, the agency must disapprove the application. Iowa's bill requires public notice and participation on the state level for an application, and Minnesota's bill requires compliance with the Council's comprehensive plan, which must include hazardous waste management. The Oklahoma bill provides for public notification and a hearing on each application if requested. In addition, the permit must be filed with the county Registrar of Deeds.

#### [Transportation of Hazardous Wastes]

Table V also presents the sections of the bills pertaining to transportation of hazardous wastes. The provisions of this section can include the issuance of rules and regulations, directions on the consistency of those



rules and regulations with other rules and regulations, the requirement for a manifest system, and the requirement for permits by transporters of hazardous wastes.

California's Act requires that the producer of hazardous wastes provide a list (manifest) to the transporter which includes a description of the hazardous waste carried, its composition by maximum and minimum percentages, the origin and destination of the wastes, and other safety information as appropriate. The list (manifest) and hazardous wastes are delivered to the disposal site and are to be shown to any designated official. In addition, the department shall, after public hearing, adopt rules and regulation governing the list as necessary to enforce the provision. Other documents required by state and federal agencies can satisfy applicable requirements for information on the list.

Illinois' Act provides limited authority over refuse collection and allows a permit to be required for collection. The Board can promulgate rules and regulations governing the handling and transporting of hazardous waste. The broad grant of authority provides the state agency with an opportunity to develop and recommend a regulatory program. The Board can reject or adopt these recommendations.

Iowa's bill includes transportation as an element of disposal but does not specify any transportation-oriented activities other than sites or facilities. The adoption of rules by the Commission for hazardous waste handling to protect the public and environment from exposure are the apparent limits of the bill on transportation.

Minnesota's amendments delegated the development of standards for hazardous waste transportation to the Minnesota Public Service Commission with the cooperation of the Pollution Control Agency.

The Oklahoma bill directs the Section to prescribe manifests for all generators of hazardous waste which are to be used once the generator plans are approved. The manifests are to be given to the transporter by the generator and include the approved plan number, the amount and composition, and the origin and destination of the hazardous waste. The transporter is responsible for the manifest and waste until he delivers both to the disposal site. Prohibitions against carrying, receiving, or disposing of hazardous waste without a manifest or without a manifest with the approved plan number is also contained in the provision.

Oregon's Act instructs the Public Utility Commissioner and Department of Agriculture to consider the recommendations of the department with regard to transportation of hazardous waste.

EPA's model provides for the Public Utilities Commissioner to issue, within one year of the effective date of the act, rules and regulations for the transportation of hazardous waste. Said rules should be consistent with U.S. Department of Transportation (14) and department regulations.

The NSWMA model requires the director to develop a manifest for review by the Hazardous Waste Technical Advisory Committee and then for adoption following a public hearing. The model also provides for the adoption, after public hearing, of rules and regulations governing hazardous waste handling and allows the promulgation of a permit program for handling hazardous waste. The manifest is required to accompany hazardous waste and shall include the quantity, composition by maximum and minimum percentages, and such other information as the director may require. The completed manifests shall be forwarded to the director monthly by the producers, handlers, processors, and disposers.

The transportation provisions of the bills vary considerably in coverage. California and NSWMA bills stipulate a comprehensive transportation regulatory program, and Illinois enables one to be developed by the agency and Board. The Minnesota, Oregon, and EPA bills provide for cooperation with public service agencies on program and standards development, and the Oklahoma bill provides for a manifest system without rules and regulations governing transportation. The Iowa bill, on the other hand, provides for rules for transportation and gathering of information but not a manifest system. The NSWMA model provides for a hazardous waste handling permit program and is the most comprehensive allowing for the adoption of the permit procedures, guidelines, standards, rules and regulations, and manifests after public hearing. The Oklahoma manifest system is tied to the generator plans and includes prohibitions not found in the other bills. The California Act allows other required documents to satisfy manifest requirements and provides for inspection of the manifest. The EPA model provides for consistency of transportation rules and an effective date for the rules. NSWMA's model also provides for an effective date and requires monthly filing of the completed manifests. Therefore, a comprehensive bill would include provisions from all of the available bills.

#### [Imminent Hazard]

Table VI presents provisions of the bills related to emergency or imminent hazard situations. The sections of this provision can include authorization for the department to issue orders, suspend operations for permits, or request enjoinder of an action and may include a statement that proof of damage is not required for enjoining actions.

California's Act does not address emergency powers; however, it does provide for obtaining a restraining order or a permanent or temporary injunction without having to allege an imminent danger or damage. In addition, the department may request the Attorney General or county attorneys to file for a court order or injunction to prevent or halt a violation of the act, rules and regulations, or orders issued thereunder.

The Illinois Act provides for the Board to adopt provisions relating to emergency conditions or occurrences constituting an acute danger to health or to the environment and arising from pollution.

TABLE VI

	California	Illinois	Iowa (proposed)	Minnesota	Oklahoma (proposed)	Oregon	EPA Draft No. 1	NSWMA Draft No. 6
[Imminent Hazard]		Sec. 27				459.680	Sec. 10	Sec. 4(3) Sec. 8
Department Authorized to			Sec. 9			459.680	(A)	
Issue Orders			Sec. 9			459.680	(A)(1)	
Suspend Operations		Sec. 34				459.680	(A)(1)	(2)
Request Enjoining Actions	25181	Sec. 43				459.680	(A)(2)	
Proof of Damage not Required to Enjoin	25184						(B)	
[Enforcement]	25180						Sec. 11	Sec. 8
Investigations Allowed	25185	Sec. 30	Sec. 7			459,650,660	Sec. 7	
For Violation of a		Sec. 42	Sec. 8,12				Sec. 11(A)	
Permit - Term or Condition	25154	Sec. 42	Sec. 8,12	116.077	Sec. 13	459.650,660	(A)	
Rule, Regulation, Standard		Sec. 42	Sec. 8,12			459.650,660	(B)	Sec. 8(3)
Order		Sec. 42	Sec. 13	116.077	Sec. 13	459.992	(C)	Sec. 8(3)
Penalty or	25180	Sec. 43	Sec. 8,12				(A)	Sec. 8(2)
Request A.G. Action							(B)	
For Knowing Violation of the above--Penalty		Sec. 44	Sec. 14				Sec.8(B)2	
Procedure		Sec. 31						
Notice		Sec. 31	Sec. 7					Sec. 8(1)
Order	25181	Sec. 31	Sec. 8			650,660		
Enjoining Action	25181	Sec. 33	Sec. 8		Sec. 14.2	459.440	Sec. 11(A)	Sec. 8(2)
Suspension		Sec. 32	Sec. 5.3		Sec. 14.1	459.690	(A)	Sec. 8(2)
Hearing		Sec. 32	Sec. 7,8			459.650,660		Sec. 8(4)
Each Day Separate Violation		Sec. 42			Sec. 13	459.992	(D)	
Delivery of Orders			Sec. 9			459.660	(E)	
Burden of Proof	25181	Sec. 31	Sec. 16					
Negotiated Settlement			Sec. 7					Sec. 8(6)
Civil Suit to Recover Penalty		Sec. 42						Sec. 8(5)
Procedures for Civil Actions	25182							Sec. 8(2)
	25183	Sec. 31						Sec. 8(5)
Judicial Review		Sec. 41	Sec. 10			459.580,620		
Authorized Representative	25180					650,660	Sec. 7	

Iowa's bill allows either the commission or the executive director to issue orders without notice if the emergency affects the public health, welfare or safety, or endangers the environment. Such an order is to be delivered by personal service and shall be binding until modified or reversed by the court or action by the commission or executive director following a hearing before the same.

The Oregon Act stipulates the department can order a halt to an operation without notice when monitoring or surveillance indicates a clear and immediate danger to public health or safety. However, within 24 hours after the order, the department must appear in circuit court and petition for equitable relief and may commence proceedings to revoke the license.

The EPA model allows for the department to issue an order requiring elimination of the hazard, including halting operations, or request the Attorney General or local district attorney to commence enjoining action on such acts or practices. The department must show that the person is engaged in the acts or practices but does not have to show or allege irreparable damage or that the remedy at law is inadequate. The hazard must be to the health of persons or other living organisms, and the department can obtain a restraining order, temporary injunction, or permanent injunction.

The NSWMA model requires notice of violation followed by a 30-day waiting period prior to commencement of any further activities. If an imminent danger to the public health or safety is demonstrated after the 30-day period, the director may suspend operations until steps are being taken to alleviate the danger. Since the NSWMA model requires a 30-day waiting period, it does not really apply to an imminent hazard.

The coverage of the EPA model is the most complete. The Illinois approach is the most flexible regarding the requirements which the Board could adopt to cover imminent hazards. The California act does not provide a direct reference to emergencies. The Iowa bill requires delivery of orders by personal service and provides a wide range of hazard determination but no injunctive relief provision. The Oregon act requires an appearance in court to petition for equitable relief within 24 hours.

#### [Enforcement]

The provisions of an [Enforcement] section are presented in Table VI and can include investigations, prohibitions, violations, penalties, procedures, statements on burden of proof and judicial review, and any other special provisions or assignments of responsibility.

The California act requires enforcement of the standards and rules and regulations of the department by the department, local health officers, or any local public officer designated by the department. The method of enforcement for violations or potential violations is to have the Attorney General or the county district attorney apply for a temporary or permanent injunction or restraining order. The injunction or order will be granted if the department shows the court that the act or practice will violate or has

violated the law, rules and regulations, or standards. The petitions will be by the above-mentioned attorneys only, and any applications or petitions may be joined or consolidated by the court. In addition, the enjoining action does not require an allegation or proof of irreparable damage or that the remedy at law is inadequate.

The Illinois enforcement provisions encompass five sections of the law, penalties encompass four sections, and judicial review one section. The enforcement provisions stipulate that notice must be served of a violation and said person must attend a hearing within 21 days of notice before the Board. In addition, complaintants against the alleged violator and public agencies requesting notification must be notified of the hearing. Complaints by persons are allowed, but, like the Agency, they must show before the Board that the violation or potential violation is or will cause a violation of the rules, etc. The hearing officer appointed by the Board must file a report and findings with the Board, including recommendations following the hearings. The Board may direct, cease, and desist orders; impose civil penalties; revoke the permit; and require posting of a bond by the violator to insure corrective action. The conditions for making determinations are extensive, and the Board can request enforcement of orders by injunction, mandamus, or other appropriate remedy.

The Illinois act includes a provision for the Board to adopt regulations concerning emergency conditions under any of the Board's regulatory functions, which would include hazardous waste management. Once these are promulgated and an emergency arises, the agency can seal any equipment, vehicle, vessel, aircraft, or other facility in violation of the rules and regulations if an emergency condition exists which creates a danger to health. Breaking the seal is a misdemeanor. The owner or operator is entitled to a hearing on the seal before the Board, and the petitioner may seek injunctive relief.

Any party to an action before the Board is entitled to judicial review of the action of the Board subject to the provisions of the Administrative Procedures Act with exceptions. Violation of a rule or regulation, standard, permit term or condition, or order is subject to a civil penalty of \$10,000 plus \$1,000 per day as long as the violation persists. In addition, the cost of fish kills can be assessed separately. Civil actions can be used by the Attorney General to collect penalties. The Attorney General or county state's attorney can file for an injunction on their own motion to stop a violation and do so in the name of the people of Illinois. Knowing violations are Class A misdemeanors and all law enforcement officers are bound to enforce it. Corporations are also responsible for the knowing actions of their employees.

The Iowa bill provides for investigations by the department and mentions the technical aspects and the need for evidence of a violation. The director must notify the alleged violator and attempt informal negotiations to resolve the problem and can then issue a notice of the time and place of public hearing. After the hearing, the commission or executive director may issue, if the violator is found guilty, an order requiring remedial action or refer the case to the Attorney General or both. Judicial review is provided for any order

of the commission or executive director; however, either may reinstitute charges if public health is endangered. The executive director may request the Attorney General to seek injunctive relief for violations of rules, permit conditions, or orders and records of hearings shall be maintained. A maximum civil penalty for violations is \$500/day. The maximum criminal penalty is \$1,000 and/or six months in jail and requires a knowing violation of the act, rules, permits, or orders; falsification of records or documents; tampering with monitoring equipment; or failure to report a hazardous situation. The Attorney General is instructed to institute proceedings requested by the executive director or the commission for enforcement of the penalty provisions. Finally, the burden of proof with respect to violations of the act or rules is on the department.

Minnesota's Act places the responsibility for compliance on those affected by the amendments. Violation of the provisions or regulations or standards of the pollution control agency is a misdemeanor.

The Oklahoma bill would establish the penalty for violation of the act, rules, regulations, or standards as a misdemeanor with a maximum sentence of 30 days in jail or a fine and imprisonment. Each day or part of a day during which the violation is continued shall be treated as a new offense. In addition, the Section or head of the Division of Environmental Resources can temporarily suspend the permit of an operator until the site conforms to the rules, etc., or apply for an injunction to restrain a violation and restrain the maintenance of a public nuisance.

The Oregon Act allows the department to conduct investigations of complaints of violation or unsafe activities and, if conditions warrant, file a complaint with the operator indicating the time and place of a hearing upon ten days written notice. The complainant and licensee are entitled to be heard and may require the attendance of witnesses, present evidence, and offer exhibitions. The Commission (or their appointed hearing officer) shall hear the matter and within 30 days, make such orders as it considers necessary. The orders are subject to judicial review and the cost of transcribing and recording the hearing shall be paid by the party seeking judicial review.

The department may, on its own motion, investigate potential unsafe conditions or violations of the act, rules, or orders and, without notice or hearing, make orders as necessary. The findings and orders may require changes in operations, procedures, or practices in violation of the act, etc., or compliance with the license provisions. The findings and orders are effective 20 days after date of issuance provided the licensee does not make a written request for a hearing before the Commission within that time period stating the reasons for requesting a hearing. After the hearing, the Commission may affirm, reverse, or modify the order, which is also subject to judicial review, without the transcript payment requirement. The department may also institute court proceedings to enforce compliance or restrain violations of the act, etc., without a hearing. Violation of the license requirements, rule, or order is punishable, upon conviction, by a maximum fine of \$3,000 or imprisonment for one year, or both, with each day a separate offense.

The EPA model stipulates that if a person is in violation of a requirement of the act, the department shall issue them an order to comply or request the Attorney General to seek civil action for injunctive relief. The penalties for knowing violations shall not exceed a fine of \$25,000 per day, imprisonment for one year, or both. The penalty for violations of orders under this section shall not exceed \$10,000 per day. Each day of non-compliance with the requirements of the act or an order shall constitute a separate offense. Orders shall be delivered by personal service to the person designated to receive service of process. In addition, the EPA model has a section devoted to "prohibitions," which is closely related to [Enforcement] provisions. The prohibitions stipulate that, effective six months after promulgation of rules and regulations, it is unlawful to construct, alter, or operate a hazardous waste facility or site, transport or store hazardous waste without a permit; violate a term or condition of a permit; or treat or dispose of hazardous waste without such permit. A provision prohibiting the operations of a site or facility or transportation or storage of hazardous waste while a permit is suspended or revoked is also added. The final provision of the "prohibitions" section makes it unlawful for a person to falsify any record, report, information, or test required under the act.

The NSWMA model provides for the director to give written notice to the violator of violations of the act or requirements thereunder. If the violation continues for 30 days after notification, the director can issue an order requiring compliance within another time period or commence a civil action for appropriate relief, including temporary or permanent, mandatory or prohibitive injunctive relief. Orders must state the violation and time period for compliance. If monetary penalties are sought, they must be determined by the department based on the seriousness of the violation and efforts to comply. The penalties are not stipulated but are restricted to non-compliance with orders within the specified time frame. The Attorney General can be requested to collect any unpaid penalties by filing a civil action in the county court where the violator is located. The court must sustain both the director's findings and the penalty. However, the department is authorized to settle any penalty in an amount which is equitable up to a maximum of 90 percent of the penalty when the person takes action within a year to correct the violation.

Enforcement provisions of the bills vary extensively, as Table VI indicates. Explicit statements on investigations are found in five bills. Illinois' provision of the right to make an investigation, Iowa's description of the necessary parts of an investigation, and EPA's statement on an authorized representative are the most comprehensive of the bills. Oregon split the investigative power into two sections with different procedures which could cause confusing conditions but provides more flexibility to the department in a choice of actions. The violations of rules and regulations, standards, and permit terms or conditions are well covered in the Illinois, Iowa, and EPA bills. The California, Oregon, Oklahoma, Minnesota, and NSWMA bills do not mention the permit terms and conditions and other sections. The distinction between a violation and a knowing violation is recognized in the Illinois, Iowa, and EPA bills, with Iowa furnishing

the most complete statement of knowing offenses and EPA providing the most stringent maximum penalties. EPA also provided the most stringent maximum penalties in the violations section. The procedures provisions of the Illinois, Iowa, and NSWMA bills prescribe a complete range of activities; however, the NSWMA activities are extremely weak with the 30-day notice period followed by actions which can be delayed or even negotiated at the will of the violator. The Illinois activities are the most extensive requiring a hearing within 20 days of notice followed by a Board action and/or civil court action. The Oregon Act stipulates a 10-day notice prior to a hearing on a violation of a complaintant and a 20-day period for a department order from their own investigation. All the bills except Minnesota and Oklahoma provide for a hearing following such orders. California requires the order to issue from the appropriate court which necessitates a hearing. Four of the bills provide for each day being a separate offense with EPA's statement being the most comprehensive and including joining and consolidating actions by the court. Iowa, Oregon, and EPA bills provide for personal service as the method of delivery or orders. Illinois, California, and NSWMA provide for the collection of penalties by request to the Attorney General for civil action; however, NSWMA's statement requires a court decision on the action of the agency and the penalty. Iowa's bill included a provision on the burden of proof and the ability of the director to negotiate a settlement prior to department action. NSWMA's bill added a section on mediating penalties if the corrective action is taken within a year. Oregon's Act provided for actions to restrain a violation in a separate section which allows court action without an administrative hearing. Judicial review is provided for in five of the bills with extensive sections in the Illinois Act. Finally, Iowa's bill added a section directing the Attorney General to take action at the request of the department.

[Hazardous Waste Technical Advisory Committee]

Table VII presents the provisions of this section, which can include the establishment of the board or committee; its duties; membership and terms of office; compensation and interests of the members; meetings and procedures; reports and contracts; staff; and any other special powers, provisions, or procedures.

The bills establishing such committees usually do not have existing boards, commission, or other advisory bodies with responsibilities for review of rules and regulations and other requirements of acts. The California, EPA, and NSWMA bills are such bills and create hazardous waste management Technical Advisory Committee or Board. The committees differ in duties with California's and EPA's being advisory to the department on a number of subjects and NSWMA's being evaluative, advisory, and recommendatory to the Governor, department, and legislature by preparing reports and recommendations on a wider range of issues. The membership of the committees are seven for California, eleven for EPA, and nine for NSWMA. However, the mix of representatives differs greatly with local government and the public providing four members of each committee, agriculture one in California and two in EPA; generating industry one in California, two in EPA, and one in NSWMA; and transporters and processors or disposers one in California, two in EPA, and three in NSWMA, with a chemical engineer added to the NSWMA committee and the director of the department added to EPA's committee.



TABLE VII

	California	Illinois	Iowa (proposed)	Minnesota	Oklahoma (proposed)	Oregon	EPA Draft No. 1	NSWMA Draft No. 6
[Hazardous Waste Management Technical Advisory Committee]	25130						Sec. 13	Sec. 9
Established & Duties	25130						(A)	(8) & (9)
Membership	25131						(B)	(1) & (4)
Terms of Office							(C)	(1) & (3) & (6)
Compensation	25133						(D)	(2)
Financial Interest	25132						(E)	
Meetings							(F)	(6) & (12)
Meeting Procedures								(5) & (7)
Reports								(10)
Contracts & Staff								(11)
[Inspections; Right of Entry]	25185						Sec. 7	
Authorized Personnel	25185					459.670	Sec. 7	
Entry	25185					459.610, 670	Sec. 7(A)	
Inspections		Sec. 21	Sec. 5(4)		Sec. 4(5)		Sec. 7(B)	
Sampling							Sec. 7(B)	
Examine & Copy Records		Sec. 21				459.670	Sec. 7(C)	
[Liability]					Sec. 10	459.685		Sec. 7(2)(f)
[Records, Reports, Monitoring]							Sec. 6	
Department Rules & Regulations		Sec. 22(d)	Sec. 5.1				(A)	
On Records		Sec. 4(b)	Sec. 5.1		Sec. 4.6	459.670	(A)(1)	
On Reports	25153	Sec. 22(d)	Sec. 5.1	116.101	Sec. 4.9, 10	459.440 &	(A)(2) &	
						459.590	Sec. 8(1)	
On Sampling & Analysis		Sec. 22(d)					(A)(3)	
On Monitoring		Sec. 22(d)					(A)(4)	
On Other Information			Sec. 5.1				(A)(5)	
On Public Inspection		Sec. 7				459.460	(C)	
Applicability							(B)	
Confidentiality	25173	Sec. 7	Sec. 11		Sec. 4.13	459.460	(C)	Sec. 4(8)
Employees not to Release	25173		Sec. 11					Sec. 4(8)
Reporting								Sec. 7(8)(d)

The terms of office are specified in the EPA and NSWMA bills with NSWMA providing mandatory actions and meetings and meeting procedures. The three bills all cover compensation, but only the California and EPA bills have statements concerning financial interests of the members representing the public or government interests. The NSWMA bill also provides for the Committee to hire staff and consultants as needed to carry out its functions.

#### [Inspections; Right of Entry]

The provisions of this section are also presented in Table VII and can include authorized personnel, right of entry, inspections, sampling, right of records examination, copying of records, and other statements as necessary. The provision of an inspection program was included in each bill and ranged from the brief statement by NSWMA that "upon written request of the Director, furnish or permit the Director or his duly authorized representative at all reasonable times to have access to those records relating specifically to such hazardous waste" to the extensive provision of EPA's model allowing the authorized representative of the department at any reasonable time to enter, inspect, and take samples of hazardous wastes including labels or containers; and inspect or copy records, reports, or test results relating to the purpose of developing or enforcing the act. The California, Illinois, Iowa, and Oklahoma bills provide for inspections in much more general statements. The Oregon Act provides for a surveillance and monitoring program to be supported by fees from the hazardous waste disposal sites, and the program appears to be focused on disposal sites.

#### [Liability]

The provisions of this section are presented in Table VII although they are often included in the [Enforcement] section. They can include the assignment of responsibility for damages, actions of employees, and corrective actions and ownership of materials.

Three bills included statements concerning liability--Oklahoma, Oregon, and NSWMA. The Oklahoma bill placed the liability for damages resulting from a hazardous waste processing facility or disposal site on the operator. NSWMA stated simply that the ownership of the wastes transfers upon receipt unless otherwise provided for. However, Oregon's Act devoted an extensive section to the liability for hazardous waste, whether it is waste or not. The person having care, custody, or control over the waste and who causes or permits illegal disposition of it or unreasonable use of handling of it (spills included) is liable for damages to person or property by such disposition. In addition, the person must immediately collect, remove, or treat it at the department's direction or the department will do so and charge the responsible party for said expenses. If said expenses are not paid within 15 days after notice, the department may request the Attorney General to bring action to recover said expenses. The Oregon Act has the most comprehensive section concerning liability.

[Records, Reports, Monitoring]

Table VII presents the provisions of this section, which is often found distributed among other sections. The provisions can include authorization for rules and regulations stipulating records to be maintained, reports and reporting, sampling and analysis requirements, monitoring requirements or other information required, applicability of the above, confidentiality of information, and responsibilities of persons and employees.

All eight bills contained statements on records, reporting, or monitoring as shown in Table VII. The Illinois, Iowa, and EPA bills contain explicit statements concerning the prescription of records and reports. The NSWMA, California, and Oklahoma bills do not include statements granting the authority to develop rules and regulations on the subject.

Oklahoma's bill places requirements for reporting on generators and operators of sites and facilities and allows the Section to require monitoring devices; however, the act does not prescribe other reporting requirements. The California Act stipulates that generators of extremely hazardous waste must report the same to the department; however, the rules and regulations provided for by the department may or may not include reporting requirements.

The NSWMA bill assigns responsibility for maintaining records to the generator, transporter, and processing or disposal facility or site operators but does not specify that rules or regulations be promulgated or accountability for the records. The completed manifests are to be forwarded to the department monthly and records can be inspected by the Director.

The Illinois Act allows the director of the agency to prescribe reporting requirements and maintenance of records and gives the Board the power to require monitoring through rules and regulations and to require records and reports with regard to the monitoring and sampling. In addition, the Act provides for public inspection and copying of records at cost with exceptions which include trade secrets, information privileged against introduction in judicial proceedings, and internal communications of the agencies.

Iowa's bill provided for the maintenance of an extensive inventory of hazardous wastes including the location, identity, quantity, method of storage, rate of accumulation, current disposal practices, and other information deemed necessary by the Commission.

The EPA model provides explicitly for the adoption of rules and regulations prescribing records, reports, tests and analyses, monitoring equipment and uses, and other information necessary. In addition, generators of hazardous waste must report such on forms prescribed by the department within six months of the effective date of the act and at appropriate intervals thereafter. This should provide an interesting situation because the criteria for hazardous waste are not required to be adopted until two years after the effective date. However, the coverage of the reporting can change with time and adoption of appropriate rules and regulations. The EPA model was the only bill to specify the applicability of the reporting requirements and adds a prohibition against the falsification of "records, reports, analysis, information, or test result required under this act."

The California, Illinois, Iowa, Oregon, EPA, and NSWMA bills specified that confidentiality of information shall be maintained where warranted. The protection of this section is extended to "producers, processors, and disposers," in the NSWMA bill; "information" in the EPA, Oregon, Illinois, and Iowa bills; and "handling and disposing methods" in the California Act. The definitions of "trade secret" vary slightly among the bills and the protection afforded the information are different. The Oregon and EPA bills allow the information to be divulged to authorized employees or representatives of the state agency. The Iowa, NSWMA, and California bills prohibit employees of the department from disseminating such information and require the department to establish procedures to prevent such disclosures. Iowa's bill adds that information required in a proceeding on a violation may be utilized at the court's direction.

The numerous provisions of the bills illustrate the variations in the powers, requirements, and prohibitions, which could be included in a hazardous waste management act. Only a combination of the above provisions could be considered comprehensive though the EPA model appears to have more of the major provisions.

#### [Employee Protection]

Table VIII presents the provisions relating to discrimination against an employee or representative of the department who is or has initiated or is or will participate in a proceeding under this act unless the employee has violated or caused a violation of this act. The EPA model was the only bill including such a provision.

#### [Interstate Cooperation]

Table VIII indicates that the EPA model is the only bill providing for interstate cooperation; however, several bills presented similar statements in selected portions of their acts. The EPA statement is the most explicit encouraging state cooperation for improved management of hazardous waste, uniform laws, and development of compacts. Illinois provides the same responsibility to the agency.

#### [Miscellaneous]

Table VIII also indicates those provisions of the bills which did not lend themselves to easy categorization. They included statements on local responsibility, citizen suits, disposal at the generation point not required, disposal at generation point not prohibited, generator responsibilities, transporter responsibilities, processor and disposer responsibilities, and a statement of intent. Any subject appropriate for legislation could be located in such a section.

TABLE VIII

	California	Illinois	Iowa (proposed)	Minnesota	Oklahoma (proposed)	Oregon	EPA Draft No. 1	NSWMA Draft No. 6
[Employee Protection]							Sec. 14	
[Interstate Cooperation]		Sec. 4(k)					Sec. 15	
[Miscellaneous]								
Local Responsibility	25172			116.07(2)				
Local Planning & Permitting				473D.03 473D.04 473D.051				
State Agency Responsibility	25172	Sec. 47,48						
Disposal At Generation Site Not Required	25171							
Disposal At Generation Site Not Prohibited								Sec.7(2)(i)
Citizen Suits							Sec. 12	
Generator Responsibility								Sec. 7(3)
Transporter Responsibility								Sec. 7(4)
Processor & Disposer Responsibility								Sec. 7(5)
Intent Statement								Sec. 7(7)
[Repealer]					Sec. 16		Sec. 17	Sec. 11
[Severability]					Sec. 15		Sec. 18	Sec. 11
[Effective Date]							Sec. 19	Sec. 10
[Codification]					Sec. 17			

The assignment of local responsibilities varied from the prohibition of local (or state) agencies from adoption or enforcement of any rule or regulation in the jurisdiction of the department by the NSWMA bill to the extensive authority granted to the counties by the Minnesota act, which included comprehensive planning for hazardous waste disposal; plan adoption with disposal site criteria, policies, etc.; implementation reports including projected sites, costs, procedures, hazardous waste ordinances, generator licensing procedures, estimates of the number of generators, etc., filed by the counties. The county ordinances and rules and regulations are required to be consistent with the rules and regulations of the agency but can encompass any subject covered by the agency. The counties may license generators and charge therefor, with collection procedures for unpaid charges stipulated, provided the agency approves of the actions of the counties. Table VIII presents the local responsibilities of the Minnesota counties in the Metropolitan Inter-County Council area.

The California Act specifically provides for the Act not to limit the authority of state and local agencies in the administration or enforcement of laws in which they have responsibilities. In addition, the Act specified that it cannot be interpreted to require disposal at the generation point if transportation requirements are met.

The NSWMA model turned this provision around and stated that the act cannot be interpreted to prohibit disposal at the generation point. In addition, the NSWMA bill would place specific responsibilities on the generators (identification of hazardous waste on the manifest, labeling, and assuring processing or disposal in permitted facilities), transporters (completing the manifest, assuring the hazardous wastes are brought to a permitted site or facility if discharged within the state, and maintaining records), and processors and disposers (receiving the hazardous waste, processing or disposing of it according to requirements, and maintaining records). The NSWMA model also contained a statement of intent to encourage and utilize private enterprise for hazardous waste management.

The EPA model added a section concerned with citizen suits. The provision allows suit against persons or the state if they are in violation of the provisions of the law or have failed to act on non-discretionary provisions. The actions are limited to a number of days after the alleged violation and allowed only if the department is not diligently prosecuting.

The Illinois Act added a provision requiring the state agencies, institutions, and officers to comply with the act and the requirements thereunder and annually assess their operations for compliance and report to the agency. The report shall include findings, progress, and future actions. Plans and specifications for facilities which could cause a violation are also required to be submitted. The Act further stipulates that equipment governed by Board regulations and owned or licensed by other agencies shall meet the regulations. This provision could provide a mechanism for regulating hazardous waste transporter's equipment.

The miscellaneous provisions should be considered in the development of a comprehensive hazardous waste management act.

## REFERENCES

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2. State of Illinois, 79th General Assembly, 1975 and 1976, House Bill 2101, LRB2939-79-RGN/dv, p.5.
3. State of Iowa, Department of Environmental Quality, "Draft Bill for an Act Relating to the Powers and Duties of the Department of Environmental Quality in Regard to the Disposal of Hazardous Wastes," Des Moines, Iowa, October 22, 1975, p. 10.
4. Minnesota Statutes, Senate File No. 3193, Sixty-Eighth Legislature, State of Minnesota, p. 16.
5. State of Oklahoma, 2nd Session of the 35th Legislature (1976), Committee Substitute for House Bill No. 1811 (not passed but titled the "Oklahoma Hazardous Waste Disposal Act"), p. 8.
6. Oregon Revised Statutes, Chapter 459, Sections 459.410 through 459.690 and 459.992, subsection 4.
7. U.S. Environmental Protection Agency, Office of Solid Waste Management Programs. "Model State Hazardous Waste Management Act, Draft for Discussion," Washington, D. C., March 1, 1976, p. 30.
8. National Solid Wastes Management Association. "A Legislative Guide for a Statewide Hazardous Wastes Management Program, Working Draft," Washington, D. C., January, 1976, p. 37.
9. Illinois Revised Statutes, Chapter 111 1/2, Sections 1001-1051, effective July 1, 1970, as Amended, The Environmental Protection Act.
10. Oregon, State of, Department of Environmental Quality. Hazardous Waste Management Planning, 1972-73, Portland, Oregon, March, 1974, p. 42.
11. State of California, Department of Health. Law, Regulations and Guidelines for the Handling of Hazardous Waste, Sacramento, California, February, 1975, p. 18.
12. Personnel communication with Michael Hansen, Hazardous Waste Project Director, Iowa Department of Environmental Quality, March 18, 1976.
13. Kohan, Allen M. A Summary of Hazardous Substance Classification Systems, Environmental Protection Publication SW-171, U.S. Environmental Protection Agency, 1975, p. 55.
14. Hazardous Materials Regulations Board, Code of Federal Regulations Title 49, (Transportation), Parts 100-199, October 1, 1975.

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(SHORT TITLE)	<p>The people of the State of California do enact as follows:</p> <p>Section 1. Chapter 6.5 (commencing with Section 25100) is added to Division 20 of the Health and Safety Code, to read:</p> <p>Chapter 6.5. Hazardous Waste Control</p>	<p>Be it enacted by the People of the State of Illinois, represented in the General Assembly.</p> <p>Section 1. Sections 3, 21 and 22 of the "Environmental Protection Act", approved June 29, 1970, as amended, are amended to read as follows:</p> <p>(Ch. 111 1/2, par. 1003)</p>	<p>Be it Enacted by the General Assembly of the State of Iowa:</p> <p>Section 1. Chapter four hundred fifty-five B (455B), Code 1975, is amended by adding sections two (2) through sixteen (16) of this Act.</p>	<p>Section 1. Minnesota Statutes 1971, Section 116.06, is amended by adding a subdivision to read:</p>
(FINDING of NECESSITY & DECLARATION of PURPOSE)	<p>Article 1. Findings and Declarations</p> <p>25100. The Legislature finds that increasing quantities of h.w. are being generated in the state and that without adequate safeguards for handling and disposal, such wastes can create conditions which threaten the public health and safety and create hazards to wildlife.</p> <p>25101. The Legislature therefore declares that in order to prevent such hazardous conditions it is in the public interest to establish regulations and to maintain a program to provide for the safe handling and disposal of h.w.</p>			
(DEFINITIONS)	<p>Article 2. Definitions</p> <p>25110. Unless the context indicates otherwise the definitions in this article govern the construction of this chapter.</p>		<p>Section 2. Definitions. As used in this Act:</p>	
AGENCY		<p>Section 3. (a) "Agency" is the Environmental Protection Agency established by this Act.</p>		<p>Subdivision 2. "Agency" means the Minnesota pollution control agency.</p>
BOARD		<p>(c) "Board" is the Pollution Control Board established by this Act.</p>		
COMMISSION			<p>7. "Commission" means the solid waste disposal commission of the department.</p>	
CONTAMINANT		<p>(d) "Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.</p>		



	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
CORROSIVE	28748. "Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.		3. "Corrosive" means causing or producing visible destruction or irreversible alterations in human skin tissue at the site of contact, or in the case of leakage of a hazardous substance from its packaging, causing or producing severe destruction or erosion of other materials through chemical processes.	
DEPARTMENT	25111. "Department" means the State Department of Public Health.			
DIRECTOR	25112. "Director" means the Director of Public Health.			
DISPOSAL	25113. "Disposal" means to abandon, deposit, intern or otherwise discard waste as a final action after their use has been achieved or a use is no longer intended.		5. "Disposal" means storage, collection, burial, treatment, recycling, refining, or decontamination.	
DISPOSAL SITE	25114. "Disposal site" means the location where any final deposition of solid waste occurs.			
EXTREMELY HAZARDOUS WASTE	25115. "Extremely hazardous waste" means any h.w. or mixture of h.w. which, if human exposure should occur, may likely result in death, disabling personal injury or illness during, or as a proximate result of, any disposal of such waste or mixture of wastes because of its quantity, concentration, or chemical characteristics.			
FLAMMABLE	28751. The term "extremely flammable" shall apply to any substance which has a flashpoint at or below 20 degrees Fahrenheit, as determined by the Tagliabue open-cup tester, the term "flammable" or "combustible" shall apply to any substance which has a flashpoint of above 20 degrees to and including 80 degrees Fahrenheit, as determined by the Tagliabue open-cup tester, and the term "combustible" shall apply to any substance which has a flashpoint above 80 degrees Fahrenheit to and including 150 degrees, as determined by the Tagliabue open-cup tester; except that the flammability or combustibility of solids and of the contents of self-pressurized containers shall be determined by methods found by the department to be generally			

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
HANDLING	<p>applicable to such materials or containers, respectively, and established by regulations issued by it, which regulations shall also define the terms "flammable" and "combustible" and "extremely flammable" in accord with such methods.</p> <p>25116. "Handling" means the transport, transfer from one place to another, or packaging of hazardous and extremely h.w.</p>			
HAZARDOUS SUBSTANCE	<p>28743. The term "hazardous substance" means:</p> <p>(a) Any substance or mixture of substances which (1) is toxic, (2) is corrosive, (3) is an irritant, (4) is a strong sensitizer, (5) is flammable or combustible, or (6) generates pressure through decomposition, heat, or other means; if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.</p> <p>(c) Any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the department determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this chapter in order to protect the public health.</p>		<p>1. "Hazardous substance" means any substance or mixture of substances exposure to which would probably result in danger to the public health or safety or to the environment and includes, but is not limited to, a substance which is toxic, corrosive, or flammable, or which is an irritant or which generates pressure through decomposition, heat, or other means.</p>	
HAZARDOUS WASTE (or Environmentally Hazardous Waste)	<p>25117. "Hazardous waste" means any waste material or mixture of wastes which is toxic, corrosive, flammable, an irritant, a strong sensitizer, which generates pressure through decomposition, heat or other means, if such a waste or mixture of wastes may cause substantial personal injury, serious illness or harm to wildlife, during, or as a proximate result of any disposal of such wastes or mixture of wastes. The terms "toxic," "corrosive," "flammable," "irritant," and</p>		<p>6. Hazardous waste" means any discarded, useless, or unwanted hazardous substance, the disposal of which requires special precautions to prevent exposure of the public or the environment to such wastes.</p>	<p>Subdivision 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.</p>

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
HAZARDOUS WASTE MANAGEMENT	"strong sensitizer" shall be given the same meaning as in the California Hazardous Substances Act (Chapter 13 (commencing with Section 28740) of Division 21).			Subdivision 7. "Hazardous waste management" means the identification, labeling, classification, storage, collection and removal of hazardous waste from public and private property, its transportation to intermediate or final disposal facilities and its ultimate disposal by approved methods.
INSTITUTE		(f) "Institute" is the Illinois Institute for Environmental Quality established by this Act.		
IRRITANT	28749. "Irritant" means any substance not corrosive within the meaning of Section 28748 which on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.		4. "Irritant" means a substance causing or producing dangerous or intensely irritating fumes upon contact with fire or when exposed to air.	
MUNICIPALITY		(p) "Municipality" means any city, village or incorporated town.		
OPEN DUMPING		(h) "Open dumping" means the consolidation of refuse from one or more sources at a central disposal site that does not fulfill the requirements of a sanitary landfill.		
PERSON	25118. "Person" also includes any city, county, district, the state or any department or agency thereof.	(i) "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or assigns.		
PROCESSING (or Treatment or Hazardous Waste Processing)	25119. "Processing" means to treat, detoxify, neutralize, incinerate, biodegrade, or otherwise process a h.w. to remove its harmful properties or characteristics for disposal in accordance with regulations established by the department in conjunction with any other agency authorized to regulate or control h.w.			
PROCESSING FACILITY (or Treatment Facility or Hazardous Waste Processing Facility)	25120. "Processing facility" means any facility or location where any final treatment, incineration, processing or deposition of h.w. occurs.			

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
RECYCLE	25121. "Recycle" means to process, alter, or otherwise treat a h.w. for subsequent use.	(k) "Refuse" is any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of 'An Act to authorize the Director of Public Health to purchase, lease, accept or acquire suitable sites for the concentration and storage of radioactive wastes, to provide for supervision of the operation of such sites and to authorize the Department of Public Health to prepare and to enforce regulations pertaining to the use and operation of such sites', approved August 16, 1963, as now or hereafter amended, and as authorized by regulations promulgated pursuant to the 'Radiation Protection Act', approved July 17, 1959, as now or hereafter amended".  (1) "Sanitary landfill" means the disposal of refuse on land without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Board may provide by regulation.	Section 17. Section four hundred fifty-five 8 point seventy-five (455B.75), subsection four (4), Code 1973, is amended to read as follows:  4. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities, except for wastes containing radioactive materials as defined in section 455B.85 and hazardous substances and hazardous wastes as defined in section two (2) of this Act. Solid waste may include vehicles, as defined by section 321.1, subsection 1. Nothing herein shall be construed as prohibiting the use of dirt, stone, brick, or similar material for fill, landscaping, excavation or grading at places other than a sanitary disposal project.	
REFUSE				
SANITARY LANDFILL				
SOLID WASTE				

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
STRONG SENSITIZER	28750. "Strong sensitizer" means a substance which will cause on normal living tissue through an allergic or photo-dynamic process a hypersensitivity which becomes evident on reapplication of the same substance and which is designated as such by the department. Before designating any substance as a strong sensitizer, the department, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity.			
TOXIC	28745. The term "toxic" shall apply to any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to man through ingestion, inhalation, or absorption through any body surface.		2. "Toxic" means causing or producing visible physiological, anatomic, or biochemical change in a biological system.	
WASTE	25122. "Waste" means any material for which no use or reuse is intended and which is to be discarded.			

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(POWERS & DUTIES of the DEPT)	<p>Article 7. Other Provisions</p> <p>25170. The department in performing its duties under this chapter shall:</p> <p>(a) Establish procedures for evaluation and coordination of research and development regarding methods of h.w. handling and disposal and may conduct appropriate studies relating to h.w.</p> <p>(b) Maintain a technical reference center on h.w. disposal, recycling practices, and related information for public and private use.</p> <p>(c) Render technical assistance to state and local agencies in the planning and operation of h.w. programs.</p> <p>(d) Provide for appropriate surveillance of h.w. processing and disposal practices in the state.</p> <p>Article 5. Standards</p> <p>25150. The department shall adopt, and may revise when appropriate, minimum standards and regulations for the handling, processing, and disposal of hazardous and extremely h.w. to protect against hazards to the public health, to domestic livestock, and to wildlife. Before adoption of such standards and regulations the department shall consult with all agencies of interested local governments and secure technical assistance from the Department of Agriculture, the Department of the California Highway Patrol, the Department of Fish and Game, the Department of Industrial Relations, Division of Industrial Safety, the State Air Resources Board, the State Water Resources Control Board and the State Fire Marshal.</p> <p>25151. The department may adopt varying standards for different areas of the state depending on population density, climate geology and other factors relevant to h.w. processing and disposal.</p>	<p>Title I, Section 4</p> <p>A. . . . The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he may deem necessary from any other Department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.</p> <p>B. The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.</p> <p>C. The Agency shall have authority to conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential contaminant or noise sources, of public water supplies and of refuse disposal sites.</p> <p>E. The Agency shall have the duty to investigate violations of this Act or of regulations adopted thereunder, or of permits or terms or conditions thereof, to prepare and present enforcement cases before the Board, and to take such summary enforcement action as is provided for by Section 34 of this Act.</p> <p>F. The Agency shall appear before the Board in any hearing upon a petition for variance, the denial of a permit, or the validity or effect of a rule or regulation of the Board, and shall have the authority to appear before the Board in any hearing under the Act.</p> <p>G. The Agency shall have the duty to administer, in accord with Title X of this Act, such</p>	<p>Section 3. Administrative Agency.</p> <p>The department shall be the agency of the state to prevent, abate, or control the improper disposal of hazardous waste.</p> <p>Section 4. Powers and Duties of Commission</p> <p>1. Shall establish by rule the substances or classes of substances which shall be subject to the requirements of this Act. In making these determinations, the commission shall consider such factors as the toxicity and quantity of the substances to be regulated their persistence and their potential for biological magnification.</p> <p>2. Shall establish such rules relating to the storage, handling, and disposal of h. w. as are necessary to protect the public and the environment from unnecessary exposure to such wastes.</p> <p>3. Shall develop by July 31, 1977, a comprehensive plan for the proper disposal of h. w. within the state.</p> <p>6. Shall establish rules relating to the standards and procedures for the safe operation and maintenance of h. w. disposal facilities.</p> <p>7. Shall encourage the exchange, recycling, refining, and re-use of h. substances and h. wastes through cooperation with individuals, organizations, or governmental agencies as necessary to establish a clearing house for h. substances and wastes.</p> <p>Section 5. Powers and Duties of the Executive Director.</p> <p>1. May maintain an inventory of h. w. within the state including such information as the location, identity, quantity, method of storage, rate of accumulation, current disposal practices, and any other information which the commission may deem necessary to accomplish the purposes of this Act.</p>	<p>Section 6. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:</p> <p>[116.101] [Hazardous Waste Control and Spill Contingency Plan.] The pollution control agency shall study and investigate the problems of hazardous waste control and shall develop a statewide hazardous waste management plan detailing the location of hazardous waste disposal facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous waste. Elements of the statewide hazardous spill contingency plan which relate to hazardous wastes, shall be incorporated into the statewide hazardous waste management plan. The pollution control agency shall develop an informational reporting system of hazardous waste quantities generated and disposed of in the state.</p> <p>Section 3. Minnesota Statutes 1971, Section 116.07, Subdivision 4, is amended to read:</p> <p>Subdivision 4. [Regulations and Standards.] . . . Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of chapter 116 for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste and location of hazardous waste disposal facilities. A regulation or standard may be of general application throughout the state or may be limited as to time, places circumstances, or conditions.</p>

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(POWERS & DUTIES of the DEPT)	<p>25152. Before adopting or revising minimum standards and regulations for the handling, processing, and disposal of hazardous and extremely h.w., the department shall hold at least one public hearing in Sacramento, or in a city within the area of the state to be affected by the proposed regulations. The department shall adopt the proposed regulations after making changes or additions that are appropriate in view of the evidence and testimony presented at the public hearing or hearings.</p> <p>25140. The department shall prepare, adopt and may revise when appropriate, a listing of the wastes which are determined to be hazardous, and a listing of the wastes which are determined to be extremely hazardous. When identifying such wastes the department shall consider, but not be limited to, the immediate or persistent toxic effects to man and wildlife and the resistance to natural degradation or detoxification of the wastes.</p>	<p>permit and certification systems as may be established by this Act or by regulations adopted thereunder.</p> <p>H. The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations thereunder, and to require the submission of such reports regarding actual or potential violations of the Act or of regulations thereunder, or of permits or terms or conditions thereof, as may be necessary for purposes of this Act.</p> <p>I. The Agency may prescribe reasonable fees for permits required pursuant to this Act.</p> <p>J. The Agency shall have authority to make recommendations to the Board for the adoption of regulations under Title VII of the Act.</p> <p>K. The Agency shall have the duty to represent the State of Illinois in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements relating to environmental protection.</p> <p>L. The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, or other funds made available to the State from any source for the purposes of this Act . . .</p> <p>The Agency is authorized to promulgate such regulations and enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.</p> <p>(Ch. 111 1/2, par. 1022)</p> <p>Section 22. In accord with Title VII of this Act, the Board may adopt regulations to promote the purposes of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe the following:</p> <p>(a) Standards for the location, design, construction, sanitation, operation, maintenance,</p>	<p>2. Shall collect and disseminate such information, publish such guidelines or reports, and conduct such educational and training programs as may be necessary to accomplish the purposes of this Act. The informational and educational programs may be undertaken by the department or in cooperation with other public or private agencies as defined in chapter twenty-eight E (28E) of the Code.</p> <p>3. Shall approve or disapprove of plans and specifications and issue, revoke, suspend, modify or deny permits for the operation, construction, addition to, or modification of any h. w. disposal site in accordance with the rules adopted by the commission. All applications for permits shall be subject to public notice and opportunity for public participation including public hearings as the commission may by rule require. The executive director shall promptly notify the applicant in writing of his action and if the permit is denied state the reasons therefor. The applicant may appeal to the commission from the denial of a permit or from any condition in any permit by filing notice of appeal with the executive director within thirty days of the notice of denial or issuance of the permit. The executive director shall schedule a hearing within thirty days of the filing of the notice of appeal, and shall notify the applicant of the time and place of the hearing.</p> <p>4. Shall inspect, periodically all h. w. disposal facilities and, where appropriate, direct the method of operation of the same.</p>	<p>Section 2. Minnesota Statutes, 1973 Supplement, Section 116.07, Subdivision 2, is amended to read:</p> <p>Subdivision 2. [Adoption of Standards.]</p> <p>The pollution control agency shall adopt standards for the identification of h. w. and for the labeling, classification, storage, collection, transportation and disposal of h. w., recognizing that due to variable factors, no single standard of h. w. control is applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of h. w. control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of h. w. control which are in conflict or inconsistent with those set by the pollution control agency.</p>

	STATE OF CALIFORNIA	STATE OF ILLINOIS		STATE OF MINNESOTA
(POWERS & DUTIES of the DEPT)		<p>and discontinuance of the operation of refuse collection and disposal sites and facilities;</p> <p>(b) Standards for the certification of personnel to operate refuse disposal facilities or sites;</p> <p>(c) Standards for the dumping of any refuse, and standards for handling, storing, processing, transporting and disposal of any hazardous refuse. For the purposes of this Section 'hazardous refuse' shall mean refuse with inherent properties which make such refuse difficult or dangerous to manage by normal means including but not limited to chemicals, explosives, pathological wastes, and wastes likely to cause fire.</p> <p>(d) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their source, the collection of samples and the collection, reporting and retention of data resulting from such monitoring.</p> <p>(e) Alert and abatement standards relative to land pollution emergencies constituting an acute danger to health or to the environment.</p> <p>Title 7: Regulations Section 26 The Board may adopt such procedural rules . . .</p> <p>Section 27 The Board may adopt substantive regulations as described in Sections 10, 13, 17, 22 and 25 of this Act. Any such regulations may make different provisions as required by circumstances for different contaminant sources and for different geographical areas; may apply to sources outside this State causing, contributing to, or threatening environmental damage in Illinois; and may make special provision for alert and abatement standards and procedures respecting occurrences or emergencies of pollution or on other</p>	<p>short-term conditions constituting an acute danger to health or to the environment. In promulgating regulations under this Act, the Board shall take into account the existing physical conditions, the character of the area involved, including the character of surrounding land uses, zoning classifications, the nature of the existing air quality, or receiving body of water, as the case may be, and the technical feasibility and economic reasonableness of measuring or reducing the particular type of pollution. The generality of this grant of authority shall only be limited by the specifications of particular classes of regulations elsewhere in this Act.</p> <p>No charge shall be established or assessed by the Board or Agency against any person for emission of air contaminants from any source, for discharge of water contaminants from any source, for the sale, offer or use of any article, or for disposal of any refuse.</p> <p>Section 28 . . .</p> <p>Section 29 . . .</p>	



	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(PERMITS)	<p>25154. After the effective date of the regulations adopted by the department pursuant to this article, it shall be unlawful for any person to dispose of any hazardous or extremely h.w. except as provided for in such regulations.</p> <p>25155. After January 1, 1974, no extremely hazardous waste as listed by the department pursuant to Section 25140, may be disposed of without prior processing to remove its harmful properties or as specified by the regulations of the department for the handling and disposal of the particular extremely h.w.</p>	<p>Title 10: Permits Section 39</p> <p>A. When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In granting permits the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Permits with respect to sanitary land fills are further subject to the notice requirements of Section 22 of this Act. A bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:</p> <ol style="list-style-type: none"> <li>1. the sections of this Act which may be violated if the permit were granted;</li> <li>2. the provision of the regulations promulgated under this Act, which may be violated if the permit were granted;</li> <li>3. the specific type of information, if any, which the Agency deems the applicant did not provide the Agency and;</li> <li>4. a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.</li> </ol> <p>If there is no final action by the Agency within 90 days after</p>	<p>Section 6. Permit Required.</p> <ol style="list-style-type: none"> <li>1. a. It shall be unlawful to construct or operate any new h. w. disposal facility or any addition or modification to any existing facility after the effective date of this Act without first securing a written permit from the executive director.</li> <li>b. It shall be unlawful to operate a h. w. disposal facility after July 1, 1978 without a permit from the executive director.</li> <li>2. Plans and specifications for any h. w. disposal facility covered by this section shall be submitted to the department before a written permit may be issued, and the construction of any such disposal facility shall be in accordance with plans and specifications approved by the department. If it is necessary or desirable to make changes in such plans and specifications revised plans and specifications together with reasons for proposed changes must be submitted to the department for a supplemental written permit. All plans and specifications and revisions thereto shall be prepared by a registered professional engineer in accordance with Chapter 114 of the Code.</li> </ol>	<p>Section 4. Minnesota Statutes 1971, Section 116.07, Subdivision 4a, is amended to read:</p> <p>Subdivision 4a. [Permits.]</p> <p>... The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the treatment or disposal or both of hazardous waste, or for the installation or operation of any system or facility or any part thereof.</p> <p>Section 8. Minnesota Statutes 1971, Chapter 400, is amended by adding a section to read:</p> <p>[400.161] [Hazardous Waste Regulations.] The county may by ordinance establish and from time to time revise rules, regulations, and standards for h. w. management relating to (a) identification of h. w., (b) the labeling and classification of h. w., (c) the handling, collection, transportation and storage of h. w., (d) the ultimate disposal site of the h. w., and (e) such other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for h. w. generation and may require the generators be registered with a county office. The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance under this section shall</p>

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(PERMITS)		<p>the filing of the application for permit, the applicant may deem the permit issued.</p> <p>Section 40 If the Agency refuses to grant a permit under Section 39 of this Act, the applicant may petition for a hearing before the Board to contest the decision of the Agency. The Board shall give 21 days notice to any person in the county where is located the facility in issue who has requested notice of enforcement proceedings and to each member of the General Assembly in whose legislative district the installation or property is located; and shall publish that 21 days notice in the newspaper of general circulation in the county. The Agency shall appear as respondent in such hearing. At such hearing the rules prescribed in Sections 32 and 33(a) of this Act shall apply, and the burden of proof shall be on the petitioner. If there is no final action by the Board within 90 days, petitioner may deem the permit issued under this Act, provided, however that that period of 90 days shall not run during any period of time, not to exceed 30 days during which the Board is without sufficient membership to constitute the quorum required by subsection (a) of Section 5 of this Act, and provided further that such 90 day period shall not be stayed for lack of a quorum beyond 30 days regardless of whether the lack of quorum exists at the beginning of such 90 day period or occurs during the running of such 90 day period.</p>		<p>embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or regulations promulgated hereunder shall be, subject to review, denial, suspension, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After 15 days, the action of the county board shall be final subject to appeal to the district court as provided in Minnesota Statutes, Section 115.05.</p>

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
[HAZARDOUS WASTE TREATMENT/DISPOSAL SITES]	25174. Beginning January 1, 1974, each operator of any site at which h.w. are disposed shall pay a fee to the director for each list or other document which such operator receives pursuant to Article 6 (commencing with Section 25160). The director shall establish a schedule of the fees to be paid to the director by such operator for each disposal of h.w. listed in such a list or document, which shall provide revenues which shall not exceed the amount necessary, but shall be sufficient, to cover all costs incurred in the administration of this chapter. Such fees shall be deposited each month in the Hazardous Waste Control Account in the General Fund.	<p>Title 9: Variances Section 35 . . .</p> <p>Section 36 A. In granting a variance the Board may impose such conditions as the policies of this Act may require. If the hand-ship complained of consists solely of the need for a reasonable delay in which to correct a violation of this Act or of the Board regulations, the Board shall condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the completion of the work covered by the variance. The Board shall have no authority to delegate to the Agency its powers to require such performance bond. The original amount of such performance bond shall not exceed the reasonable cost of the work to be completed pursuant to the variance. The obligation under such bond shall at no time exceed the reasonable cost of work remaining pursuant to the variance. . .</p> <p>Section 37 . . .</p> <p>Section 38 . . .</p> <p>(Ch. 111 1/2, par. 1021)</p> <p>Section 21. No person shall:</p> <p>(e) Conduct any refuse-collection or refuse-disposal operations, except for refuse generated by the operator's own activities, without a permit granted by the Agency upon such conditions, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations adopted thereunder, after the Board has adopted standards for the location, design, operation, and maintenance of such facilities. The above exception shall not apply to any hazardous refuse, except that the exception shall apply to any person engaged in agricultural</p>	<p>4. Shall, by rule, specify the conditions under which the executive director shall issue revoke, suspend, modify or deny permits for the installation or operation of a h. w. disposal facility or any part of such facility.</p> <p>5. Shall, by rule, require that any person who receives a permit issued by the executive director for the establishment or operation of a h. w. disposal facility shall provide a sufficient surety bond or other financial commitment to insure proper maintenance, closure, and monitoring of the h. w. disposal facility.</p>	<p>Section 13. Minnesota Statutes 1971, Section 473D.07, is amended by adding a subdivision to read:</p> <p>Subd. 4a. No permit may be issued for the operation of a h.w. treatment or disposal site, system or facility in the metropolitan area which does not comply with the metropolitan council's comprehensive plan. A copy of each permit application and any supporting information furnished by the applicant shall be sent to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 45 days after the application and supporting information are received by the council, it shall issue to the agency in writing its determination whether the permit complies with its comprehensive plan. If the council does not issue its determination to the agency within the 45 day period, the permit shall be deemed to be in accordance with the council's comprehensive plan.</p>
		<p>STATE OF ILLINOIS CONTINUED</p> <p>activity who is disposing of a substance which would normally be classified as hazardous if the substance was acquired for use by that person on his own property. For the purposes of this Section 'hazardous refuse' shall mean refuse with inherent properties which make such refuse difficult or dangerous to manage by normal means including but not limited to chemicals, explosives, pathological wastes, and wastes likely to cause fire."</p> <p>(f) Dispose of any refuse, or transport any refuse into this State for disposal, except at a site or facility which meets the requirements of this Act and of regulations thereunder.</p>		

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
[TRANSPORTATION of HAZARDOUS WASTES]	<p>Article 6. Transportation</p> <p>25160. After January 1, 1974, the person producing a h.w. listed by the department pursuant to Section 25140 shall provide the driver of any truck, a crew member of any train, or the captain of any vessel carrying such h.w. with a list setting forth the h.w. carried, the amount of such waste, the general chemical and mineral composition of such waste listed by probable maximum and minimum percentages, and the origin and destination of any such waste carried. Such list, when appropriate, may include information on antidotes, first aid, or safety measures to be taken in case of accidental contact with the particular h.w. being carried. The person carrying, or handling the h.w. shall have the list in his possession while carrying, or handling the h.w. and shall release the list to a person responsible for disposal of the h.w. at the time of delivery. Such list shall be shown upon demand to any department official, officer of the California Highway Patrol, or any local public officer as designated by the director.</p> <p>25161. The department shall adopt and enforce all rules and regulations, including the form and content of the list, necessary and appropriate to accomplish the purposes of Section 25160.</p> <p>25162. Documents required by other agencies of the state or the federal government which describe the character and amount of h.w. being carried shall satisfy the requirement of Section 25160.</p>			<p>The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of h. w. in accordance with Minnesota Statutes, Chapter 221.</p>

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
[IMMINENT HAZARD]		<p>Section 34</p> <p>A. Upon a finding that episode or emergency conditions specified in Board regulations exist, the Agency shall declare such alerts or emergencies as provided by those regulations. While such an alert or emergency is in effect, the Agency may seal any equipment, vehicle, vessel, aircraft, or other facility operated in violation of such regulations.</p> <p>B. In other cases in which the agency finds that an emergency condition exists creating an immediate danger to health, the Agency may seal any equipment, vehicle, vessel, aircraft, or other facility contributing to the emergency condition.</p> <p>C. It shall be a Class A misdemeanor to break any seal affixed under this section, or to operate any sealed equipment, vehicle, vessel, aircraft, or other facility until the seal is removed according to law.</p> <p>D. The owner or operator of any equipment, vehicle, vessel, aircraft or other facility sealed pursuant to this section is entitled to a hearing in accord with Section 32 of this Act to determine whether the seal should be removed; except that in such hearing at least one Board member shall be present, and those Board members present may render a final decision without regard to the requirements of paragraph (a) of Section 5 of this Act. The petitioner may also seek immediate injunctive relief.</p>	<p>Section 9. Emergency Orders.</p> <p>The commission or the executive director when it has first been determined that an emergency exists respecting any matter affecting or likely to affect the public health, welfare or safety or to endanger the environment, may make an order without notice and without hearing. A copy of such order shall be delivered by personal service or by certified mail return receipt requested. Any such order issued by the commission or the executive director shall be binding and effective immediately until such order is revised after a hearing before the commission or the executive director or is modified or reverse by the court.</p>	

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(ENFORCEMENT)	<p>Article 8. Enforcement</p> <p>25180. The minimum standards and regulations adopted by the department pursuant to Section 25150 shall be enforced by the department or any local health officer or any local public officer as designated by the director.</p> <p>25181. Whenever, in the judgment of the department, any person has engaged in or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter or any rule, regulation, or order issued thereunder, and at the request of the department, the district attorney of the county in which such acts or practices occur or will occur or the Attorney General may make application to the superior court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing by the department that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.</p> <p>25182. Every civil action brought under the provisions of this chapter at the request of the department shall be brought by the district attorney or Attorney General in the name of the people of the State of California and any such actions relating to the same processing or disposal of h.w. may be joined or consolidated.</p> <p>25183. Any civil action brought to this chapter shall be brought in the county in which the processing or disposal of h.w. is made or proposed to be made.</p>	<p>Title 8: Enforcement Section 30 The Agency shall cause investigations to be made upon the request of the Board or upon receipt of information concerning an alleged violation of this Act or of any rule or regulation promulgated thereunder, or of any permit granted by the Agency or any term or condition of any such permit, and may cause to be made such other investigations as it shall deem advisable.</p> <p>Section 31 . . .</p> <p>Section 32 . . .</p> <p>Section 33 . . .</p> <p>Title 11: Judicial Review Section 41 Any party to a Board hearing, any person who filed a complaint on which a hearing was denied, any person who has been denied a variance or permit under this Act, and any party adversely affected by a final order or determination of the Board may obtain judicial review, by filing a petition for review within thirty-five days after entry of the order or other final action complained of, pursuant to the provisions of the "Administration Review Act," approved May 8, 1945, as amended and the rules adopted pursuant thereto, except that review shall be afforded directly in the Appellate Court for the District in which the cause of action arose and not in the Circuit Court. Review of any rule or regulation promulgated by the Board shall not be limited by this section but may also be had as provided in Section 29 of this Act. No challenge to the validity of a Board order shall be made in any enforcement proceeding under Title XII of this Act as to any issue that could have been raised in a timely petition for review under this Section.</p>	<p>Section 7. Investigations.</p> <p>Any investigation conducted by the department may include engineering studies, bacterial, biological and chemical analyses of water, soil or air and a determination of the location and source of the problem. Whenever there is evidence that a violation of the provisions of this part or any rule adopted or permit issued pursuant thereto has occurred, the executive director shall notify the alleged violator and may, by informal negotiation, attempt to resolve the problem. If the problem cannot be resolved, the executive director shall issue notice to the alleged violator of the time and place of a public hearing.</p> <p>Section 8. Conduct of Hearings.</p> <p>Any contested case hearing before the commission or the executive director shall be conducted in accordance with the Iowa administrative procedure Act. After any contested case hearing the commission or the executive director may, if it finds the alleged violator is guilty of the charges, issue an order directing the violator to take any remedial action deemed necessary or refer the matter to the attorney general for appropriate action or both.</p> <p>Section 10. Judicial Review.</p> <p>Judicial review of any order or other action of the commission or of the executive director may be sought in accordance with the terms of the Iowa administrative procedure Act. Notwithstanding the terms of said Act, petitions for judicial review may be filed in the district court of the county in which the alleged offense was committed or such final order was entered. The setting aside of any order of the executive director or the</p>	<p>Section 5. Minnesota Statutes, 1971, Chapter 116, is amended by adding a section to read:</p> <p>[116.077] [Enforcement: Penalty.] It shall be the duty of every person affected to comply with the provisions of chapter 116, relating to the storage, collection, transportation, treatment and disposal of h. w. or the provisions of every other regulation or standard of the pollution control agency relating thereto. Violation of this section shall be a misdemeanor.</p>

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	
(ENFORCEMENT)	<p>25184. In any civil action brought pursuant to this chapter in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued; or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.</p>	<p>Title 12: Penalties Section 42 A. Any person that violates any provisions of this Act or any regulations adopted by the Board, or any permit or term or condition thereof, or that violates any determination or order of the Board pursuant to this Act, shall be liable to a civil penalty of not to exceed \$10,000 for said violation and an additional civil penalty of not to exceed \$1,000 for each day during which violation continues; . . . B. Any person that violates this Act, or an order or other determination of the Board under this Act and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Game and Fish Fund in the State Treasury; C. The penalties provided for in this Section may be recovered in a civil action. D. The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction to restrain violations of this Act. E. The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the people of the State of Illinois.</p> <p>Section 43 A. In circumstances of substantial danger to the environment or to the public health of persons where such danger is to the livelihood of such persons, the State's Attorney or Attorney General, upon request of the Agency or on his own motion, may institute a civil action for an immediate injunction to halt any discharge or other activity causing or contributing to the danger or to require such other</p>	<p>commission by the court shall not preclude the commission or the executive director from again instituting proceedings against the same person if the commission or the executive director feels that the public health is endangered.</p> <p>Section 12. Injunction.</p> <p>Any person, firm, corporation, municipality, or any officer or agent thereof violating any provision of this part of this division or any rule promulgated or any order or permit issued pursuant thereto may be enjoined from continuing such action. The attorney general shall, upon the request of the executive director of commission, bring such action for an injunction, including a temporary injunction. In any such action, any previous findings of the executive director or the commission after due notice and hearing shall be conclusive of the fact or facts found therein if supported by substantial evidence in the record when the record is viewed as a whole.</p> <p>Section 13. Civil Penalty.</p> <p>Any person who violates any provision of this Act or rule promulgated or the conditions of any permit or order issued pursuant thereto shall be subject to a civil penalty not to exceed five hundred dollars for each day of such violation. The civil penalty shall be an alternative to any criminal penalty provided under this Act.</p> <p>Section 14. Criminal Penalty.</p> <p>Any person who knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act, or who falsifies, tampers with, or knowingly renders inaccurate any</p>	<p>STATE OF IOWA CONTINUED</p> <p>monitoring device or method required to be maintained under this Act, or any person who knowingly fails to report any hazardous condition or suspected hazardous condition resulting from any storage, handling, transportation, or disposal of hazardous substance by him or his agents, shall, upon conviction, be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail for not more than six months or by both such fine and imprisonment.</p> <p>Section 15. Duties of Attorney General.</p> <p>The attorney general shall, at the request of the department, institute any legal proceedings necessary to enforce the penalty provisions of this Act. In any such legal proceedings any previous findings of the executive director or the commission after due notice and hearing shall be conclusive of the fact or facts found therein if supported by substantial evidence in the record when the record is viewed as a whole.</p> <p>Section 16. Burden of Proof.</p> <p>In all proceedings with respect to any alleged violation of the provisions of this Act or any rule established by the department, the burden of proof shall be upon the department except in an action for contempt.</p>
	<p>STATE OF ILLINOIS CONTINUED</p> <p>action as may be necessary. The court may issue an ex parte order, and shall schedule a hearing on the matter not later than 3 working days from the date of injunction. . .</p> <p>Section 44 A. It shall be a Class A misdemeanor to violate this Act or regulations thereunder, or any permit or term or condition thereof, or knowingly to submit any false information under this Act or regulations adopted thereunder, or under any permit or term or condition thereof. It shall be the duty of all State and local law-enforcement officers to enforce such Act and regulations, and all such officers shall have authority to issue citations for such violations. . . E. A corporation shall be held responsible for any offenses described in this Section if . . .</p> <p>Section 45 . . .</p>			

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(HAZARDOUS WASTE MANAGEMENT TECHNICAL ADVISORY BOARD)	<p>Article 3. Hazardous Waste Technical Advisory Committee</p> <p>25130. The department shall establish a h.w. technical advisory committee to provide consultation to the department concerning matters covered by the chapter. The committee shall advise the department on the development of standards, rules, and regulations for h. w. management, and shall supply recommendations concerning methods by which existing h.w. management practices and the laws regulating them may be supplemented and improved and their administration financed.</p> <p>25131. The committee shall consist of seven members appointed by the director who shall be knowledgeable in h.w. management. The members shall insofar as possible represent the interests of the public, local and regional government, agriculture, manufacturing industry, local health departments, and the waste management industry.</p> <p>25132. At least two members of the committee shall represent the interests of the public and shall have no financial interest in any of the recommendations or studies of the committee. Such financial interest shall include, but not be limited to, service as a consultant to any person specializing in waste disposal, as a tenant or landlord of property used for waste disposal, or as an attorney of a party with a direct financial interest in h.w. disposal.</p> <p>25133. Members of the h.w. technical advisory committee shall serve without compensation, but shall be entitled to per diem and reimbursement for travel expenses incurred as a result of official committee business.</p>			



	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF IOWA (Proposed)	STATE OF MINNESOTA
(INSPECTIONS, RIGHT of ENTRY)	<p>25185. The director of any duly authorized representative of the department may at any reasonable hour of the day, enter a factory, plant, construction site, waste disposal site, establishment or any environment where h.w. are stored, handled, processed or disposed of, in order to carry out the purposes of this chapter.</p>	<p>D. The Agency shall have authority to enter at all reasonable times upon any private or public property for the purpose of inspecting and investigating to ascertain possible violations of the Act or of regulations thereunder, or of permits or terms or conditions thereof, in accordance with constitutional limitations.</p>		
(RECORDS, REPORTS, MONITORING)	<p>25153. Any person who is producing a waste material which he may reasonably consider to be an extremely h.w., and which he does not intend to recycle for reuse and intends to dispose of as waste, shall notify the department of his intent to dispose of such waste material.</p> <p>25173. The department shall establish procedures to insure that trade secrets used by a person regarding methods of h. w. handling and disposal are utilized by the director, the department, or any authorized representative of the department only in connection with the responsibilities of the department pursuant to this chapter and that such trade secrets are not otherwise disseminated by the director, the department, or any authorized representative of the department without the consent of the person. "Trade secrets" as used in this section, may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.</p>	<p>Title I, Section 7</p> <p>A. All files, records, and data of the Agency, Board, and the Institute shall be open to reasonable public inspection and may be copied upon payment of the actual cost of reproducing the original except for the following:</p> <ol style="list-style-type: none"> <li>1. Information which constitutes a trade secret;</li> <li>2. Information privileged against introduction in judicial proceedings;</li> <li>3. Internal communications of the several agencies;</li> <li>4. Information concerning secret manufacturing processes or confidential data submitted by any person under this Act.</li> </ol> <p>(q) "Trade secret" means the whole or any portion or phase of any scientific or technical information, design, process including a manufacturing process, procedure, formula or improvement, or business plan which is secret in that it has not been published or disseminated or otherwise become a matter of general public knowledge, and which has competitive value. A trade secret is presumed to be secret when the owner thereof takes reasonable measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.</p>	<p>Section 11. Confidentiality of Information.</p> <p>Upon a satisfactory showing by any person to the executive director that public disclosure of any record, report, permit, permit application or other document or information or part thereof would divulge methods or process entitled to protection as trade secrets or other privileged communications, any such record, report, permit, permit application or other document or part thereof, shall be accorded confidential treatment except as may be necessary in a proceeding concerning a violation of this Act or of any rules promulgated thereunder, or as otherwise authorized or ordered by appropriate court action or proceedings. No person in connection with his duties or employment by the department may make public any information accorded confidential status except as otherwise provided for in this section.</p>	

	STATE OF CALIFORNIA	STATE OF ILLINOIS		STATE OF MINNESOTA
(MISCELLANEOUS)	<p>25171. No provision of this chapter shall be construed to require disposal of h.w. at the site of production, provided that the transportation of such waste conforms to all applicable regulations.</p> <p>25172. No provision of this chapter shall limit the authority of any state or local agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce and administer.</p>	<p>Title 13: Miscellaneous Provisions Section 47</p> <p>A. The State of Illinois and all its agencies, institutions, officers and subdivisions shall comply with all requirements, prohibitions, and other provisions of the Act and of regulations adopted thereunder.</p> <p>B. Each state agency or institution shall annually assess the environmental problems created by its operations and the extent to which its operations are in violation of this Act or of regulations adopted thereunder, and shall report to the Environmental Protection Agency on or before December 1 of each year as to the findings of such assessment, the progress made in eliminating such violations, and the steps to be taken in the future to assure compliance.</p> <p>C. Each state agency or institution shall submit to the Environmental Protection Agency complete plans, specifications and cost estimates for any proposed installation or facility that may cause a violation or facility that may cause a violation of this Act or of regulations adopted thereunder by December 1 of each year.</p> <p>Section 48</p> <p>A. Whenever the Board has adopted regulations respecting the equipment specifications, use inspection, or sale of vehicles, vessels, or aircraft, no department or agency shall license any such vehicles, vessels, or aircraft for operation in this State in the absence of such proof as the Board may prescribe that the equipment in question satisfies the Board's regulations.</p>		<p>Section 10. Minnesota Statutes 1971, Section 473D.03, subdivision 1, is amended to read:</p> <p>473D.03 [Metropolitan Council, Comprehensive Plan. ]</p> <p>Subdivision 1. The metropolitan council shall prepare and by resolution adopt a comprehensive plan for the disposal of solid waste and the management and disposal of h. w. in the metropolitan area for such period as the council deems proper and reasonable; and, when adopted, such plan shall be followed in the metropolitan area. In developing the plan the council shall consider the preservation and best and most economical use of land and water resources in the metropolitan area. The plan shall include a statement of goals and policies for solid waste disposal and hazardous waste disposal and management, criteria for solid waste disposal sites and hazardous waste disposal sites, the general location and capacities of needed disposal sites and facilities, projections of disposal capacities required, regulations for the operation of disposal sites and facilities, a description of disposal techniques which may be used, the type or types of solid waste and hazardous waste to be disposed of at each site or facility, and such other details as the council deems appropriate. Criteria for solid waste disposal sites and hazardous waste disposal sites, and regulations for the operation of disposal sites and facilities, included in the plan shall be consistent with regulations adopted by the agency pursuant to sections 473D.07 and 116.06. The plan may be revised as often as the council deems necessary in the same manner as provided for the adoption thereof. A copy of the comprehensive plan and each revision thereof shall be delivered or mailed to the agency and the county auditor of each metropolitan county after it has been adopted.</p>
			<p>STATE OF MINNESOTA</p> <p>CONTINUED</p> <p>Prior to the adoption by the council of its comprehensive plan, no metropolitan county or local government unit shall acquire any solid waste disposal site or hazardous waste disposal site, or facility unless approved by the council; and after the comprehensive plan is adopted no metropolitan county, local government unit or person shall acquire, improve or operate any solid waste disposal site or hazardous waste disposal site or facility in the metropolitan area except in accordance with the plan, provided that no solid waste disposal site or hazardous waste disposal site or facility in use when the comprehensive plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such sites and facilities.</p> <p>Section 11. Minnesota Statutes 1971, Section 473D.04, is amended to read:</p> <p>473D.04 [Metropolitan Counties; Solid Waste Disposal Report.]</p> <p>Subdivision 1. Each metropolitan county, upon receipt of the council's comprehensive plan, shall prepare and submit to the council for its approval, a report including a description of any solid waste disposal site or facility which the county owns or plans to acquire to implement the comprehensive plan; the planned method, estimated cost and time of acquisition thereof; a description of any improvements which will be</p>	

	STATE OF CALIFORNIA	STATE OF ILLINOIS	STATE OF MINNESOTA
[MISCELLANEOUS]			<p>STATE OF MINNESOTA CONTINUED</p> <p>county may by ordinance establish and revise rules, regulations, and standards for h. w. management relating to (a) identification of h.w., (b) the labeling and classification of h. w., (c) the handling collection, transportation and storage of h.w., (d) the ultimate disposal site of the h.w. and (e) other matters necessary for the public health, welfare and safety. The county may issue permits or licenses for h.w. generation and may require that generators be registered with a county office. The ordinance may require payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance enacted under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section of regulations promulgated hereunder, shall be subject to review, denial, suspension, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.</p> <p>necessary to make the site or facility suitable for solid waste disposal; proposed procedures for the operation and maintenance of any such site or facility; an estimate of the annual cost of operation and maintenance of each site or facility; an estimate of the annual gross revenues which will be received from the operation of each site or facility; and a proposal for the use of each site when filled. The report shall also include a complete survey of existing or proposed municipal or private solid waste disposal sites and facilities in the county containing information similar to that required for county facilities, and a statement of the extent to which they will or may be used to implement the comprehensive plan. The council shall approve the report if it is in accordance with its comprehensive plan. The report, when approved by the council, shall be implemented by the county. Each report not approved by the council shall be returned to the county with a statement of the reasons for the council's failure to approve it.</p> <p>Subdivision 2. Each metropolitan county, as a part of its solid waste plan, shall prepare and submit to the council for its approval, a report including: a description of the county hazardous waste ordinance, the county hazardous waste generator licensing procedures, proposed procedures for implementing the system, and an estimate of the total number of generators. Council approval or disapproval of the report shall be consistent with this section.</p> <p>Section 12. Minnesota Statutes 1971, Chapter 473D, is amended by adding a section to read:</p> <p>473D.051 (Metropolitan Counties, Hazardous Waste Management) Each metropolitan</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(SHORT TITLE)	Be It Enacted By The People of the State of Oklahoma:	Environmentally Hazardous Wastes (General Provisions)	Section 1: This Act may be cited as the Hazardous Waste Management Act of 19__.	Section 1. Short Title. This Act may be cited as the "_____."
(FINDING of NECESSITY & DECLARATION of PURPOSE)	Section 1. This act shall be known and may be cited as the "Oklahoma Hazardous Waste Disposal Act".		<p>Finding of Necessity and Declaration of Purpose</p> <p>Section 2:</p> <p>(A) The legislature of this State finds:</p> <p>(1) that continuing technological progress, increases in the amounts of manufacture, and abatement of air and water pollution have resulted in ever-increasing quantities of hazardous wastes;</p> <p>(2) that the public health and environment are threatened where hazardous wastes are not managed in an environmentally sound manner;</p> <p>(3) that the knowledge and technology necessary for alleviating adverse health, environmental, and aesthetic impacts from current hazardous waste management and disposal practices are generally available at costs within the financial capability of those who generate such wastes, but that such knowledge and technology are not widely used; and</p> <p>(4) that, although management of solid wastes is the responsibility of each municipality, problems of hazardous waste management have become a matter of State-wide concern.</p> <p>(B) Therefore, it is hereby declared that the purposes of this Act are:</p> <p>(1) to protect the public health and safety, the health of other living organisms, and the environment, from the improper or unsound management of hazardous wastes;</p> <p>(2) to establish a program of regulation over the generation, storage, transportation, treatment, and disposal of hazardous wastes; and</p> <p>(3) to assure the safe and adequate management of hazardous wastes within this State.</p>	<p>Section 2. Statement of Findings and Purpose.</p> <p>In order to protect the quality of the environment, prevent the spread of disease and creation of nuisances, protect the public health, safety and welfare, provide and coordinate a statewide hazardous waste management program and encourage the safe and proper handling, processing, and disposal of hazardous wastes, the Legislature finds that:</p> <p>(1) improper methods of hazardous wastes handling, processing, and disposal create a hazard to public health and contribute to the pollution of air, land, and water resources;</p> <p>(2) increases in the volume, complexity, and hazardous nature of waste materials produced and discarded necessitate a statewide approach to provide environmentally and economically acceptable solutions to hazardous wastes disposal problems within the State.</p> <p>It is, therefore, declared that the purposes of this Act are to</p> <p>(1) require the proper and safe handling, processing, and disposal of hazardous wastes that are generated in or transported into the State for processing and/or disposal;</p> <p>(2) implement a statewide permit and enforcement program to assure the protection of public health and the air, land, and water resources of the State;</p> <p>(3) encourage the utilization of private enterprise to the maximum extent in the planning, design and management of hazardous wastes management facilities;</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(DEFINITIONS)	Section 2. As used in this act, unless the context otherwise requires:	459.410 Definitions for ORS 459.410 to 459.690. As used in ORS 453.635 and 459.410 to 459.690, unless the context requires otherwise:	Section 3: When used in this Act:	(4) require the State to assure that proper identification, handling, processing, and disposal of hazardous wastes are accomplished through a system developed for the tabulation and recording of data regarding hazardous wastes generated and/or disposed of within its boundaries.
COMMISSION		(1) "Commission" means the Environmental Quality Commission.		Section 3. Definitions. For all purposes of this Act, except as otherwise expressly provided herein or unless the context otherwise requires, the terms defined in this section shall have the meanings assigned to them in this Act, whether or not capitalized and including the plural as well as the singular thereof:
DEPARTMENT	3. "Department" means the State Department of Health unless there is created a Department of Natural Resources, at which time "Department" shall mean the Department of Natural Resources;	(2) "Department" means the Department of Environmental Quality.	(A) The term "Department" means the Department of this State charged with the administration and enforcement of this Act.	(1) "Department" means the State Department of _____.
DIRECTOR		(3) "Director" means the Director of the Department of Environmental Quality.		(2) "Director" means the Director of _____.
DISPOSAL	2. "Disposal" means the abandonment, deposit, interment or discard of hazardous waste as a final action after such waste is no longer intended to be used. Storage of hazardous waste of two (2) or more years shall be considered a disposal for purposes of this act;	(4) "Dispose" or "disposal" means the discarding, treatment, recycling, or decontamination of environmentally hazardous wastes or their collection, maintenance or storage at a disposal site.	(B) The term "Disposal" means the discharge, deposit, dumping, spilling, leaking, or placing of any substance into or on the land so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.	(3) "Disposal" means the ultimate introduction of hazardous wastes into the environment.
DISPOSAL SITE	4. "Disposal site" means the location where any final disposition of hazardous waste occurs. Disposal sites include but are not limited to deep well injection and surface disposal facilities;	(5) "Disposal site" means a geographical site in or upon which environmentally hazardous wastes are stored or otherwise disposed of in accordance with the provisions of ORS 453.635, 459.410 to 459.690 and subsection (4) of ORS 459.992.	(C) The term "Disposal Site" means the location where any final deposition of waste materials occurs.	(4) "Disposal Site" means the location where any ultimate disposal of hazardous waste occurs.
GENERATION			(D) The term "Generation" means the act or process of producing waste materials.	(5) "Handling" means the storage, transport, or transfer of hazardous waste from one place to another.
HANDLING				

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
HAZARDOUS WASTE (or Environmentally Hazardous Waste)	1. "Hazardous waste" is defined as refuse products, either solid or liquid, which are to be disposed of, and which are toxic to human, animal, aquatic or plant life and which are produced in such quantity that they cannot be safely disposed of in properly operated, state-approved sanitary land fills or sewage treatment facilities. Hazardous waste includes but is not limited to explosives, flammable liquids, spent acids, caustic solutions, poisons, sludge, tank bottoms containing heavy metallic ions, toxic organic chemicals and materials such as paper, metal, cloth or wood which are contaminated with hazardous waste;	(6) "Environmentally hazardous wastes" include all of the following which are not declassified by the commission pursuant to subsection (6) of ORS 459.430: (a) Discarded, useless or unwanted materials or residues resulting from any substance intended for the purpose of defoliating plants or for the preventing, destroying, repelling or mitigating of insects, fungi, weeds, rodents or predatory animals, including but not limited to defoliant, nematocides and rodenticides as defined by ORS 634.211. (b) Discarded, useless or unwanted radioactive material, including naturally occurring or accelerator produced isotopes and byproduct material, source material or special nuclear material as defined by ORS 453.605, but excluding material produced by a nuclear installation. (c) Residues resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources, if such residues are classified as environmentally hazardous by order of the commission, after notice and public hearing. (d) Discarded, useless or unwanted containers and receptacles used in the transportation storage, use or application of of the substances described in paragraphs (a), (b) and (c) of this subsection.	(E) The term "Hazardous Waste" means any waste or combination of wastes of a solid, liquid, contained gaseous, or semisolid form which, in the judgement of the Department, may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms. Such wastes include, but are not limited to, those which are toxic, corrosive, flammable, irritants, strong sensitizers, or which generate pressure through decomposition, heat, or other means.	(6) "Hazardous Waste" means any discarded solid, liquid, semi-solid, contained gas, or combination thereof which is determined by the Director because of its quantity, concentration, or chemical characteristics to pose a substantial present or potential danger to human health or the environment because such waste is bioconcentrative, flammable, reactive, toxic, irritating, corrosive, or infectious.
HAZARDOUS WASTE MANAGEMENT			(K) The term "Hazardous Waste Management" means the systematic and comprehensive management of the generation, storage, transport, treatment, recycling, recovery, or disposal of hazardous waste materials.	
MANIFEST				(9) "Manifest" means the Department form used for identifying hazardous wastes during handling, processing, and disposal.

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
NUCLEAR INSTALLATION		(7) "Nuclear installation" means any power reactor, nuclear fuel fabrication plant, nuclear fuel reprocessing plant, storage or waste disposal facility for radioactive waste produced from the operation of thermal power plants or nuclear installations, and any facility handling that quantity of fissionable materials sufficient to form a critical mass.		
PERSON	5. "Person" means any individual, corporation, industry, firm, partnership, association, venture, trust, institution, state or local governmental instrumentality, agency or body or any other legal entity however organized;		(F) The term "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, county, municipality, or any other legal representative, agent, or assigns.	(10) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
PROCESSING (or Treatment or Hazardous Waste Processing)	6. "Processing" means the treatment, detoxification, neutralization, incineration or biodegradation of hazardous waste in order to remove its harmful properties or characteristics. The processing shall be done in accordance with any rules and regulations adopted by the Department in conjunction with any other agency authorized by law to regulate or control hazardous waste;		(I) The term "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste, including any hazardous waste, so as to neutralize such waste or so as to render such wastes nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.	(7) "Hazardous Waste Processing" means the physical or chemical treatment, recovery, detoxification, neutralization, incineration, biodegradation, separation, fixation, or otherwise modification of a potentially hazardous waste to remove or reduce its harmful properties or characteristics.
PROCESSING FACILITY (or Treatment Facility or Hazardous Waste Processing Facility)	7. "Processing facility" means any site or location where treatment, incineration or disposition of hazardous waste occurs; and		(J) The term "Treatment Facility" means a location at which wastes is subjected to treatment and may include a facility where waste has been generated.	(8) "Hazardous Waste Processing Facility" means a plant or site where hazardous wastes are subjected to hazardous waste processing operations.
SECTION	8. "Section" means the Hazardous Waste Management Section created herein.			
STORAGE			(G) The term "Storage" means the actual or intended containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.	(11) "Storage" means the temporary containment of wastes.
TRANSPORT			(H) The term "Transport" means the movement of wastes from the point of generation to any intermediate transfer points, and finally to the point of ultimate disposal.	

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(POWERS & DUTIES of the DEPT)	<p>Section 3. There is hereby created a Hazardous Waste Management Section within the State Department of Health unless there is created a Department of Natural Resource. The Section shall consist of a Director, who shall be hired by the Department, and as many employees hired by the Director as he deems necessary and duly qualified to carry out the provisions of this act. As a prerequisite for employment as a Director, the Director shall have expertise and as least two (2) years experience in waste management, and shall have a degree in chemistry or chemical or environmental engineering. The Director shall not be subject to the Merit System of Personnel Administration, but all employees hired by the Director shall be subject to the Merit System.</p> <p>Section 4. The Section is hereby authorized and it shall be its duty to:</p> <ol style="list-style-type: none"> <li>1. Designate materials as hazardous waste;</li> <li>2. Adopt rules and regulations for the construction and operation of hazardous waste processing facilities and disposal sites;</li> <li>3. Issue permits for the construction and operation of said facilities and sites;</li> <li>4. Provide the operator of a disposal site a list of any material which the Section deems unacceptable for disposal at the site at the time the Section issues a permit to the operator;</li> <li>5. Make periodic inspections of hazardous waste processing facilities and disposal sites to determine the extent to which the Section's rules and regulation are complied with;</li> <li>6. Develop, maintain and monitor records of the source and amount of hazardous waste produced in Oklahoma and the methods used to dispose of said waste;</li> </ol>	<p>Administration 459.430 Powers and duties of department. The department shall:</p> <ol style="list-style-type: none"> <li>(1) Provide for the administration, enforcement and implementation of ORS 459.410 to 459.690 and may perform all functions necessary for the regulation of the operation and construction of disposal sites and, in consultation with the appropriate county planning commissions, the designation of such sites.</li> <li>(2) Coordinate and supervise all functions of state and local governmental agencies engaged in activities subject to the provisions of ORS 459.410 to 459.690.</li> <li>(3) Conduct a study of disposal site availability in this state designating areas where sites should or should not be located; provided, however, that the department is not required to designate any disposal sites if it finds no suitable area therefor in this state.</li> <li>(4) Make a finding relating to the necessity for disposing of any environmentally hazardous wastes at disposal sites in this state and may prohibit disposing of those types and amounts of such wastes for which no necessity is found.</li> <li>(5) After study, designate types of environmentally hazardous wastes that may or may not be disposed of at particular disposal sites and prohibit disposal of particular types of wastes at particular sites if it finds their presence in this state is inconsistent with the public health and safety.</li> <li>(6) After notice and public hearing pursuant to ORS chapter 183, declassify as environmentally hazardous wastes those substances described in subsection (6) of ORS 459.410 which the commission finds after deliberate consideration, taking into account the public health and safety, have been properly treated or decontam-</li> </ol>	<p>Powers and Duties of the Department Section 4:</p> <p>(A) The Department shall conduct and publish a study of hazardous waste management in this State, which study shall include, but not be limited to --</p> <ol style="list-style-type: none"> <li>(1) a description of the sources of hazardous waste generation within the State, including the types and quantities of such wastes;</li> <li>(2) a description of current hazardous waste management practices, including treatment and disposal, within the State;</li> <li>(3) identification of those locations within the State which are suitable for the establishment of hazardous waste treatment or disposal facilities or sites;</li> <li>(4) identification of those locations within the State which are not suitable for the establishment of hazardous waste treatment or disposal facilities or sites.</li> </ol> <p>(B) Not later than six months after publication of the study directed by Section 4(A) the Department shall develop and publish a plan for the management of hazardous wastes within this State.</p> <p>(C) The Department shall, after adequate notice and at least one public hearing on the record, within two years after the effective date of this Act, adopt, and may revise as appropriate --</p> <ol style="list-style-type: none"> <li>(1) criteria for the determination of whether any waste or combination of wastes is hazardous for the purposes of the Act;</li> <li>(2) rules and regulations relating to the generation, transport, storage, handling, treatment, and disposal of hazardous wastes;</li> <li>(3) rules and regulations specifying the terms and conditions under which the Department shall issue, modify, revoke, or deny such permits as may be required under this Act;</li> </ol>	<p>Section 4. Organization and Powers of the Department of</p> <p>The responsibility for enforcement of the provisions of this act are assigned to the Department of</p> <p>which shall have exclusive jurisdiction and all necessary authority to enforce this act unless otherwise expressly provided in this Act.</p> <p>(1) The Director shall develop regulations and standards with the advice of other appropriate agencies, pursuant to Section 6 of this Act. No agency or political subdivision of the State shall adopt or enforce any rule, regulation or standard with respect to matters for which the Department has exclusive jurisdiction under this Act.</p> <p>(2) The Director shall, in accordance with (insert appropriate reference to the state's Administrative Procedures Act), develop regulations, standards, guidelines, and criteria as prescribed in Sections 5 and 6 of this Act, with the advice of the Hazardous Waste Technical Advisory Committee established by Section 9 of this Act.</p> <p>(3) The Director shall have authority under emergency conditions to direct, suspend or otherwise require hazardous wastes to be stored, processed or disposed. Each such action or suspension of the regulations shall be reviewed by the Hazardous Waste Technical Advisory Committee.</p> <p>(4) The Director shall take all appropriate measures to monitor and enforce rules and regulations pertaining to hazardous waste handling, processing, and disposal.</p> <p>(5) The Director shall maintain records and through a system of recordkeeping tabulate the volume, nature, and location of hazardous wastes generated and/or disposed of within the State.</p>



	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
<b>(POWERS &amp; DUTIES of the DEPT)</b>	<p>7. Prescribe to all persons generating hazardous waste forms to be used as manifests;</p> <p>8. Require preapproved plans from persons generating hazardous waste or shipping hazardous waste within or into Oklahoma indicating the amount of hazardous waste generated, the disposal methods, and the disposal sites used. The plans shall be kept current and the Section shall be advised immediately of any changes in the plans of such persons. The plans shall be required only for hazardous wastes which are to be disposed. Persons storing or shipping hazardous wastes in an environmentally acceptable manner for the purpose of reuse, recycling or rerefining shall be required to file preapproved plans only for those wastes which are to be disposed.</p> <p>9. Require annual reports from all persons generating hazardous waste indicating the amount of hazardous waste generated, the disposal methods, and the disposal sites used;</p> <p>10. Require monthly reports from all operators of hazardous waste facilities who receive hazardous waste for processing or disposal, listing the amount, transporter and producers of all hazardous waste received;</p> <p>11. Approve or disapprove methods of disposal of hazardous waste, and prohibit certain specific disposal practices;</p> <p>12. Inform persons generating hazardous waste of available, alternative methods or disposal of such waste and assist the persons in developing satisfactory disposal plans; and</p> <p>13. Develop a system to provide information on recyclable waste to potential users of such waste. Such information shall not include any information which the Section deems confidential or private in nature.</p>	<p>inated or contain a sufficiently low concentration of hazardous material so that such substances are no longer environmentally hazardous.</p> <p>459.440 Adoption of rules. In accordance with applicable provisions of ORS chapter 183, the commission shall:</p> <p>(1) Adopt rules and issue orders thereon, including but not limited to establishing minimum requirements for the disposal of environmentally hazardous wastes, limits as to types and quantities of materials to be disposed, minimum requirements for operation, maintenance, monitoring and reporting and supervision of disposal sites and requirements and procedures for the selection of such sites.</p> <p>(2) Adopt rules and issue orders thereon relating to the procedures of the department with respect to hearings, filling of reports, submission of plans and the issuance, revocation and modification of licenses issued under ORS 459.410 to 459.690.</p> <p>(3) With due regard for the regulatory programs of the Federal Government and the radiation control regulations established by the Health Division pursuant to ORS 453.605 to 453.745, adopt rules governing the disposal of radioactive wastes.</p>	<p>(4) rules and regulations relating to the standards and procedures for the safe operation and maintenance of hazardous waste treatment or disposal facilities or sites;</p> <p>(5) rules and regulations relating to the containerization and labeling of hazardous wastes;</p> <p>(6) a listing of those wastes or combinations of wastes which are not compatible, and which may not be stored or disposed of together.</p> <p>(D) In complying with this Section the Department shall consider the variations within this State in climate, geology, population density, and such other factors as may be relevant to the management of hazardous wastes.</p>	<p>(6) The Director is authorized to seek and to receive Federal funds applicable for hazardous wastes management programs.</p> <p>(7) The Director shall, in accordance with (insert appropriate reference to the state's Administrative Procedures Act), establish procedures for the evaluation and coordination of research and development regarding methods of hazardous waste handling, processing, and disposal and may enter into contracts in order to conduct appropriate studies relating to hazardous wastes.</p> <p>Section 5. Criteria for Determining Hazardous Wastes (1) Criteria shall be developed and revised in accordance with procedures as required by Section 6 and subsequent to review of the Hazardous Waste Technical Advisory Committee. Opportunity for appeal shall be allowable after promulgation of the criteria. (2) When developing these criteria, the Director shall determine whether the concentrations being disposed of present immediate or persistent toxic hazards to man and wildlife of the resistance to natural degradation or detoxification or are bioconcentrative, flammable, reactive, toxic, irritating, corrosive or infectious in addition to any other appropriate characteristics. (3) The Department shall compile and revise from time to time thereafter a listing of wastes which have been determined to be hazardous by using these criteria. (4) The Director shall to the extent feasible consider actions taken by contiguous states and the federal government for the development and application of uniform criteria.</p> <p>Section 6. Regulations, Guidelines, and Standards. The Director shall adopt, and may revise when appropriate, regulations, guidelines, and standards for the handling, processing, and disposal of hazardous wastes.</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(POWERS & DUTIES of the DEPT)	<p>Section 5.</p> <p>A. The Section shall adopt, and revise when necessary, rules, regulations and minimum standards for the processing and disposal of hazardous wastes in Oklahoma with the exception of the following:</p> <p>1. Radioactive waste shall continue to be regulated by the Radiological Controls Section of the Division of Environmental Services; and</p> <p>2. Deleterious substances produced or used in conjunction with oil and gas development and production shall continue to be regulated by the Corporation Commission.</p> <p>B. Before adopting such rules, regulations and standards, the Section shall consult with interested state and local governmental bodies and with federal regulatory agencies. The Section shall hold at least one public hearing on the proposed rules, regulations and standards and shall adopt the same after making amendments deemed necessary after presentation of the evidence and testimony at the one or more public hearings.</p> <p>C. The present rules and regulations of the State Department of Health and Water Resources Board shall remain effective until the adoption of new rules and regulations by the Section.</p> <p>D. The provisions of this act shall be cumulative to the minimum requirements established by the Oklahoma Administrative Procedures Act.</p>			<p>(1) Before adoption of any regulations, guidelines, and standards, the Director shall:</p> <p>(a) Consult with the appropriate agencies of local governments.</p> <p>(b) Secure technical assistance from the State Department of _____ and any other appropriate state agencies.</p> <p>(2) Public Hearing. Before adopting or revising regulations, guidelines, and standards for the handling, processing, and disposal of hazardous wastes, the Department shall hold at least one public hearing in (capital city) or in a city within the area of the State to be affected by the proposed regulations, guidelines or standards.</p> <p>(3) No action of the Director shall preclude the right of appeal.</p> <p>(6) Procedures. The Director shall promulgate regulations identifying procedures for obtaining a permit for the disposal of any hazardous waste no later than _____ months following the date of enactment of this Act. Regulations proposed by the Director shall first be reviewed by the Hazardous Waste Technical Advisory Committee and then promulgated subject to hearing following appropriate notice as required by (insert hearing procedure or appropriate reference to the state's Administrative Procedures Act). No action of the Director shall preclude the right of appeal.</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(PERMITS)	<p>Section 6. The Section shall issue permits for the construction of processing facilities or disposal sites. No construction permit shall issue except upon the filing of a proper application by the person desiring the construction and the Section's notification of the filing to property owners within one (1) mile of the proposed construction site and to city or county health departments located in the immediate area. If any of the said property owners or health departments request a public hearing, said hearing shall be held before the construction permit is issued. Provided, however, that the public hearing shall pertain only to the physical and technical suitability of the proposed processing facility or disposal site, and shall not concern the appropriateness of the proposed land use.</p> <p>Section 7. The Section shall specify and provide definite criteria, including testing methods and minimum or maximum standards, before construction of a processing facility or disposal site shall proceed. The design, testing and construction of a disposal site shall be conducted under the supervision of a registered professional engineer who has proven to the Section's satisfaction, that he is competent to design a disposal site.</p> <p>Section 8.</p> <p>A. The Section shall issue permits for the operation of processing facilities or disposal sites. No operation permit shall issue except upon proper application, sufficient liability insurance, demonstration of financial responsibility and such other requirements as hereinafter provided.</p>	<p>Disposal Sites</p> <p>459.510 Disposal of wastes restricted; license required. (1) No person shall dispose of environmentally hazardous wastes in or upon any real property in the state other than real property designated as a disposal site pursuant to the provisions of ORS 459.410 to 459.690 and no person shall dispose of environmentally hazardous wastes by storage in or upon any real property owned by the State of Oregon. (2) No person shall operate a disposal site without a license therefor issued pursuant to ORS 459.410 to 459.690.</p> <p>459.520 Application of ORS 459.510 to existing disposal sites. (1) ORS 459.510 does not apply to any person operating a disposal site on June 30, 1971, under a permit or license issued by any agency of this state until a license application therefor has been acted upon by the commission pursuant to ORS 459.410 to 459.690. If the operator of such a disposal site desires to continue to operate the disposal site, he must apply for a license under ORS 459.410 to 459.690, within 60 days after the commission has adopted rules governing the form and contents of applications. (2) if the license is refused, the licensee must cease operations within a time set by the commission that allows reasonable opportunity for the licensee to take such steps for the security or disposition of stored material as the commission deems necessary. The commission shall not direct removal of stored material unless an alternate site has been designated as suitable for disposal of it.</p> <p>459.530 License application; fees. (1) The department shall furnish an application form to any person interested in developing or constructing a disposal site upon request. Each such form shall contain:</p> <p>(a) The name and address of the applicant.</p> <p>(b) A statement of financial condition of the applicant, including assets, liabilities and net worth.</p>	<p>Permits</p> <p>Section 5:</p> <p>(A) No person shall construct, substantially alter, or operate any hazardous waste treatment or disposal facility without first applying for and receiving from the Department a permit for such construction, alteration, or operation;</p> <p>(B) No person shall store hazardous wastes without first applying for and receiving from the Department a permit for such storage;</p> <p>(C) No person shall treat or dispose of any hazardous wastes without first applying for and receiving from the Department a permit for such treatment or disposal;</p> <p>(D) No person shall transport any hazardous waste without first applying for and receiving such permit(s) as may be required under Section 16 (Transportation of Hazardous Wastes) of this Act. The provisions of Section 16 of this Act, and of this subsection, shall apply equally to those persons transporting hazardous wastes generated by others and to those transporting hazardous wastes they have generated themselves, or combinations thereof;</p> <p>(E) Permit applications shall be submitted to the Department on such forms as the Department may prescribe;</p> <p>(F) Permits may be issued under such terms and conditions as the Department may deem necessary to fulfill the purposes of this Act;</p> <p>(G) Permits shall be valid for a period not to exceed five (5) years, and shall be renewable at the discretion of the Department;</p> <p>(H) Any permit issued under this Section may be revoked by the Department at any time when the permittee fails to comply with the terms or conditions of said permit, Provided, that no permit shall be revoked until the Department has provided the affected party with the opportunity for adequate hearing, and with adequate notice</p>	<p>Section 7. Permit Program</p> <p>(1) Not later than _____ months after the date of enactment of this Act, the Director shall promulgate a permit program for the handling, processing, and disposal of hazardous wastes and promulgate criteria for issuing a permit and regulations identifying procedures for obtaining a permit or the approval from the Director for the handling, processing, and disposal of hazardous wastes.</p> <p>(2) General Requirements:</p> <p>(a) The Director shall issue permits for all hazardous waste handling, processing facilities, and disposal sites constructed and operated in compliance with the regulations, guidelines, and standards promulgated by the Director. When issuing permits the Director may consider the adoption of varying guidelines and standards for different areas of the State depending on population density, climate, geology, and other factors relevant to hazardous wastes management.</p> <p>(b) No person shall engage in processing, handling or disposal of wastes which are determined by the Director to be hazardous, without a permit or prior approval from the Director. Producers of hazardous waste who merely concentrate and/or prepare such waste for shipment and do not engage in the transportation, processing, and disposal of hazardous wastes are exempt from the permit requirement.</p> <p>(c) No person shall commence construction of any proposed processing facility or disposal site without having first filed an application for and received a construction permit from the Department.</p> <p>(d) No person shall commence operation of any hazardous waste processing facility or disposal site without having first obtained a permit from the Director.</p>

		STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(PERMITS)		<p>(c) The experience of the applicant in construction, management, supervision or development of disposal sites for environmentally hazardous wastes and in the handling of such substances.</p> <p>(2) The department shall also require the submission of such information relating to the construction, development or establishment of proposed disposal sites and facilities to be operated in conjunction therewith, and such additional information, data and reports as it deems necessary to make a decision on granting or denying a license.</p> <p>(3) The application shall be accompanied by a nonrefundable fee of \$5,000, which shall be continuously appropriated to the department for administrative expenses.</p> <p>459.540 Application contents. License applications submitted to the department for managing, operating, constructing, developing or establishing a disposal site must contain the following:</p> <p>(1) The management program for the operation of the disposal site, including the person to be responsible for the operation of the disposal site and a resume of his qualifications, the proposed method of pretreatment, or decontamination upon the disposal site, if any, and the proposed emergency measures to be provided at such site.</p> <p>(2) A description of the size and type of facilities to be constructed upon the disposal site, including the height and type of fencing to be used, the size and construction of structures or buildings, warning signs, notices and alarms to be used, the type of drainage and waste treatment facilities and maximum capacity of such facilities, the location and source of each water supply to be used and the location and the type of fire control facilities to be provided at such site.</p> <p>(3) A preliminary engineering sketch and flow chart showing proposed plans and specifications for the construction and develop-</p>	<p>of the intent of the Department to revoke said permit and the reasons for such revocation:</p> <p>(1) Where the application for or compliance with any permit required under this Section would, in the judgement of the Department, cause undue or unreasonable hardship on any person, the Department may issue a variance from the requirements of this Section. In no case shall the duration of any such variance exceed twelve (12) months; no person shall receive more than one (1) such variance, and it shall not be renewed or extended.</p> <p>STATE OF OREGON</p> <p>CONTINUED</p> <p>ment of the site and the waste treatment and water supply facilities, if any, to be used at such site.</p> <p>(4) The exact location and place where the applicant proposes to operate and maintain the disposal site, including the legal description of the lands included within such site.</p> <p>(5) A preliminary geologist's survey report indicating land formation, location of water resources and direction of the flows thereof and his opinion relating to possible sources of contamination of such water resources.</p> <p>(6) The names and addresses of the applicant's current or proposed insurance carriers, including copies of insurance policies then in effect.</p> <p>459.620 Revocation of licenses; judicial review. The commission may revoke any license issued under ORS 459.410 to 459.690 after public hearing upon a finding that the licensee has violated any provision of ORS 459.410 to 459.690 or rules adopted pursuant thereto or any material condition of the license, subject to review under ORS chapter 183.</p>	<p>(e) No person shall deliver any hazardous wastes to a hazardous waste processing facility or a hazardous wastes disposal site that has not been permitted by the Director.</p> <p>(g) Existing processing facilities and disposal sites shall be granted a permit variance subsequent to sufficient evidence being presented at a hearing to assure that the facility is or will be within a reasonable period of time, in compliance with the regulations, guidelines, and standards.</p> <p>(h) Permits or licenses for all hazardous waste handling, processing facilities, and disposal sites previously issued by the Director or by any other agency of the State under (reference appropriate prior to existing statutes or regulations), shall continue in effect for a minimum period of _____ days following the effective date of this Act and for such additional period as the Director may by regulation establish.</p> <p>(4) Any order of suspension or revocation of a permit shall become final unless the person named in such suspension or revocation order requests a public hearing within thirty days after the order or notice of suspension or revocation is served upon such person or persons. Upon such request, the Director shall promptly conduct a public hearing in accordance with the provisions of (insert applicable references to the state's Administrative Procedures Act).</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
[HAZARDOUS WASTE TREATMENT/DISPOSAL SITES]	<p>B. Liability insurance shall be provided by the applicant in an amount equal to twice the value of all real property situated within one (1) mile of the facility or site. Provided, that the liability insurance shall be in an amount of not less than One Hundred Thousand Dollars (\$100,000.00) and need not be more than Five Hundred Thousand Dollars (\$500,000.00).</p> <p>C. Prior to the issuance of any permit, the applicant shall upon request of the Section, produce evidence of the applicant's financial status indicating that the applicant is not insolvent and is financially able to operate and maintain a hazardous waste disposal site as required by this act. If the applicant is insolvent or is not, in the opinion of the Section, financially able to operate and maintain a hazardous waste disposal site as required by this act, a permit shall be denied.</p> <p>D. The operation of a processing facility or disposal site shall be under the general supervision of a person with a science or engineering degree appropriate to the type of facility or site he is to supervise and whose qualifications are acceptable to the Section.</p> <p>E. The Section is authorized and may require the construction of monitoring wells, pond liners, fencing, signs or other equipment deemed necessary by the Section to ensure the suitable operation of the facility or site.</p> <p>Section 9. The operator of any disposal site, upon receipt of a permit or extension of a permit to operate, shall immediately file the permit for record with the office of the Registrar of Deeds in the county where the site is located. Prior to beginning operations under the permit the operator</p>	<p>459.550 Notice of hearings on license applications required. (1) Prior to holding hearings on the license application, the commission shall cause notice to be given in the county or counties where the proposed disposal site is located in a manner reasonably calculated to notify interested and affected persons of the license application. (2) The notice shall contain information regarding the approximate location of the site and the type and amount of materials intended for disposal at such site, and shall fix a time and place for a public hearing. In addition, the notice shall contain a statement that any person interested in or affected by the proposed site shall have opportunity to testify at the hearing.</p> <p>459.560 Public hearings in areas of proposed disposal site required. The commission shall conduct a public hearing in the county or counties where the proposed site is located and may conduct hearings at such other places as the department considers suitable. At the hearing the applicant may present his application and the public may appear or be represented in support of or in opposition to the application.</p> <p>459.570 Recommendation by state agencies on applications; license must be refused upon recommendation of Health Division. Upon receipt of an application, the department shall cause copies of the application to be sent to affected state agencies, including the Health Division, the Public Utility Commission, the Fish Commission of the State of Oregon, the State Wildlife Commission and the State Engineer. Each agency shall respond by making a recommendation as to whether the license application should be granted. If the Health Division recommends against granting the license, the commission must refuse to issue the</p>	<p>Hazardous Waste Treatment/Disposal Sites Section 9: (A) No permits shall be issued to any hazardous waste treatment/disposal site unless that site meets such terms and conditions as the Department may direct. Terms and conditions shall include, as a minimum -- (1) evidence of liability insurance, including non-sudden occurrences, in such amount as the Department may determine to be necessary for the protection of the public health and the environment; (2) evidence of financial responsibility in such form and amount as the Department may determine to be necessary to insure that upon abandonment, cessation, or interruption of the operation of the site all appropriate measures are taken to prevent present or future damage to the public health or the environment; (3) evidence that personnel employed at hazardous waste treatment/disposal sites shall meet such qualifications as to education and training as the Department may determine to be necessary to assure the safe and adequate operation of the site, including (a) persons charged with direct supervision of the operation of any site shall be certified by the Department after a review of the types, properties, and volumes of hazardous wastes to be treated or disposed of at the site; (b) any significant change in the types, properties, or volumes of hazardous wastes being treated or disposed of at the site shall require the recertification of supervisory personnel. (B) The Department is authorized to establish a schedule of fees to be paid to the Department by hazardous waste treatment and disposal facilities and sites. The schedule to be established to assure that</p>	

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	
[HAZARDOUS WASTE TREATMENT/DISPOSAL SITES]	shall file a certified copy of the permit, indicating it has been filed with the appropriate Registrar of Deeds, with the Section.	license. Recommendation from other agencies shall be considered as evidence in determining whether to grant the license.	resultant revenues are sufficient, but do not exceed the amount necessary, to cover all costs incurred in administering the requirements of this Act. Such fees shall be deposited in the Hazardous Waste Management Account in the General Fund.	
	Section 11. After a processing facility or disposal site has been closed, its operator shall properly maintain and monitor the facility or site for a period of ten (10) years, and shall make such repairs or improvements as deemed necessary by the Section to ensure that no migration of hazardous material will occur from the facility or site.	<p>459.580 Review of application; investigations; decision on issuance; notice; judicial review. (1) The department shall examine and review all applications submitted to it and make such investigation as it considers necessary, and make a recommendation to the commission as to whether to issue the license. (2) After reviewing the department's recommendations under the subsection (1) of this section, the commission shall decide whether or not to issue the license. It shall cause notice of its decision to be given to the applicant by certified mail at the address designated by him in his application. The decision of the commission is subject to judicial review under ORS 183.480.</p> <p>459.590 Conveyance of storage site by licensee to state required; license requirements. (1) As a condition of issuance of the license, the licensee must deed to the state all that portion of the disposal site in or upon which environmentally hazardous wastes shall be disposed of by storage. If the state is required to pay the licensee just compensation for the real property deeded to it, the licensee shall pay the state annually a fee in an amount determined by the department to be sufficient to make such real property self-supporting and self-liquidating. (2) Each licensee under ORS 459.410 to 459.690 shall be required to do the following as a condition to holding the license:</p> <p>(a) Proceed expeditiously with and complete the project in accordance with the plans and specifications approved therefor pursuant to ORS 459.410 to 459.690 and the</p>	<p>STATE OF OREGON CONTINUED</p> <p>rules adopted thereunder.</p> <p>(b) Commence operation, management or supervision of the disposal site on completion of the project and not to discontinue such operation, management or supervision of the site without the approval of the department.</p> <p>(c) Maintain sufficient liability insurance in force in such amounts as determined by the department to be reasonably necessary to protect the environment, and the health, safety and welfare of the people of this state.</p> <p>(d) Establish emergency procedures and safeguards necessary to prevent accidents and reasonably foreseeable risks.</p> <p>(e) Restore, to the extent reasonably practicable, the disposal site to its original condition when use of the area is terminated as a disposal site.</p> <p>(f) Maintain a cash bond in the name of the state and in an amount estimated by the department to be sufficient to cover any costs of closing the site and monitoring it or providing for its security after closure and to secure performance of license requirements. The bond shall remain on deposit for the duration of the license and until the site is closed, except as the bond may be released pursuant to ORS 459.600.</p> <p>(g) Report periodically on the volume of material received at the disposal site and the fees collected therefor.</p>	<p>459.595 Acquisition of sites by condemnation. The commission may acquire real property for the disposal of environmentally hazardous wastes by instituting condemnation proceedings therefor to be conducted in accordance with ORS chapter 35.</p> <p>459.600 License fees; disposition; withdrawal by licensee. (1) The license shall require a fee based either on the volume of material accepted at the disposal site or a percentage of the fee collected for disposal or both. Such fees shall be calculated in amounts estimated to produce over the use of the site for disposal a sum sufficient to provide for any monitoring or protection of the site after closure. (2) The amount so paid shall be held in a separate account and when the amount paid in by the licensee together with the earnings thereon equals the amount of the cash bond required under this section, the licensee shall be allowed to withdraw the cash bond. (3) If the site is closed prior to the fees reaching an amount equal to the bond, appropriate adjustment shall be made and the reduced portion of the cash bond may be withdrawn.</p> <p>459.610 Annual license fees; use. An annual license fee shall be required of every licensee under ORS 459.410 to 459.690. The fee shall be in an amount determined by the department to be adequate to maintain a monitoring and surveillance program for that disposal site. All such fees are continuously appropriated to the department to pay the cost of the program under ORS 459.670.</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(TRANSPORTATION of HAZARDOUS WASTES)	<p>Section 12. Persons generating hazardous waste shall provide the driver of any truck or the working crew of any train carrying hazardous waste a manifest in a form which has been prescribed by the Section, indicating a disposal plan number assigned by the Section which shows that the Section has approved the preapproved plans of the person generating hazardous waste as provided in paragraph 8 of Section 4 of this act. The manifest shall also set forth the type, amount, approximate content, origin and destination of the waste. The driver or crew shall have the manifest in their possession while carrying or handling the hazardous waste and shall release the manifest to such person as is duly authorized to dispose of said waste at the time of delivery of the waste. Provided, that no person shall accept the manifest unless such manifest has a properly assigned disposal plan number indicating that the Section has approved the plans of the person generating hazardous waste. Provided, further, that no person shall transport, receive or dispose of hazardous waste without having the manifest in his possession.</p>	<p>459.450 Rules for transportation of environmentally hazardous wastes. In adopting rules governing transportation of any environmentally hazardous wastes for which a permit is required the Public Utility Commissioner or the State Department of Agriculture must consult with and consider the recommendations of the department prior to the adoption of any such rules.</p>	<p>Transportation of Hazardous Wastes Section 16: Following adequate public notice, and not less than one public hearing on the record, the Public Utilities Commission, in consultation with the Department, shall issue rules and regulations for the transportation of hazardous wastes. Such rules and regulations shall be consistent with applicable rules and regulations issued by the United States Department of Transportation, and consistent with any rules, regulations, and standards issued pursuant to Section 4 of this Act. The Public Utilities Commission shall comply with this Section within one year of the effective date of this Act.</p>	<p>(8) Manifest. The Director shall develop a manifest. The Hazardous Waste Technical Advisory Committee shall review the manifest and submit recommendations to the Director. (a) The Director shall, after publication of notice and conduct of a public hearing, promulgate a manifest to be originated by the hazardous waste producer in accordance with the regulations developed by the Director as required by Section 6. (b) After _____ months, a manifest shall be required to accompany all hazardous wastes from the point of generation through handling, processing, and/or disposal. The manifest shall be originated by the hazardous waste producer identifying the hazardous waste transported, the quantity of such waste, the general chemical, physical, and mineral composition of such waste identified by probable maximum and minimum percentages and and such other information as the Director may require. (c) The complete manifest shall be forwarded monthly to the Director by those producing, handling, processing, and disposing of hazardous wastes.</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(IMMINENT HAZARD)		<p>459.680 Procedure for emergencies.</p> <p>(1) Whenever, in the judgment of the department from the results of monitoring or surveillance of operation of any disposal site, there is reasonable cause to believe that a clear and immediate danger to the public health and safety exists from the continued operation of the site, without hearing or prior notice, the department shall order the operation of the site halted by service of the order on the site superintendent.</p> <p>(2) Within 24 hours after such order is served, the department must appear in the appropriate circuit court to petition for such equitable relief as is required to protect the public health and safety and may commence proceedings for the revocation of the license of the disposal site if grounds therefor exist.</p>	<p>Imminent Hazard Section 10:</p> <p>(A) Notwithstanding any other provision of this Act, the Department, upon receipt of information that the storage, treatment, handling or disposal of any waste may present an imminent and substantial hazard to the health of persons or other living organisms, may take such action as it may deem necessary to protect the health of such persons or organisms. The action the Department may take includes, but is not limited to--</p> <p>(1) issuing an order directing the operator of the disposal or treatment site or facility, or the custodian of the waste, which constitutes such hazard, to take such steps as are necessary to eliminate such hazard. Such action may include, with respect to a site or facility, permanent or temporary cessation of operation; and</p> <p>(2) requesting that the attorney general or local District Attorney commence an action enjoining such act or practices. Upon a showing by the Department that a person has engaged in such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted.</p> <p>(B) In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued; or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.</p>	



	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(ENFORCEMENT)	<p>Section 13. Any person who violates any of the provisions of this act or the rules, regulations or standards promulgated by the Section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment in the county jail for not more than thirty (30) days, or a fine and imprisonment. Each day or part of a day during which such violation is continued or repeated shall constitute a new and separate offense.</p> <p>Section 14. In addition to any other remedies provided in this act, the Section or the head of the Division of Environmental Resources may:</p> <ol style="list-style-type: none"> <li>1. Temporarily suspend the permit of any operator of a hazardous waste processing facility or disposal site until such facility or site conforms to the provisions of this act and the rules, regulations and standards promulgated by the Section; and</li> <li>2. Institute proceedings in the district court having jurisdiction in the area where the alleged violation occurs seeking an injunction to restrain a violation of this act or the rules, regulations or standards adopted hereunder and to restrain the maintenance of a public nuisance.</li> </ol>	<p>Enforcement</p> <p>459.650 Investigation of complaint on operation of disposal sites; hearings; orders; judicial review. (1) The department shall investigate any complaint made to it by any person that the disposal site or its operation is unsafe or that the operation of the site is in violation of the provisions of ORS 453.635 and 459.410 to 459.690 or the rules adopted thereunder. (2) If, after making an investigation pursuant to subsection (1) of this section, the department is satisfied that sufficient grounds exist to justify a hearing upon the complaint, it shall give 10 days' written notice of the time and place of the hearing, and the matters to be considered at such hearing. A copy of the complaint shall be furnished by the department to the licensee. Both the complainant and the licensee are entitled to be heard, produce evidence and offer exhibits and to require the attendance of witnesses at any such hearing. (3) The commission, or a hearing examiner appointed by the commission, shall hear the matter and, after considering all evidence and testimony submitted, the commission shall, within 30 days after the date of the hearing, make such specific order as it considers necessary in the premises. Any order so issued by the commission shall be subject to judicial review in the manner provided by ORS 183.480 for judicial review of orders in contested cases. The costs of reporting and of transcribing the hearing for the purpose of judicial review shall be paid by the party seeking such judicial review.</p> <p>459.660 Investigations by department; findings and orders; notice; judicial review. (1) Whenever the department believes that any disposal site or its operation is unsafe, or in violation of ORS 459.410 to 459.690 or not in compliance with rules or orders, it may, upon its own motion, investigate the operation of the disposal site.</p>	<p>Enforcement</p> <p>Section 11:</p> <p>(A) Whenever the Department finds that any person is in violation of any permit, rule, regulation, standard, or requirement under this Act, the Department shall issue an order requiring such person to comply with such rule, regulation, standard, or requirement or the Department shall request that the Attorney General of this State bring a civil action for injunctive relief in [the appropriate] court.</p> <p>(B) Any person who knowingly violates any order issued by the Department pursuant to this Section shall be liable for a fine not to exceed \$25,000 per day of violation, imprisonment of not to exceed one year, or both.</p> <p>(C) Any person who violates any permit, rule, regulation, standard, or requirement pursuant to Sections 5, 6, or 8 of this Act, shall be liable for a fine of not to exceed \$10,000 per day of violation.</p> <p>(D) Each day of non-compliance with any order issued by the Department pursuant to this Section, or of non-compliance with any permit, rule, regulation, standard, or requirement pursuant to Sections 5, 6, or 8 of this Act, shall constitute a separate violation of this Act.</p> <p>(E) An order issued under this Section shall be delivered by personal service and shall be served on the person designated by the laws of this State as appropriate to receive service of process.</p> <p>Section 8:</p> <p>(A) Effective six months after the promulgation of the rules and regulations required under Section 5 of this Act it shall be unlawful for any person to --</p> <p>(1) construct, alter, or operate any hazardous waste treatment or disposal facility or site, or transport, or store any hazardous waste without such permit(s) as the Department may require under this Act:</p>	<p>Section 8. Enforcement</p> <p>(1) Whenever the Director determines that any person is in violation of any requirement or standard under this Act or regulations issued hereunder, the Director shall give written notice to such party of such violation.</p> <p>(2) If such violation extends beyond the thirtieth day after notification by the Director, the Director may issue an order requiring compliance within a specified time period, or in cases where imminent danger to public health and safety is demonstrated, suspend operations causing such danger until the Director determines that adequate steps are being taken to correct such violations; or he may commence a civil action, in the (insert reference to the proper court to have exclusive jurisdiction of the action) court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.</p> <p>(3) Any order issued under this Section shall state the nature of the violation and the time period within which compliance is required. The amount of any civil monetary penalty sought or assessed shall be determined by the Department on the basis of the seriousness of the violation and whether any good faith efforts were or are being made to comply with the applicable requirements or standards. If a person fails to take the corrective action required within the time specified in an order issued pursuant to paragraph (2) of this Section, he shall be liable for civil monetary penalty to be assessed by the Director of not less than \$_____ nor more than \$_____ for the violation complained of in such order.</p>

		STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(ENFORCEMENT)	<p>STATE OF OREGON</p> <p>CONTINUED</p> <p>of ORS 459.410 to 459.690 or the rules and orders adopted thereunder or of the terms of the license, without prior administrative hearing, the department may institute proceedings at law or in equity to enforce compliance therewith or to restrain further violations thereof.</p> <p>Penalties</p> <p>459.992 Criminal penalties.</p> <p>(1) The following are Class A misdemeanors:</p> <p>(a) Violation of rules, regulations or ordinances adopted under ORS 459.005 to 459.105 and 459.205 to 459.285.</p> <p>(b) Violation of ORS 459.205.</p> <p>(c) Violation of an ordinance enacted under ORS 459.120.</p> <p>(2) Each day a violation referred to by subsection (1) of this section continues constitutes a separate offense. Such separate offenses may be joined in one indictment or complaint or information in several counts.</p> <p>(3) Penalties provided in this section are in addition to and not in lieu of any other remedy specified in ORS 459.005 to 459.105, 459.120 to 459.150 or 459.205 to 459.285.</p> <p>(4) Violation of ORS 459.510 or of any rule or order entered or adopted pursuant to ORS 459.410 to 459.690 is punishable, upon conviction, by a fine of not more than \$3,000 or by imprisonment in the county jail for not more than one year, or by both. Each day of violation shall be deemed a separate offense.</p> <p>(5) Violation of ORS 459.820, 459.830 or 459.850 is a Class A misdemeanor.</p> <p>(6) In addition to the penalty prescribed by subsection (5) of this section, the commission or the State Department of Agriculture may revoke or suspend the license of any person who willfully violates ORS 459.820, 459.830 or 459.850, who is required by ORS chapter 471 or 635, respectively, to have a license.</p>	<p>(2) The department may, after it has made an investigation under subsection (1) of this section, without notice and hearing, make such findings and orders as it considers necessary from the results of its investigations.</p> <p>(3) The findings and orders made by the department pursuant to subsection (2) of this section may:</p> <p>(a) Require changes in operations conducted, practices utilized and operating procedures found to be in violation of ORS 459.410 to 459.690 or the rules adopted thereunder.</p> <p>(b) Require compliance with the provisions of the license.</p> <p>(4) The department shall cause a certified copy of all orders issued by it under subsection (2) of this section to be delivered to the licensee or his duly authorized representative at the address furnished to the department in the license application. Any such order shall take effect 20 days after the date of its issuance, unless the licensee requests a hearing on the order before the commission before the 20-day period has expired. The request shall be submitted in writing and shall include the reasons for such hearing. At the conclusion of any such hearing, the commission may affirm, modify, or reverse the original order.</p> <p>(5) All hearings before the commission shall be in compliance with applicable provisions of ORS chapter 183. Judicial review of all orders entered after hearing or where no hearing is requested shall be in accordance with the applicable provisions of ORS chapter 183 for judicial review of contested cases.</p> <p>459.690 Proceedings authorized to enforce compliance or restrain violations. Whenever it appears to the department that any person is engaged or about to engage in any acts or practices which constitute a violation</p>	<p>(2) violate any term or condition of any permit which may be issued to him under this Act;</p> <p>(3) treat or dispose of any hazardous waste except at a treatment or disposal facility or site to which the Department has issued a permit for such treatment or disposal;</p> <p>(4) construct, alter, or operate any hazardous waste treatment or disposal facility or site, or transport, or store any hazardous waste during any period when such permit(s) as the Department may have issued under this Act has been suspended or revoked.</p>	<p>(5) If a person fails to pay any civil monetary penalty assessed under this Section, the Director may request the Attorney General to institute a civil action against such person in the (insert applicable reference to the proper court to have jurisdiction) court of any county in which such a person is found, resides or transacts business, to collect such penalty or costs. Such court shall have exclusive jurisdiction to hear and decide any such action. The court shall sustain the Director's finding of violation and assessment of civil penalty if such action is supported by a fair preponderance of the evidence.</p> <p>(6) The Department is hereby authorized and empowered to compromise and settle any penalty under this Section in such amount, which in the discretion of the Director may appear appropriate and equitable to a maximum of ninety percent of the penalty when within one year or such other period as the Director may deem reasonable the person takes action to eliminate or correct such violation to the satisfaction of the Director.</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(HAZARDOUS WASTE MANAGEMENT TECHNICAL ADVISORY BOARD)			<p>Hazardous Waste Management Technical Advisory Board</p> <p>Section 13:</p> <p>(A) There is hereby established a Hazardous Waste Management Technical Advisory Board to provide consultation to the Department on matters relating to this Act. Such matters shall include, but not be limited to: development of such rules, regulations, and standards as may be authorized by this Act; methods by which current hazardous waste management practices in this State may be improved; methods by which hazardous waste management in this State may be financed; and, legislation which may be necessary to assure the sound management of hazardous wastes within this State.</p> <p>(B) The Board shall consist of 11 members appointed by the Governor. These shall include not less than two representatives each of the public; generators of hazardous wastes; the hazardous waste treatment and disposal industry; local and regional government agencies; and, agriculture. The Director of the Department shall be appointed by the Governor to be a member of the Board.</p> <p>(C) Members shall serve for three years and may be re-appointed once, except that the Director of the Department shall continue to be a member of the Board at all times. The Governor shall appoint four members to terms of one year each; four members to terms of two years each; and three members to terms of three years each at the creation of the Board. All terms thereafter shall be for the full three years.</p> <p>(D) Members shall serve without compensation, except that they shall be entitled to per diem and reimbursement for travel expenses incurred as a result of official Board business.</p> <p>(E) Those members of the Board representing the public or government shall have no financial</p>	<p>Section 9. Hazardous Waste Technical Advisory Committee. There is created an advisory group to be known as the "Hazardous Waste Technical Advisory Committee."</p> <p>(1) The Committee shall consist of nine members appointed by the Governor, within ninety days of the enactment of the date of this Act, for staggered ____ year terms commencing on the dates of appointment for the first nine members and thereafter on the dates that their predecessors' terms expire. No member may serve more than two successive terms. In establishing the Committee, nine representatives shall be appointed as follows:</p> <ul style="list-style-type: none"> <li>(a) Generating industries (1).</li> <li>(b) Transporters of hazardous wastes (1).</li> <li>(c) At least 1 member from the hazardous waste processing and the disposal industry (2).</li> <li>(d) Registered chemical engineer (1).</li> <li>(e) General public (2).</li> <li>(f) Local governmental agencies (2).</li> </ul> <p>(2) All members shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the discharge of their duties.</p> <p>(3) Each member shall hold office until his successor has been appointed.</p> <p>(4) A certificate of appointment shall be filed with the Committee and the certificate shall be conclusive evidence of the due and proper appointment of the members.</p> <p>(5) The powers of the Committee shall be vested in the members in office. A majority of the members of the Committee constitutes a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the Committee upon a vote of a majority of the members present, unless the by-laws of the Committee require a larger number or unless</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
[HAZARDOUS WASTE MANAGEMENT TECHNICAL ADVISORY BOARD]			<p>interest in any of the recommendations, studies, or other matters before the Board.</p> <p>(F) Meetings of the Board shall be convened at such times as the Department may request, except that in no case will the Board meet less than once in each calendar year.</p>	<p>otherwise provided by law.</p> <p>(6) Not more than thirty days after the appointment of the Committee, the chairman shall call a meeting at which time the Committee shall establish procedures for the conduct of its business. The Committee shall meet not less than once in each quarter of each year, and other meetings may be called when necessary by the chairman at any time. Failure of any member of the Committee to attend at least three-fourths of all regular and called meetings shall constitute grounds for his removal from the Committee by the Governor. Any person so removed by the Governor upon the recommendation of the agency or group whose representation on the Committee was vacated by such removal may be reconsidered for re-appointment to the Committee.</p> <p>(7) The Committee shall elect a chairman and vice-chairman.</p> <p>(8) The Committee shall:</p> <p>(a) Evaluate the policies, standards, and activities of the Department and assess their impact on hazardous wastes management practices under this Act.</p> <p>(b) Review and make recommendations to the Department with respect to any research projects initiated by the Department.</p> <p>(c) Review and make recommendations to the Director with respect to standards, regulations, and guidelines proposed by the Department.</p> <p>(d) Study all facets of hazardous wastes management including laws and programs in other states and make such recommendations to the Department for new legislation or amendments to existing legislation as it deems necessary to ensure that hazardous wastes, in this State, are recovered where feasible, or disposed of, in a manner consistent with environmental and economic considerations.</p> <p>(9) The Department shall not be bound by any such recommendations.</p> <p>(10) The Committee shall prepare and submit interim reports to the Director, Governor, and</p>
			<p>NSWMA MODEL</p> <p>CONTINUED</p> <p>Legislature on _____ and _____ and shall submit a comprehensive annual report and recommendation by _____. The report shall contain an analysis of state and local hazardous wastes management programs as well as any other matters the Committee considers relevant.</p> <p>(11) The Director shall serve as an ex-officio member of the Committee and the Committee may employ such other staff and consultants as needed to carry out its functions.</p>	

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(INSPECTIONS, RIGHT of ENTRY)		<p>459.670 Monitoring and surveillance program; licensees' duties. The department shall establish and operate a monitoring and surveillance program over all disposal sites or may contract with any qualified public or private agency to do so. Licensees must allow necessary access to the disposal site and to its records, including those required by other public agencies for such program to operate.</p>	<p>Inspections; Right of Entry Section 7: For the purpose of developing or enforcing any regulation authorized by this Act, any duly authorized representative or employee of the Department may, upon presentation of appropriate credentials, at any reasonable time, (A) Enter any place where hazardous wastes are generated, stored, treated, or disposed of; (B) inspect and obtain samples from any person of any such waste, including samples from any vehicle in which hazardous wastes are being transported, as well as samples of any containers or labeling for such wastes; and, (C) inspect and copy any records, reports, information or test results relating to the purposes of this Act.</p>	<p>(7) Inspection. For the purpose of implementing any regulation adopted pursuant to this Act or enforcing the provisions of this Act, any person handling, processing or disposing of hazardous waste shall upon written request of the Director, furnish or permit the Director or his duly authorized representative at all reasonable times to have access to those records relating specifically to such hazardous waste.</p>
(LIABILITY)	<p>Section 10. The operator of a processing facility or disposal site shall be strictly liable for any damages resulting from operation of the facility or site.</p>	<p>459.685 Liability for improper disposition of wastes; duty; action by department; costs; action to recover. (1) Any person having the care, custody or control of an environmentally hazardous waste or a substance which would be an environmentally hazardous waste except for the fact that it is not discarded, useless or unwanted, who causes or permits any disposition of such waste or substance in violation of law or otherwise than as reasonably intended for normal use or handling of such waste or substance, including but not limited to accidental spills thereof, shall be liable for the damages to person or property, public or private, caused by such disposition. (2) It shall be the obligation of such person to collect, remove or treat such waste or substance immediately, subject to such direction as the department may give.</p>		<p>(f) Ownership of hazardous waste shall transfer upon receipt of the hazardous waste unless otherwise provided for.</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(LIABILITY)		<p>(3) If such person fails to collect, remove or treat such waste or substance when under an obligation to do so as provided by subsection (2) of this section, the department is authorized to take such actions as are necessary to collect, remove or treat such waste or substance.</p> <p>(4) The director shall keep a record of all necessary expenses incurred in carrying out any clean-up projects or activities authorized under subsection (3) of this section, including reasonable charges for services performed and equipment and materials utilized.</p> <p>(5) Any person who fails to collect, remove or treat such waste or substance immediately, when under an obligation to do so as provided in subsection (2) of this section, shall be responsible for the necessary expenses incurred by the state in carrying out a clean-up project or activity authorized under subsections (3) and (4) of this section.</p> <p>(6) If the amount of state-incurred expenses under subsections (3) and (4) of this section are not paid to the department within 15 days after receipt of notice that such expenses are due and owing, the Attorney General, at the request of the director, shall bring an action in the name of the State of Oregon in any court of competent jurisdiction to recover the amount specified in the final order of the director.</p>		
(RECORDS, REPORTS, MONITORING)	<p>9. Require annual reports from all persons generating hazardous waste indicating the amount of hazardous waste generated, the disposal methods, and the disposal sites used;</p> <p>10. Require monthly reports from all operators of hazardous waste facilities who receive hazardous waste for processing or disposal, listing the amount, transporter and producers of all hazardous waste received;</p>	<p>459.460 Inspection and copying of records authorized: exceptions.</p> <p>(1) Except as provided in subsection (2) of this section, any information filed or submitted pursuant to ORS 459.410 to 459.690 shall be made available for public inspection and copying during regular office hours of the department at the expense of any person requesting copies.</p>	<p>Records, Reports, Monitoring Section 6.</p> <p>(A) The Department shall adopt, and revise as appropriate, rules which prescribe:</p> <p>(1) the establishment and maintenance of such records;</p> <p>(2) the making of such reports;</p> <p>(3) the taking of such samples, and the performing of such tests or analyses;</p> <p>(4) the installing, calibrating, use, and maintaining of such</p>	<p>(8) The Director, recognizing the potential relationship between hazardous wastes and proprietary processes of hazardous waste producers, processors, and disposers, shall establish procedures to insure that trade secrets used by a person regarding methods for generation, handling, processing, and disposal of hazardous wastes, which are disclosed to the Director,</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(RECORDS, REPORTS, MONITORING)		<p>(2) Unless classified by the director as confidential, any records, reports or information obtained under ORS 459.410 to 459.690 shall be available to the public. Upon a showing satisfactory to the director by any person that records, reports or information, or particular parts thereof, if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the director shall classify such record, report or information, or particular part thereof, confidential. However, such record, report or information may be disclosed to other officers, employees or authorized representatives of the state concerned with carrying out ORS 459.410 to 459.690 or when relevant in any proceeding under ORS 459.410 to 459.690.</p>	<p>monitoring equipment, or methods; (5) the providing of such other information; as may be necessary to achieve the purposes of this Act. (8) The provisions of this section shall apply to any person who generates, stores, transports, treats, or disposes of hazardous wastes. (C) Information obtained by the Department under this section shall be available to the public, unless the Department certifies such information as being confidential. The Department may make such certification where any person shows, to the satisfaction of the Department, that information, or parts thereof, if made public, would divulge methods or processes entitled to protection as trade secrets. Nothing in this subsection shall be construed to limit the disclosure of information by the Department to any officer, employee, or authorized representative of the State concerned with effecting this Act.</p> <p>(B) Effective six months after the enactment of this Act it shall be unlawful for any person to -- (1) generate hazardous wastes without reporting such generation to the Department on such forms and at such intervals as the Department may prescribe under this Act; (2) falsify any record, report, analysis, information, or test result required under this Act.</p>	<p>the Department or any authorized representative of the Department, are not otherwise disclosed without the consent of the person or as required by law. "Trade secrets", as used in this Section, may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compound or procedure as well as production data or compilation of information, financial and marketing data, which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know of it. This provision shall not preclude the dissemination of aggregate data not involving trade secrets.</p>
(EMPLOYEE PROTECTION)			<p>Employee Protection Section 14: No person shall fire, or in any other way discriminate against, or cause to be fired or discriminated against, any employee or any authorized representative of employees by reason of the fact that such employee or representative has filed, instituted, or caused to be filed or insti-</p>	

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(EMPLOYEE PROTECTION)			tuted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act, PROVIDED, that this paragraph shall not apply with respect to any employee who, acting without direction from his employer (or his employer's agent), deliberately causes a violation of any requirement of this Act.	
(INTERSTATE COOPERATION)			Interstate Cooperation Section 15: The legislature encourages cooperative activities by the Department with other States for the improved management of hazardous wastes, improved, and as far as is practicable, uniform State laws relating to the management of hazardous wastes; and compacts between this and other States for the improved management of hazardous wastes.	
(MISCELLANEOUS)			Citizen Suits Section 12: (A) Any person may commence a civil action on his own behalf-- (1) against any person (including this State, and any instrumentality or agency of this State) who is alleged to be in violation of any permit, rule, regulation, standard, or order which has become effective pursuant to this Act; or, (2) against the Department where there is alleged a failure of the Department to perform any act or duty under this Act which is not discretionary with the Department. (3) The court of general jurisdiction shall have jurisdiction to hear actions brought under this section and to enforce such permit, rule, regulation, standard, or order, or to order the	(i) No provision of this Act shall be construed to prohibit disposal of hazardous wastes at the site of production or generation.  (3) Generator Responsibilities. The generator of hazardous waste shall be responsible for: (a) Properly identifying waste that is hazardous by initiating use of a manifest; (b) Properly labeling hazardous waste; (c) Assuring that all hazardous waste generated is treated or disposed of in permitted processing facilities or disposal sites; (d) Maintaining records of the hazardous waste produced and disposed.



	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(MISCELLANEOUS)			<p>Department to perform such act or duty, as the case may be.</p> <p>(B) No action may be brought under this section--</p> <p>(1) prior to ___ days after the alleged violation has occurred; or,</p> <p>(2) if the Department has commenced and is diligently prosecuting a civil or criminal action to enforce compliance with such permit, rule, regulation, standard, or order, PROVIDED, that any person may, as a matter of right, intervene in any such action.</p>	<p>(4) Transporter's Responsibilities. The transporter of hazardous wastes shall be responsible for:</p> <p>(a) Completing the manifest form in conjunction with the generator of the hazardous waste;</p> <p>(b) Assuring that all hazardous wastes are brought to a permitted hazardous waste processing facility or disposal site if those wastes are processed or disposed within the State;</p> <p>(c) Maintaining records of hazardous wastes transported.</p> <p>(5) Responsibilities of Hazardous Waste Processing and Hazardous Waste Disposal Site Operators. The operator of a hazardous waste processing site and/or hazardous waste disposal site shall be responsible for:</p> <p>(a) Acknowledging receipt of the hazardous waste accompanied by the manifest;</p> <p>(b) Assuring that all hazardous wastes are processed and/or disposed in accordance with the applicable regulations, standards, and guidelines promulgated by the Director;</p> <p>(c) Maintaining records of all hazardous wastes processed and/or disposed.</p> <p>(7) The Department shall encourage and utilize to the maximum extent private enterprise and investment capital in the planning, design, construction, and operation of hazardous waste processing facilities and disposal sites.</p> <p>Section 10. Effective Date. This Act shall become effective on _____</p>
(REPEALER)	Section 16. All laws or parts of laws in conflict herewith are hereby repealed.		<p>Repealer</p> <p>Section 17: The following laws of this State are hereby repealed on the effective date of this Act:</p> <p>_____</p> <p>_____</p>	<p>Section 11. Repealer and/or Savings Clause. The following laws of this state are hereby repealed on the effective date of this Act: (here should be inserted the references to other laws that are to be repealed). (Alternate Section 11</p>

	STATE OF OKLAHOMA (Proposed)	STATE OF OREGON	U.S. ENVIRONMENTAL PROTECTION AGENCY— DRAFT NO. 1	NATIONAL SOLID WASTE MANAGEMENT ASSOCIATION—DRAFT NO. 6
(REPEALER)				Savings Clause). Nothing in this Act shall be deemed to affect, modify, amend or repeal any other law of this State or any provision thereof relating to the same subject matter, and is cumulative and supplemental thereto.
(SEVERABILITY)	Section 15. The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.		Severability Section 18: If any provision of this Act, or the application of any provision of this Act to any person or circumstances, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.	
(EFFECTIVE DATE)			Effective Date Section 19: This Act is hereby declared an emergency provision to protect the health and welfare of the inhabitants of the State and shall therefore take effect immediately upon its passage and signature of the Governor.	Section 10. Effective Date. This Act shall become effective on _____.
(CODIFICATION)	Section 17. Sections 1 through 14 of this act shall be codified in the Oklahoma Statutes as Sections 2657 through 2670 of Title 63 unless there is created a duplication in numbering.			