

ENROLLED SENATE  
BILL NO. 956

By: Muegge of the Senate

and

Seikel of the House

An Act relating to environment and natural resources; requiring certain persons and entities to file pollution prevention plan to qualify for certain preference; defining term; creating Pollution Prevention Program within Department of Environmental Quality; stating duties of Program; authorizing Environmental Quality Board to promulgate rules governing Program; making certain positions subject to federal funds; directing state environmental regulatory agencies to develop programs and promulgate rules encouraging pollution prevention; providing for codification; and providing an effective date.

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 2-3-105 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A Pollution Prevention Program within the Department of Environmental Quality is hereby authorized.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-3-106 of Title 27A, unless there is created a duplication in numbering, reads as follows:

As used in this act and the Oklahoma Environmental Quality Act and the Oklahoma Environmental Quality Code, unless otherwise specified:

1. "Pollution prevention" means any practice which reduces the use of any hazardous substance or amount of any pollutant or contaminant prior to recycling, treatment or disposal, and reduces the hazards to public health and the environment associated with the use or release or both of such substances, pollutants or contaminants. The term "pollution prevention" shall not include or in any way be construed to promote or require substitution of one hazardous waste for another, treatment, increased pollution control, off-site recycling, or incineration.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-3-107 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. It shall be the duty of the Pollution Prevention Program within the Department of Environmental Quality to create a cooperative partnership among the business community, municipalities, agencies of the state, the environmental community and the Department of Environmental Quality and all other state environmental agencies in which technical assistance, outreach, and education activities are coordinated and conducted to achieve pollution prevention, waste minimization and source reduction.

B. The Pollution Prevention Program is hereby authorized to and may:

1. Encourage and assist facilities using toxic or hazardous substances to engage in comprehensive pollution prevention planning and develop measurable performance goals;
2. Offer and provide technical assistance, including audits, to the users and generators of toxic or hazardous substances; provided, however, the Program shall not duplicate services readily available in the private sector;
3. Promote pollution prevention as the preferred means for achieving compliance with the laws of this state and shall further encourage all agencies and political subdivisions of the State of Oklahoma to strongly pursue pollution prevention goals;
4. Promote research in toxics use reduction in order to spur public and private investment in pollution prevention;
5. Develop and provide curriculum and training on pollution prevention for students and faculty of educational institutions, users and generators of toxic or hazardous substances and agencies of the State of Oklahoma and its political subdivisions;
6. Sponsor and conduct conferences and workshops on pollution prevention for specific classes of business or industry; and
7. Compile, organize and make information available for distribution on pollution prevention.

C. The Pollution Prevention Program may develop an award and a recognition program for the purpose of promoting pollution prevention activities among businesses and governmental entities.

D. 1. The Pollution Prevention Program shall not make available to the Department of Environmental Quality information the Program obtains in the course of providing technical assistance to a user or generator of toxic or hazardous waste, unless:

- a. the user or generator agrees that such information may be available to the Department,
- b. the information is public record information,
- c. the information pertains to an imminent threat to public health or safety, or to the environment, or
- d. disclosure to the Department is required by law.

2. The Program shall notify users or generators requesting technical assistance of these provisions.

3. Any technical assistance or information obtained by the Program shall not result in any regulatory inspections or other enforcement actions unless there is a reasonable cause to believe there exists a clear and imminent threat to the public health or safety or to the environment.

E. Positions created pursuant to this article compensated with federal funds shall be contingent upon the procurement of federal funds and shall be terminated when federal support of those positions is discontinued.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-3-108 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Each state environmental regulatory agency required by law to regulate any industry which generates hazardous substances, pollutants or contaminants may develop a program and promulgate rules for the purpose of encouraging entities regulated by such agency to implement pollution prevention practices and activities.

SECTION 5. Sections 1 through 4 of this act shall become effective September 1, 1994.

Passed the Senate the 26th day of April, 1994.

President of the Senate

Passed the House of Representatives the 18th day of April, 1994.

Speaker of the House of  
Representatives