

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE JOINT
RESOLUTION NO. 1049

BY: GRIESER and McCORKELL

AS INTRODUCED

A JOINT RESOLUTION DISAPPROVING CERTAIN RULES OF THE OKLAHOMA CORPORATION COMMISSION RELATING TO USE OF PITS AND DISPOSAL OPTIONS FOR VARIOUS TYPES OF WASTE; AND DIRECTING DISTRIBUTION.

WHEREAS, the Oklahoma Corporation Commission submitted rules to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate on April 1, 1991, pertaining to use of pits and disposal options for various types of waste; and

WHEREAS, the definitions of "Commercial Pit" and "Recycling/Reuse Pit" as set forth in Rule 1-101; paragraph 4 of subsection D of Rule 3-110.1 providing for Recycling/Reuse Pits; subparagraph i of paragraph 7 of subsection E of Rule 3-110.1, requiring a recycling/reuse pit to be closed within 12 months after operations cease; and subparagraphs b and c of paragraph 2 of subsection C of Rule 3-110.2, which deals with site limitations for commercial pits, adopted by the Oklahoma Corporation Commission, do not reflect the intent of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 43RD OKLAHOMA LEGISLATURE:

SECTION 1. A. That:

1. The definitions of "Commercial Pit" and "Recycling/Reuse Pit" as set forth in Rule 1-101;

2. Paragraph 4 of subsection D of Rule 3-110.1 providing for Recycling/Reuse Pits;

3. Subparagraph i of paragraph 7 of subsection E of Rule 3-110.1, requiring a recycling/reuse pit to be closed within 12 months after operations cease; and

4. Subparagraphs b and c of paragraph 2 of subsection C of Rule 3-110.2, which deals with site limitations for commercial pits, adopted by the Oklahoma Corporation Commission and submitted to the Speaker of the House of Representatives and the President Pro Tempore of the Senate on April 1, 1991, relating to use of pits and disposal options for various types of waste, are hereby disapproved by the Oklahoma Legislature, pursuant to the authority of Section 308 of Title 75 of the Oklahoma Statutes.

B. The aforementioned proposed rules read as follows:

1. The definition of recycling/reuse pit as set forth in Rule 1-101 states, "Recycling/Reuse Pit shall mean a pit which is used for the recycling or reuse of deleterious substances, is located off-site and operated by the generator of the waste";

2. Recycling/Reuse Pits:

a. Any pit permitted for drilling mud recycling or reuse may contain the fluids and cuttings from multiple wells, provided that those wells are operated by the pit operator.

b. A waterproof sign shall be posted within 25 feet of any recycling/reuse pit and shall bear the name of the operator, legal description to the 1/4 1/4 1/4 section, permit number, and emergency telephone number.

3. Subparagraph i of paragraph 7 of subsection E of Rule 3-110.1 states, "Any recycling/reuse pit shall be closed within 12 months after operations cease"; and

4. Subparagraphs b and c of paragraph 2 of subsection C of Rule 3-110.2 state:

"b. No commercial pit shall be constructed or used on any site that is ~~subject to flooding according to the SCS soil survey~~ located within a 100-year flood plain.

c. No commercial pit shall be constructed or used within a wellhead protection area (WPA) as identified by the Wellhead Protection Program (42 USC Section 300h-7, Safe Drinking Water Act), or within one (1) mile of an active municipal water well for which the WPA has not been delineated."

SECTION 2. Copies of this resolution shall be dispatched to the Governor, the Commissioners of the Oklahoma Corporation Commission and the Editor of "The Oklahoma Register".

43-1-6654

KSM