

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 326

BY: WILLIAMS (Penny)

AS INTRODUCED

AN ACT RELATING TO WATERS AND WATER RIGHTS AND SCHOOLS; AMENDING 82 O.S. 1981, SECTIONS 932, AS LAST AMENDED BY SECTION 33, CHAPTER 333, O.S.L. 1983 AND 934, AS AMENDED BY SECTION 73, CHAPTER 207, O.S.L. 1986 (82 O.S. SUPP. 1990, SECTIONS 932 AND 934), WHICH RELATE TO THE STATE DEPARTMENT OF POLLUTION CONTROL; AMENDING THE MEMBERSHIP OF THE POLLUTION CONTROL COORDINATING BOARD; AUTHORIZING BOARD TO EMPLOY CERTAIN PERSONNEL AS NECESSARY; REQUIRING THE STATE DEPARTMENT OF POLLUTION CONTROL TO DESIGN AND IMPLEMENT AN ENVIRONMENTAL EDUCATION PROGRAM; SPECIFYING REQUIREMENTS OF PROGRAM AND MATERIALS; REQUIRING STATE DEPARTMENT OF POLLUTION CONTROL TO DEVELOP AND MANAGE AN INFORMATION CLEARINGHOUSE; AUTHORIZING THE STATE DEPARTMENT OF EDUCATION TO MAKE CERTAIN PROGRAM MATERIALS AVAILABLE; PROVIDING FOR CODIFICATION; PROVIDING AN OPERATIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 82 O.S. 1981, Section 932, as last amended by Section 33, Chapter 333, O.S.L. 1983 (82 O.S. Supp. 1990, Section 932), is amended to read as follows:

Section 932. A. There is hereby re-created the State Department of Pollution Control. It shall be the duty of the Department to establish and maintain a coordinated, continuing surveillance of the waters, air and other natural resources of this state hereinafter referred to as the "environment" of this state for the purposes of controlling the quality of the environment and for preventing and abating any pollution thereof, whether the source of such pollution is within or without this state, through an enforcement of laws relating thereto and a maximum utilization of existing resources and facilities of state agencies having pollution control responsibilities under existing and subsequently enacted laws. No projects, under grant, contract, or otherwise, with the federal government shall be undertaken by the Department, unless such projects are assigned to the Department by the Pollution Control Coordinating Board.

B. The Department of Pollution Control shall be administered by the Pollution Control Coordinating Board, ~~hereby re-created.~~ ~~The Pollution Control Coordinating Board~~ which shall be composed of eleven (11) members, as follows: The State Commissioner of Health; the President of the State Board of Agriculture; the Director of the Oklahoma Water Resources Board; the Director of the Department of Wildlife Conservation; the Chairman of the Oklahoma Corporation Commission; the ~~Chief Mine Inspector~~ Director of the Oklahoma Department of Mines; the Executive Director of the Oklahoma Conservation Commission; the Governor's Cabinet Secretary for Natural Resources; and ~~four~~ three members at large appointed by the Governor with the advice and consent of the Senate. The appointed members shall be knowledgeable and experienced in environmental activities and shall serve at the pleasure of the Governor. Whenever the Governor's Cabinet Secretary for Natural Resources is one of the seven state agency heads already designated above as members of the Board, the Governor shall appoint a fourth member at

large with the advice and consent of the Senate. Such member shall be knowledgeable and experienced in environmental activities.

C. Necessary travel and other expenses incurred by members of the Board of the Department of Pollution Control in the discharge of their official duties as members of said Board shall be paid out of funds of the state agencies which the members respectively represent, in such amount and in such manner as is otherwise provided for by law for such members. Members not reimbursed by other state agencies for travel and other expenses shall be reimbursed out of the funds of the Department of Pollution Control.

D. The Governor shall appoint one of the members to serve as chairman and one of the members to serve as vice-chairman at the pleasure of the Governor. Each agency member is authorized to appoint from among his agency staff an alternate with voting powers to serve when necessary, in his absence, at Board meetings. The Office of Public Affairs shall provide office and conference rooms and facilities within the State Capitol complex, for the Department of Pollution Control.

E. The Board shall hold at least ten (10) regular monthly meetings each calendar year and such other special meetings as may be called by either the chairman or, in writing to all members, by two or more other members of the Board; provided, special meetings may be called on notice given at least five (5) days in advance of the date of such meetings, until otherwise provided by rule of the Board. At any regular or special meeting of the Board, or at any hearing conducted, six members shall constitute a quorum, and a concurring vote of at least six members of the Board will be necessary to perform any business of the Board.

F. The Attorney General of the State of Oklahoma shall serve as legal counsel for the Department of Pollution Control and shall assist the Board in its performance of the powers and duties designated by this act.

SECTION 2. AMENDATORY 82 O.S. 1981, Section 934, as amended by Section 73, Chapter 207, O.S.L. 1986 (82 O.S. Supp. 1990, Section 934), is amended to read as follows:

Section 934. The Board is hereby vested with the following powers and duties:

1. To coordinate and eliminate duplication of effort of the state agencies having statutory authority in environmental pollution control in the prevention and abatement of environmental pollution as necessary to carry out the purposes and intent of this act, Section 931 et seq. of this title;

2. To compel the appropriate state agency having jurisdiction to investigate any reported, suspected, or potential pollution and report its findings and actions to the Board;

3. To act on its own initiative, as provided in Section 936 of this title, to prevent or abate any pollution of the environment of the state at any time the Board finds, by a concurring vote of at least six members thereof, that the agency having jurisdiction over such pollution has failed, refused or neglected to take action to abate or prevent such pollution in discharge of the duties and responsibilities imposed upon such agency by the laws of this state; or to take such action when requested in writing to do so by the agency or agencies affected; or when no agency has jurisdiction to abate or prevent such pollution; or when there is overlapping authority or conflicting authority among state agencies; or when a state agency has jurisdiction but no enforcement authority, the Board may then promulgate rules and regulations necessary to prevent or abate such pollution;

4. To secure necessary scientific, technical, administrative and operational services by interagency agreement, contract or otherwise. All state agencies, upon direction of the Board, shall make these services and facilities available;

5. To accept state appropriations, loans and grants from the federal government and from other sources, public or private, which loans and grants shall not be expended for other than the purposes of this act. All member agencies receiving appropriations, loans and grants from any source for pollution control shall file with the Board a report of the amount thereof and the purpose for which expended. Also, each member agency shall file, with the Board, a copy of every proposal, request or budget request for funds to be expended for the purposes of this act, whether the source of funds be from state appropriations, loans and grants from the federal government or from other sources, public or private;

6. To review rules and regulations of the Board to carry out the intent and purposes of this act. Any rules and regulations adopted pursuant to this act shall be consistent with, but not restricted to, provisions of federal law, if any, relating to control of emissions from motor vehicles and shall be consistent with the rules and regulations of the member agencies;

7. To conduct studies, investigations, research, and demonstrations relating to environmental pollution, prevention, control and abatement thereof, and to collect and disseminate information relative thereto;

8. To organize and to adopt rules and regulations for conducting its proceedings;

9. To employ officers, agents, attorneys, technical personnel and other employees, in addition to the Director, as the Board shall deem necessary and proper for the performance of the Department's duties, and to prescribe qualifications and fix their duties, to the extent that funds are available to said Department;

10. To approve agreements or contracts for services. Said agreements or contracts shall be signed by the Chairman of the Board;

11. To enter into agreements or contracts for services with substate planning districts recognized by the Oklahoma Department of Commerce; and

12. To accept funds and grants from private and governmental sources, subject to the provisions of this act, and serve as the recipient of federal funds disbursed pursuant to the Federal Water Pollution Control Act and the Federal Environmental Protection Act. Provided, that the State Department of Health is authorized to continue to be the recipient of federal funds to administer the Construction Grants Program for municipal treatment works, and that areawide waste treatment management planning agencies designated by the Governor under Section 208 of the Federal Water Pollution Control Act are authorized to receive direct federal funding for continuing areawide water quality management planning activities.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 934.2 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Pollution Control shall design and implement a statewide general public environmental education program, in cooperation with other appropriate state agencies, including but not limited to, the members of the Pollution Control Coordinating Board, the Oklahoma State Regents for Higher Education, the State Department of Education and the Oklahoma Educational Television Authority. The statewide general public environmental education program shall:

1. Place particular emphasis on air pollution, water pollution, solid waste and controlled industrial waste management, energy conservation, soil conservation, and flora and fauna conservation;

2. Develop increased public awareness of and interest in environmentally sound management practices at the individual, local, and state levels;

3. Encourage better informed decisions on environmental issues by business, industry and the public; and

4. Disseminate practical information about ways in which individuals, institutions, and organizations can improve the state environment and quality of life.

B. Public environmental education materials prepared by the State Department of Pollution Control should be easily adaptable by public school systems, political subdivisions, industry and other social service organizations.

C. The State Department of Pollution Control shall furnish to the State Department of Education the educational program developed pursuant to this section.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 934.3 of Title 82, unless there is created a duplication in numbering, reads as follows:

The State Department of Pollution Control shall develop and manage a publicly accessible information clearinghouse for materials concerning environmental issues and policies. The clearinghouse may include, but shall not be limited to: computer data bases, fact sheets, market information, audio-visual materials, technical reports, brochures, newsletters, and public service announcements.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-103.10 of Title 70, unless there is created a duplication in numbering, reads as follows:

The State Department of Education may make the program materials concerning environmental issues and policies provided by the State Department of Pollution Control and developed pursuant to this act available to the public schools of this state.

SECTION 6. This act shall become operative 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.

43-1-040

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