

SHORT TITLE: Environment and natural resources; Brownfields  
Economic Redevelopment Act; codification; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 758

By: Easley

AS INTRODUCED

An Act relating to environment and natural resources; creating the Brownfields Economic Redevelopment Act; providing short title; stating intent; stating eligibility exceptions; providing limitations on agreed order and work plan; requiring parties to reimburse Department of Environmental Quality for certain reasonable costs; authorizing the Executive Director of the Department to issue certain Certificate of Completion or notify applicant by certified mail; authorizing Executive Director to provide a covenant not to sue for liability; defining term; 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 2-15-101 of Title 27A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Brownfields Economic Redevelopment Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-102 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The intent of the Brownfields Economic Redevelopment Act is to encourage voluntary remediation of contaminated properties by limiting liability of those persons remediating the property under an agreed order of the Department of Environmental Quality using an approved work plan. This act fosters reuse and redevelopment of voluntarily remediated properties by removing liability of secured creditors, lenders, subsequent owners, developers, lessors, insurers and other innocent third parties; provided, however, those aforementioned parties may be responsible for future contamination of the property. For the purpose of this act, "contaminant" includes, but is not limited to, solid waste, hazardous waste, wastewater or pollutants as defined in the Oklahoma Environmental Quality Code.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-103 of Title 27A, unless there is created a duplication in numbering, reads as follows:

For the purposes of this act, any person may voluntarily remediate a contaminated property under an agreed order between the person and the Department of Environmental Quality using an approved work plan unless:

1. The Department is aware of a current or pending administrative, state or federal enforcement action that relates to the remediation of the property;
2. A federal grant requires an enforcement action concerning the property; or
3. The property is listed on the National Priorities List under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C.A., Section 9601 et seq.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-104 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Any person who voluntarily enters into an agreed order to remediate a contaminated property shall reimburse the Department of Environmental Quality for all reasonable costs incurred in the review and oversight of the order, work plan, reports, and field activities, including direct and indirect costs of overhead, salaries, equipment, utilities, legal services, management and support costs.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-15-105 of Title 27A, unless there is created a duplication in numbering, reads as follows:

If the Executive Director of the Department of Environmental Quality determines that any person voluntarily remediating a contaminated property under an agreed order of the Department has:

1. Successfully completed an approved work plan, the Executive Director shall certify that the work plan has been completed by issuing the applicant a Certificate of Completion, which shall include a provision that the Department shall not pursue any further remediation, sanctions, administrative fines, penalties or civil actions associated with the contamination which is the subject of the work plan; or

2. Not successfully completed an approved work plan within the time specified, the Executive Director shall notify the person by certified mail, return receipt requested.

SECTION 6. 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.

45-2-1828

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