

ENGROSSED SENATE
BILL NO. 92

BY: WILLIAMS (Don) and MUEGGE
of the SENATE

and

BEGLEY of the HOUSE

[WATERS AND WATER RIGHTS - OKLAHOMA POLLUTION
REPORTING AND RECLAMATION ACT - CODIFICATION -

EMERGENCY]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 945.1 of Title 82, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Pollution Reporting and Reclamation Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 945.2 of Title 82, unless there is created a duplication in numbering, reads as follows:

It is the purpose and intent of this act to protect the rights of landowners and the environment by requiring reclamation of property, to encourage the return of damaged property to productivity, to protect wildlife and aquatic resources, and to protect and perpetuate the value of property; to aid in the prevention of erosion and pollution of the soil, waters and air, to protect the natural beauty and aesthetics of the state, and to

protect and promote the health, safety and general welfare of the citizens of the state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 945.3 of Title 82, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Board" shall mean the Pollution Control Coordinating Board.

2. "Department" shall mean the Department of Pollution Control.

3. "Environment" shall mean the outdoor atmosphere, on and under the surface of the land, the land, and the waters of the state.

4. "Pollution" shall mean the discernible introduction into the environment due to a single or related series of events of any substances or contaminants in quantities which are or may be potentially harmful or injurious to human health or welfare, or to property, animals or plant life, in any manner other than as authorized by the laws of this state, and shall include, but not be limited to, controlled industrial waste, deleterious substances, hazardous waste, pesticides and toxic waste.

5. "Reclamation" shall mean the restoration of polluted soil or water to a condition capable of supporting the uses which it was capable of supporting prior to the damage, or higher or better uses of which there is reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 945.4 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Every person causing, allowing or responsible for pollution of the environment, whether inadvertent, accidental, intentional or otherwise, shall report each significant occurrence of pollution as required by this act.

B. Each significant occurrence of pollution shall be verbally reported to the Department or to the agency having primary jurisdiction over such pollution within twenty-four (24) hours of the discovery of the pollution. A written report concerning said pollution shall be filed with the Department or the agency having primary jurisdiction within ten (10) days of the verbal report. Nothing herein shall preclude the Department or an agency having appropriate jurisdiction from requiring verbal or written reports in a lesser period of time than required by this subsection. Upon receipt of a verbal report as required by this section, the Department or agency receiving said report shall immediately notify the other of the report. Upon receipt of a written report as required by this section, the Department or agency receiving said report shall immediately forward a copy to the other.

C. Every person responsible for reporting the significant occurrence of pollution shall make a diligent attempt to notify the property owner or tenants occupying the affected property within twenty-four (24) hours of the discovery of the pollution, and if the property is not occupied, the property owners shall be notified of the pollution occurrence within ten (10) days.

D. The reports and notification required by this section shall set forth the source of the pollution, the contaminant involved, the amount of the contaminant involved, the location of the occurrence and such other information as the Board or the appropriate agency may require.

E. The Board and each agency having jurisdiction over the occurrence of pollution shall promulgate rules to implement the provisions of this section. These rules shall include, but not be limited to, reportable quantities and notification requirements.

F. Any person failing to report the significant occurrence of pollution as required by this act shall be guilty of a misdemeanor

and upon conviction thereof shall be subject to a fine of not more than Ten Thousand Dollars (\$10,000.00).

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 945.5 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Every person responsible for pollution of the environment shall be responsible for the reclamation of the property affected by such pollution.

B. Each agency having primary jurisdiction over a specific occurrence of pollution shall take appropriate action necessary to ensure reclamation of any property affected by the pollution.

C. In developing appropriate reclamation actions, the agency overseeing reclamation shall consult with and consider the recommendations of the local conservation district. The local conservation district shall, upon request, prepare a site specific reclamation plan covering the property affected by the pollution. After six months from completion of reclamation of a site an inspection will be performed by the local conservation district or its designee to determine the success of the reclamation and to suggest additional steps to be taken, if necessary.

D. Each agency overseeing reclamation of property pursuant to this section shall develop appropriate reclamation standards to be applied to reclamation projects under its jurisdiction.

E. If, in the opinion of the Board, an agency fails to adequately require reclamation of property affected by pollution within the jurisdiction of said agency, the Department shall assume jurisdiction over the reclamation activities and shall take all actions necessary to require reclamation.

F. The Board and each agency having jurisdiction over the occurrence of pollution shall promulgate rules to implement the provisions of this section.

SECTION 6. This act shall become effective July 1, 1991.

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

Passed the Senate the 11th day of March, 1991.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1991.

Speaker of the House of Representatives