ENGROSSED SENATE
BILL NO. 777

By: Easley, Muegge and Long (Ed) of the Senate

and

Rice of the House

An Act relating to environment and natural resources; providing reimbursement for certain persons to voluntarily clean up sites or facilities contaminated with hazardous substances; authorizing certain percentage and limiting reimbursements from the Hazardous Waste Fund; stating qualifications for reimbursement; authorizing Department of Environmental Quality to assess reasonable costs; providing for Department to certify completion and provide verification for reimbursement; stating exceptions; 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 2-17-401 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any person, firm, corporation, or other legal entity which, subsequent to the effective date of this act, voluntarily undertakes and engages in a cleanup program solely upon its own initiative at any site or facility in the State of Oklahoma which was originally

contaminated before December 11, 1980 with one or more hazardous substances as defined in the federal Comprehensive Environmental Response, Compensation and Liability Act shall be eligible for reimbursement from the Hazardous Waste Fund in the amount of twenty percent (20%) of the costs of the cleanup program, but not to exceed Fifty Thousand Dollars ($50,000.00).

B. To qualify for the reimbursement provided in subsection A of this section, the person, firm, corporation, or other legal entity engaged in such a voluntary cleanup program shall conduct the cleanup program pursuant to a plan approved in writing by the Department of Environmental Quality. The Department may assess reasonable costs for plan review and oversight of its implementation. Upon completion of the cleanup program, the person, firm, corporation, or other legal entity shall certify to the Department that the cleanup program has been completed in accordance with the plan approved by the Department, and the total costs thereof, and shall supply such information and documentation as shall be requested by the Department to verify such certification. Upon verifying the certification, the Department shall provide the appropriate reimbursement.

C. No person, firm, corporation, or other legal entity shall be eligible for reimbursement pursuant to this section for payments made to the United States or to the State of Oklahoma by any cost recovery action under the federal Comprehensive Environmental Response, Compensation and Liability Act or any comparable state statute, nor if such person, firm, corporation, or other legal entity, or an officer, director, or principal thereof, shall have been convicted of any crime arising from such hazardous substance contamination.

SECTION 2. This act shall become effective November 1, 1996.

Passed the Senate the 29th day of February, 1996.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1996.

Speaker of the House of Representatives