

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 92

BY: WILLIAMS (Don)

AS INTRODUCEDAN ACT RELATING TO WATERS AND WATER RIGHTS AND POLLUTION; CREATING THE OKLAHOMA POLLUTION REPORTING AND RECLAMATION ACT; PROVIDING SHORT TITLE; STATING LEGISLATIVE PURPOSES AND INTENT; DEFINING TERMS; REQUIRING CERTAIN REPORTING OF POLLUTION; REQUIRING NOTIFICATION OF PROPERTY OWNERS; PROVIDING PENALTIES FOR FAILURE TO REPORT; REQUIRING CERTAIN RECLAMATION OF PROPERTY; AUTHORIZING PROMULGATION OF RULES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN 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 taxable 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 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. "Department" shall mean the Department of Pollution Control.
2. "Environment" shall mean the outdoor atmosphere, on and under the surface of the land, the land, and the waters of the state.
3. "Pollution" shall mean the presence in the environment 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.
4. "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 such occurrence as required by this act.

B. Each occurrence of pollution shall be verbally reported to the Department and to the agency having primary jurisdiction over such pollution within four (4) hours of the discovery of the pollution. A written report concerning said pollution shall be filed with the Department and the other appropriate agency within three (3) days of the verbal report.

C. Every person responsible for reporting the occurrence of pollution shall also notify the property owner and tenants, if any, of property affected by the pollution within twenty-four (24) hours of the discovery of the pollution.

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 Department may require.

E. Any person failing to report a spill, leak, discharge or other release of a pollution into the environment 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) or incarceration for a period of not more than one (1) year, or both, for each conviction.

F. The Department shall adopt such rules as are necessary to implement the provisions of this section.

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 all affected property.

B. Each agency having primary jurisdiction over a specific type of pollution occurrence shall take any action necessary to ensure reclamation of any property so polluted.

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

D. The Department shall adopt such rules as are necessary 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.

43-1-151

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