

SHORT TITLE: Environment and natural resources; creating the Oklahoma Superfund of environmental remediation; requiring certain fee on industries permitted to discharge hazardous waste; providing for reduction in fee; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 369

By: Miles-LaGrange

AS INTRODUCED

An Act relating to environment and natural resources;
creating the Oklahoma Environmental Superfund;
stating purpose of fund; stating fund shall consist
of certain monies; providing for certain fee
assessed to industries discharging, treating or
disposing of hazardous waste; stating amount of
fees; authorizing Environmental Quality Board to
reduce fee as companies prove reductions in
hazardous waste; stating fund shall be continuing
and not subject to fiscal year limitation; stating
procedures for payments from fund; providing for
codification; 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 1200 of Title 27A, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created within the State Treasury a special
fund for the Oklahoma Department of Environmental Quality to be
designated as the "Oklahoma Environmental Superfund". The purpose
of the Oklahoma Environmental Superfund will be to provide:

1. Immediate response to environmental emergencies and
incidents;

2. Remediation of known environmental hazards to the extent that a responsible party cannot be identified or compelled to take appropriate remedial action;

3. Contributions required from the state pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act for remediation or related action upon a site within the state; and

4. Funding for pollution prevention programs.

B. The Oklahoma Environmental Superfund shall consist of monies collected from a fee assessed to each industry located within the State of Oklahoma which is permitted to discharge into the air, land or water, or in any way treat or dispose of hazardous waste in this state. The amount of such fee shall be based on the number of pounds or tons of hazardous waste discharged, treated or disposed of by each industry as listed on each company's annual federal toxics release inventory data. The fee for hazardous substances discharged pursuant to the National Pollutant Discharge Elimination System (N.P.D.E.S.) shall be fifty-cents (\$0.50) per pound. The fee for disposal of toxic waste which has been treated to become nonhazardous industrial solid waste shall be Six Dollars (\$6.00) per ton. In addition to said fees, a percentage, to be determined by the Environmental Quality Board, of the fees assessed on hazardous waste disposal, pursuant to Section 1-2005.3A of Title 63 of the Oklahoma Statutes, shall be deposited in the Oklahoma Environmental Superfund. The Environment Quality Board shall promulgate rules incrementally reducing the above-mentioned fee as each company is able to prove its reduction of hazardous waste discharges.

C. The fund shall be a continuing fund not subject to fiscal year limitations. Expenditures from the Oklahoma Environmental Superfund shall be made upon warrants issued by the State Treasurer against claims submitted to the Director of State Finance for approval and payment.

SECTION 2. 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.

44-1-0340

MJM