

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 242

By: Easley of the Senate

and

Rice of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Corporation Commission and mines; amending 17 O.S. 1991, Section 503, which relates to Corporation Commission jurisdiction; clarifying jurisdiction over certain Class III wells regulated by the Department of Environmental Quality; amending Section 6, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-3-101), and as last amended by Section 14 of Enrolled Senate Bill No. 549 of the 1st Session of the 47th Oklahoma Legislature, which relates to jurisdictional areas of responsibilities for state environmental agencies; modifying Department of Environmental Quality responsibility for jurisdiction over certain injection wells; clarifying Corporation Commission responsibility for jurisdiction over certain environmental areas; amending Section 1, Chapter 96, O.S.L. 1994 (27A O.S. Supp. 1998, Section 1-1-206), which relates to economic impact and environmental benefit statements; deleting requirements for certain notice and reports to the Legislature and Governor; amending 63 O.S. 1991, Section 1-902, as amended by Section 81, Chapter 145, O.S.L. 1993, and as renumbered by Section 145, Chapter 359, O.S.L. 1993 (27A O.S. Supp. 1998, Section 2-6-701), which relates to permits; requiring permits for certain injection wells; amending 63 O.S. 1991, Section 1-2010, as last amended by Section 108, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 2-7-125), which relates to transportation of hazardous waste; prohibiting certain facilities from accepting certain manifest without Department approval; amending 47 O.S. 1991, Section 162, as amended by Section 14, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1998, Section 162), which relates to powers and duties of the Corporation Commission; requiring Commission to administer hazardous waste transportation registration and permitting program for certain purpose; requiring Commission to promulgate certain rules; amending 45 O.S. 1991, Section 724, as last amended by Section 2, Chapter 351, O.S.L. 1998 (45 O.S. Supp. 1998, Section 724), which relates to mining permits; removing certain public notice requirements for permit applicants; removing

requirement for permit applicants to list other licenses and permits necessary to conduct proposed mining operation; creating the Lake Eucha/Spavinaw Watershed Advisory Committee; stating purpose; requiring certain interlocal agreement; stating membership; stating organization of committee; providing for terms of office and vacancies; providing for funding and staffing; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 17 O.S. 1991, Section 503, is amended to read as follows:

Section 503. A. The Corporation Commission is hereby vested with jurisdiction over the drilling for and production and disposal of brine for commercial purposes. The Commission is hereby authorized to ~~enact~~ promulgate such rules ~~and regulations~~ as are reasonably necessary to effectuate the purposes of ~~this act~~ the Oklahoma Brine Development Act, including rules ~~and regulations~~ governing the drilling of production, injection or disposal wells and the injection of effluent into underground formations. The Commission shall also have jurisdiction to ~~enact regulations~~ promulgate rules to ensure that the drilling, casing and plugging of wells is done in such a manner as to prevent the escape of brine and effluent from one formation to another and to prevent the pollution of fresh water supplies throughout the state. The Commission shall also have jurisdiction to regulate the return of brine or effluent to the same formation from which it was produced or to other formations in such a manner as is proper to prevent damage to the formation.

B. ~~This act~~ The Oklahoma Brine Development Act shall not apply to nor shall the Corporation Commission have jurisdiction over ~~the solution mining of brine from depths of less than three hundred (300) feet below the surface of the ground and being done pursuant to a mining permit issued by the Department of Mines~~ Class III wells

regulated by the Oklahoma Department of Environmental Quality
pursuant to the federal Safe Drinking Water Act and 40 CFR Parts 144
through 148.

SECTION 2. AMENDATORY Section 6, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-3-101), as last amended by Section 14 of Enrolled Senate Bill No. 549 of the 1st Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 1-3-101. A. The provisions of this section specify the jurisdictional areas of responsibility for each state environmental agency and state agencies with limited environmental responsibility. The jurisdictional areas of environmental responsibility specified in this section shall be in addition to those otherwise provided by law and assigned to the specific state environmental agency; provided that any rule, interagency agreement or executive order enacted or entered into prior to the effective date of this section which conflicts with the assignment of jurisdictional environmental responsibilities specified by this section is hereby superceded. The provisions of this subsection shall not nullify any financial obligation arising from services rendered pursuant to any interagency agreement or executive order entered into prior to July 1, 1993, nor nullify any obligations or agreements with private persons or parties entered into with any state environmental agency before July 1, 1993.

B. Department of Environmental Quality. The Department of Environmental Quality shall have the following jurisdictional areas of environmental responsibility:

1. All point source discharges of pollutants and storm water to waters of the state which originate from municipal, industrial, commercial, mining, transportation and utilities, construction, trade, real estate and finance, services, public administration,

manufacturing and other sources, facilities and activities, except as provided in subsections D and E of this section;

2. All nonpoint source discharges and pollution except as provided in subsections D, E and F of this section;

3. Technical lead agency for point source, non-point source and storm water pollution control programs funded under Section 106 of the federal Clean Water Act, for areas within the Department's jurisdiction as provided in this subsection;

4. Surface water and groundwater quality and protection and water quality certifications;

5. Waterworks and wastewater works operator certification;

6. Public and private water supplies;

7. Underground injection control pursuant to the federal Safe Drinking Water Act and 40 CFR Parts 144 through 148, except for Class II injection wells, Class V injection wells utilized in the on-site remediation of groundwater associated with underground or aboveground storage tanks regulated by the Corporation Commission, and those wells used for the recovery, injection or disposal of mineral brines as defined in the Oklahoma Brine Development Act regulated by the Corporation Commission;

8. Air quality under the Federal Clean Air Act and applicable state law, except for indoor air quality and asbestos as regulated for worker safety by the federal Occupational Safety and Health Act and by Chapter 11 of Title 40 of the Oklahoma Statutes;

9. Hazardous waste and solid waste, including industrial, commercial and municipal waste;

10. Superfund responsibilities of the state under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and amendments thereto, except the planning requirements of Title III of the Superfund Amendment and Reauthorization Act of 1986;

11. Radioactive waste and all regulatory activities for the use of atomic energy and sources of radiation except for the use of sources of radiation by diagnostic x-ray facilities;

12. Water, waste, and wastewater treatment systems including, but not limited to, septic tanks or other public or private waste disposal systems;

13. Emergency response as specified by law;

14. Environmental laboratory services and laboratory certification;

15. Hazardous substances other than branding, package and labeling requirements;

16. Freshwater wellhead protection;

17. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Department;

18. Utilization and enforcement of Oklahoma Water Quality Standards and implementation documents;

19. Environmental regulation of any entity or activity, and the prevention, control and abatement of any pollution, not subject to the specific statutory authority of another state environmental agency;

20. Development and maintenance of a computerized information system relating to water quality pursuant to Section 6 of this act; and

21. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional area of environmental responsibility.

C. Oklahoma Water Resources Board. The Oklahoma Water Resources Board shall have the following jurisdictional areas of environmental responsibility:

1. Water quantity including, but not limited to, water rights, surface water and underground water, planning, and interstate stream compacts;

2. Weather modification;

3. Dam safety;

4. Flood plain management;

5. State water/wastewater loans and grants revolving fund and other related financial aid programs;

6. Administration of the federal State Revolving Fund Program including, but not limited to, making application for and receiving capitalization grant awards, wastewater prioritization for funding, technical project reviews, environmental review process, and financial review and administration;

7. Water well drillers/pump installers licensing;

8. Technical lead agency for clean lakes eligible for funding under Section 314 of the Federal Clean Water Act or other applicable sections of the Federal Clean Water Act or other subsequent state and federal clean lakes programs; administration of a state program for assessing, monitoring, studying and restoring Oklahoma lakes with administration to include, but not be limited to, receipt and expenditure of funds from federal, state and private sources for clean lakes and implementation of a volunteer monitoring program to assess and monitor state water resources, provided such funds from Federal Clean Water Act sources are administered and disbursed by the Office of the Secretary of Environment;

9. Statewide water quality standards and their accompanying use support assessment protocols, anti-degradation policy and implementation, and policies generally affecting Oklahoma Water Quality Standards application and implementation including but not limited to mixing zones, low flows and variances or any modification or change thereof pursuant to Section 1085.30 of Title 82 of the Oklahoma Statutes;

10. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Board;

11. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional area of environmental responsibility;

12. Development of classifications and identification of permitted uses of groundwater, in recognized water rights, and associated groundwater recharge areas;

13. Establishment and implementation of a statewide beneficial use monitoring program for waters of the state in coordination with the other state environmental agencies;

14. Coordination with other state environmental agencies and other public entities of water resource investigations conducted by the federal United States Geological Survey for water quality and quantity monitoring in the state; and

15. Development and submission of a report concerning the status of water quality monitoring in this state pursuant to Section 1-1-202 of this title.

D. State Department of Agriculture.

1. The State Department of Agriculture shall have the following jurisdictional areas of environmental responsibility except as provided in subsection B of this section and paragraphs 2 and 3 of this subsection:

- a. point source discharges and nonpoint source runoff from agricultural crop production, agricultural services, livestock production, silviculture, feed yards, livestock markets and animal waste,
- b. pesticide control,
- c. forestry and nurseries,
- d. fertilizer,
- e. facilities which store grain, feed, seed, fertilizer and agricultural chemicals,

- f. dairy waste and wastewater associated with milk production facilities,
- g. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Department,
- h. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents, and
- i. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

2. In addition to the jurisdictional areas of environmental responsibility specified in subsection B of this section, the Department of Environmental Quality shall have environmental jurisdiction over:

- a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,
- (2) slaughterhouses, but not including feedlots at such facilities, and
- (3) aquaculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities, and
- b. facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal N.P.D.E.S. regulations to obtain a permit for storm water discharges shall only be subject to the

jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

3. Any point source discharge related to agriculture from sources specified in paragraph 1 of this subsection which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under paragraph 2 of this subsection as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture.

E. Corporation Commission.

1. The Corporation Commission is hereby vested with exclusive jurisdiction, power and authority, and it shall be its duty to promulgate and enforce rules, and issue and enforce orders governing and regulating:

- a. the conservation of oil and gas,
- b. field operations for geologic and geophysical exploration for oil, gas and brine, including seismic survey wells, stratigraphic test wells and core test wells,
- c. the exploration, drilling, development, producing or processing for oil and gas on the lease site,
- d. the exploration, drilling, development, production and operation of wells used in connection with the recovery, injection or disposal of mineral brines,
- e. reclaiming facilities only for the processing of salt water, crude oil, natural gas condensate and tank bottoms or basic sediment from crude oil tanks, pipelines, pits and equipment associated with the

exploration, drilling, development, producing or transportation of oil or gas,

- f. underground injection control pursuant to the federal Safe Drinking Water Act and 40 CFR Parts 144 through 148, of Class II injection wells, Class V injection wells utilized in the on-site remediation of groundwater associated with underground or aboveground storage tanks regulated by the Corporation Commission, and those wells used for the recovery, injection or disposal of mineral brines as defined in the Oklahoma Brine Development Act. Any substance that the United States Environmental Protection Agency allows to be injected into a Class II well may continue to be so injected,
- g. tank farms for storage of crude oil and petroleum products which are located outside the boundaries of refineries, petrochemical manufacturing plants, natural gas liquid extraction plants, or other facilities which are subject to the jurisdiction of the Department of Environmental Quality with regard to point source discharges,
- h. the construction and operation of pipelines and associated rights-of-way, equipment, facilities or buildings used in the transportation of oil, gas, petroleum, petroleum products, anhydrous ammonia or mineral brine, or in the treatment of oil, gas or mineral brine during the course of transportation but not including line pipes in any:
 - (1) natural gas liquids extraction plant,
 - (2) refinery,

- (3) reclaiming facility other than for those specified within subparagraph e of this subsection,
 - (4) mineral brine processing plant, and
 - (5) petrochemical manufacturing plant,
- i. the handling, transportation, storage and disposition of saltwater, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells, at:
 - (1) any facility or activity specifically listed in paragraphs 1 and 2 of this subsection as being subject to the jurisdiction of the Commission, and
 - (2) other oil and gas extraction facilities and activities,
- j. spills of deleterious substances associated with facilities and activities specified in paragraph 1 of this subsection or associated with other oil and gas extraction facilities and activities,
- k. subsurface storage of oil, natural gas and liquefied petroleum gas in geologic strata,
- l. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission,
- m. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents; and
- n. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

2. The exclusive jurisdiction, power and authority of the Corporation Commission shall also extend to the construction, operation, maintenance, site remediation, closure and abandonment of the facilities and activities described in paragraph 1 of this subsection.

3. When a deleterious substance from a Commission regulated facility or activity enters a point source discharge of pollutants or storm water from a facility or activity regulated by the Department of Environmental Quality, the Department shall have sole jurisdiction over the point source discharge of the commingled pollutants and storm water from the two facilities or activities insofar as Department regulated facilities and activities are concerned.

4. For purposes of the Federal Clean Water Act, any facility or activity which is subject to the jurisdiction of the Corporation Commission pursuant to paragraph 1 of this subsection and any other oil and gas extraction facility or activity which requires a permit for the discharge of a pollutant or storm water to waters of the United States shall be subject to the direct jurisdiction of the federal Environmental Protection Agency and shall not be required to be permitted by the Department of Environmental Quality or the Corporation Commission for such discharge.

5. The Corporation Commission shall have jurisdiction over:

a. ~~underground storage tanks that contain antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel, or aviation fuel and that are not located at refineries or at the upstream or intermediate shipment points of pipeline operations, including, but not limited to, tanks from which these materials are dispensed into vehicles, or tanks used in wholesale or bulk distribution activities, as well as leaks from pumps, hoses, dispensers, and other ancillary equipment~~

~~associated with the tanks, whether above the ground or below~~ tank regulation assigned to the Commission pursuant to other Oklahoma Statutes, including, but not limited to, the Leaking Underground Storage Tank Fund and Indemnity Programs; provided, that any point source discharge of a pollutant to waters of the United States during site remediation ~~or the disposal of contaminated soil, media, or debris which is hazardous~~ shall be regulated by the Department of Environmental Quality,

- b. ~~aboveground storage tanks that contain antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel, or aviation fuel and that are not located at refineries or at the upstream or intermediate shipment points of pipeline operations, including, but not limited to, tanks from which these materials are dispensed into vehicles, or tanks used in wholesale or bulk distribution activities, as well as leaks from pumps, hoses, dispensers, and other ancillary equipment associated with the tanks, whether above the ground or below~~ used in connection with the retail sale of flammable liquids into fuel tanks; provided, that any point source discharge of a pollutant to waters of the United States during site remediation ~~or the disposal of contaminated soil, media, or debris which is hazardous~~ shall be regulated by the Department of Environmental Quality, and
- c. the Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund and Program and the Leaking Underground Storage Tank Trust Fund.

6. The Department of Environmental Quality shall have sole jurisdiction to regulate the transportation, discharge or release of

deleterious substances or solid or hazardous waste or other pollutants from rolling stock and rail facilities.

7. The Department of Environmental Quality shall have sole environmental jurisdiction for point and nonpoint source discharges of pollutants and storm water to waters of the state from:

- a. refineries, petrochemical manufacturing plants and natural gas liquid extraction plants,
- b. manufacturing of oil and gas related equipment and products,
- c. bulk terminals, aboveground and underground storage tanks not subject to the jurisdiction of the Commission pursuant to this subsection, and
- d. other facilities, activities and sources not subject to the jurisdiction of the Corporation Commission or the Department of Agriculture as specified by this section.

8. The Department of Environmental Quality shall have sole environmental jurisdiction to regulate air emissions from all facilities and sources subject to operating permit requirements under Title V of the Federal Clean Air Act as amended.

F. Conservation Commission. The Conservation Commission shall have the following jurisdictional areas of environmental responsibility:

1. Soil conservation, erosion control and nonpoint source management except as otherwise provided by law;

2. Monitoring, evaluation and assessment of waters to determine the condition of streams and rivers being impacted by nonpoint source pollution. In carrying out this area of responsibility, the Conservation Commission shall serve as the technical lead agency for nonpoint source categories as defined in Section 319 of the Federal Clean Water Act or other subsequent federal or state nonpoint source

programs, except for activities related to industrial and municipal stormwater or as otherwise provided by state law;

3. Wetlands strategy;
4. Abandoned mine reclamation;
5. Cost-share program for land use activities;
6. Assessment and conservation plan development and implementation in watersheds of clean lakes, as specified by law;
7. Complaint data management;
8. Coordination of environmental and natural resources education;
9. Federal upstream flood control program;
10. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission;
11. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility; and
12. Utilization of Oklahoma Water Quality Standards and implementation documents.

G. Department of Mines. The Department of Mines shall have the following jurisdictional areas of environmental responsibility:

1. Mining regulation;
2. Mining reclamation of active mines;
3. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission; and

4. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of responsibility.

H. Department of Wildlife Conservation. The Department of Wildlife Conservation shall have the following jurisdictional areas of environmental responsibilities:

1. Investigating wildlife kills;
2. Wildlife protection and seeking wildlife damage claims; and
3. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

I. Department of Public Safety. The Department of Public Safety shall have the following jurisdictional areas of environmental responsibilities:

1. Vehicle inspection for air quality;
2. Hazardous waste, substances and material transportation inspections as authorized by the Hazardous Materials Transportation Act; and

3. Inspection and audit activities of hazardous waste and materials carriers and handlers as authorized by the Hazardous Materials Transportation Act.

J. Department of Labor. The Department of Labor shall have the following jurisdictional areas of environmental responsibility:

1. Regulation of asbestos in the workplace pursuant to Chapter 11 of Title 40 of the Oklahoma Statutes;

2. Asbestos monitoring in public and private buildings; and

3. Indoor air quality as regulated under the authority of the Oklahoma Occupational Health and Safety Standards Act, except for those indoor air quality issues specifically authorized to be regulated by another agency.

Such programs shall be a function of the Department's occupational safety and health jurisdiction.

K. Department of Civil Emergency Management. The Department of Civil Emergency Management shall have the following jurisdictional areas of environmental responsibilities:

1. Coordination of all emergency resources and activities relating to threats to citizens' lives and property pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

2. Administer and enforce the planning requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986 and develop such other emergency operations plans that will enable the state to prepare for, respond to, recover from and mitigate potential environmental emergencies and disasters pursuant to the Oklahoma Hazardous Materials Planning and Notification Act;

3. Administer and conduct periodic exercises of emergency operations plans provided for in this subsection pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

4. Administer and facilitate hazardous materials training for state and local emergency planners and first responders pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act; and

5. Maintain a computerized emergency information system allowing state and local access to information regarding hazardous materials' location, quantity and potential threat.

SECTION 3. AMENDATORY Section 1, Chapter 96, O.S.L. 1994 (27A O.S. Supp. 1998, Section 1-1-206), is amended to read as follows:

Section 1-1-206. ~~A.~~ Each state environmental agency in promulgation of permanent rules within its areas of environmental jurisdiction, prior to the submittal to public comment and review of any rule that is more stringent than corresponding federal requirements, unless such stringency is specifically authorized by state statute, shall duly determine the economic impact and the environmental benefit of such rule on the people of the State of Oklahoma including those entities that will be subject to the rule. Such determination shall be in written form.

~~B. Such economic impact and environmental benefit statement of a proposed permanent rule shall be issued prior to or within fifteen (15) days after the date of publication of the notice of the proposed permanent rule adoption. The statement may be modified~~

~~after any hearing or comment period afforded pursuant to Article I of the Administrative Procedures Act.~~

~~C. The economic impact and environmental benefit statement shall be submitted to the Governor pursuant to Section 303.1 of Title 75 of the Oklahoma Statutes and to the Legislature pursuant to Section 308 of Title 75 of the Oklahoma Statutes. Such reports submitted to the Governor and to the Legislature shall include a brief summary of any public comments made concerning the statement and any response by the agency to the public comments demonstrating a reasoned evaluation of the relative impacts and benefits of the more stringent regulation.~~

SECTION 4. AMENDATORY 63 O.S. 1991, Section 1-902, as amended by Section 81, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 2-6-701), is amended to read as follows:

Section 2-6-701. A. A permit ~~issued by the Executive Director shall be required for the underground injection of hazardous and nonhazardous liquids except for the injection purposes of brine recovery, saltwater disposal or secondary or tertiary oil recovery~~ Class I, III, IV and V injection wells pursuant to the federal Safe Drinking Water Act and 40 CFR Parts 144 through 148, except Class V injection wells utilized in the on-site remediation of groundwater associated with underground and aboveground storage tanks regulated by the Corporation Commission.

B. All water wells, monitoring wells, unused water test wells and water test holes used or capable of being used as sources of domestic or public water supply shall be constructed, sealed or plugged as required by the Department in a manner to avoid pollution of water-bearing strata.

SECTION 5. AMENDATORY 63 O.S. 1991, Section 1-2010, as last amended by Section 108, Chapter 145, O.S.L. 1993, and as

renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 2-7-125), is amended to read as follows:

Section 2-7-125. A. Persons generating hazardous waste shall provide a manifest to the operator of any mode of any offsite transportation carrying hazardous waste. Such manifest shall be in a form which has been prescribed by the Department and shall indicate a disposal plan number assigned by the Department which shows that the Department has approved the plans of the person generating such waste. The manifest shall also set forth the type, amount, approximate content, origin and destination of the waste. Such operator shall have the manifest in his possession while transporting or handling the hazardous waste. Upon delivery of the hazardous waste to a facility duly authorized to accept such waste, the operator shall submit such manifest to the receiving person for processing pursuant to rules promulgated by the Board.

B. No ~~person~~ off-site treatment, storage, recycling, or disposal facility shall accept the manifest unless such manifest has a properly assigned disposal plan number indicating that the Department has approved the plans of the person generating the hazardous waste.

C. No person shall transport, receive, treat or dispose of hazardous waste without having the manifest in his possession.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 162, as amended by Section 14, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1998, Section 162), is amended to read as follows:

Section 162. A. ~~The Corporation Commission is hereby vested with power and authority, and it~~ It shall be its the duty of the Corporation Commission to:

1. ~~To supervise~~ Supervise and regulate every motor carrier of household goods or used emigrant movables and not operating exclusively within the limits of an incorporated city or town in this state;

2. ~~To fix~~ Fix or approve the maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules pertaining thereto, of each such motor carrier;

3. ~~To regulate~~ Regulate and supervise the accounts, schedules and service of each such motor carrier; and for the conservation of the public highways;

4. ~~To prescribe~~ Prescribe a uniform system and classification of accounts to be used, which among other things shall set up adequate depreciation charges, and after such accounting system shall have been promulgated, such motor carriers shall use no other;

5. ~~To require~~ Require the filing of annual reports, and other data as required from time to time by the Commission; and

6. ~~To supervise~~ Supervise and regulate such motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public.

B. The Commission ~~shall have the power and authority by general order or otherwise to prescribe~~ is authorized to promulgate rules and regulations applicable to any or all motor carriers of household goods or used emigrant movables.

C. 1. The Commission is authorized to administer a hazardous waste transportation registration and permitting program for motor carriers engaged in transporting hazardous waste upon or over the public highways and within the borders of the state.

2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to requirements applicable to operators of vehicles transporting hazardous materials contained in the report submitted to the Secretary of the United States Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for Uniform Hazardous Material Transportation Procedures.

SECTION 7. AMENDATORY 45 O.S. 1991, Section 724, as last amended by Section 2, Chapter 351, O.S.L. 1998 (45 O.S. Supp. 1998, Section 724), is amended to read as follows:

Section 724. A. It shall be unlawful for any operator to engage in any mining operations in this state without first obtaining a permit from the Department of Mines for each separate mining operation. The Department shall determine what constitutes a separate mining operation by rules promulgated under the Mining Lands Reclamation Act.

B. 1. Any operator desiring to engage in surface mining shall make written application to the Department for a permit. Application for such permit shall be made upon a form furnished by the Department. The form shall contain a description of the tract or tracts of land and the estimated number of acres to be affected by surface mining by the operator. The description shall include the section, township, range and county in which the land is located and shall otherwise describe the land with sufficient certainty so that it may be located and distinguished from other lands.

2. Transmission lines shall be plotted on a location map submitted with the application. A statement that the operator has the right and power by legal estate owned to mine by surface mining the land so described shall be included with the application.

C. 1. Any operator desiring to engage in underground mining shall make written application to the Department for a permit. Application for such permit shall be made upon a form furnished by the Department. The form shall contain a description of the tract or tracts of land to be used as refuse disposal areas. The description shall include the section, township, range and county in which the land is located and shall otherwise describe the land with sufficient certainty so that it may be located and distinguished from other lands.

2. A statement that the applicant has the right and power by legal estate owned to use the land so described as a refuse disposal area shall be included with the application.

D. Each application for a permit under subsections B and C of this section shall be accompanied by a plan of reclamation of the affected land that meets the requirements of the Mining Lands Reclamation Act. The application shall set forth the proposed use to be made of the affected land, the grading to be accomplished, the type of revegetation, and shall include the approximate time of grading and initial revegetation effort.

E. Each application for a permit under subsections B and C of this section shall be accompanied by the bond or security meeting the requirements of Section 728 of this title, or proof that such bond or security is still in effect, and a fee of One Hundred Seventy-five Dollars (\$175.00) for each permit year, payable at the rate of One Hundred Seventy-five Dollars (\$175.00) per year on the anniversary date of the year in which the permit or permit renewal was issued. All application fees shall be submitted to the State Treasurer, who shall deposit them in the Department of Mines Revolving Fund.

F. 1. Upon the receipt of such application, bond or security and fee due from the operator, the Department may issue a permit to the applicant which shall entitle the applicant to engage in mining on the land therein described in accordance with the rules promulgated by the Department, for the life expectancy of the operation unless the operator is in violation of any state statute or rule of the Department in which case the Department shall take appropriate action against the operator.

2. All applications for renewal of existing permits shall be filed prior to the expiration of the existing permit in accordance with the rules promulgated by the Department.

3. No permit shall be issued except upon proper application and public hearing, if requested.

G. 1. ~~a.~~ Upon filing the application with the Department, the applicant shall place an advertisement in a newspaper of general circulation in the vicinity of the mining operation, containing such information as is required by the Department, ~~at least once a week for four (4) consecutive weeks.~~

~~b.~~ ~~The advertisement shall contain, at a minimum, the following:~~

~~(1) the name and business address of the applicant,~~

~~(2) a description which clearly shows or describes the precise location and boundaries of the proposed permit area and is sufficient to enable local residents to readily identify the proposed permit area. It may include towns, bodies of water, local landmarks, and any other information which would identify the location,~~

~~(3) the location where a copy of the application is available for public inspection,~~

~~(4) the name and address of the Department where written comments, objections, or requests for informal conferences on the application may be submitted pursuant to subsection P of this section,~~

~~(5) if an applicant seeks a permit to mine which includes relocation or closing of a public road, a copy of the county resolution pertaining to the affected county road, and~~

~~(6) such other information as is required by the Department.~~

2. Any property owner or resident of an occupied dwelling who may be adversely affected located within one (1) mile of the mining operation shall have the right to protest the issuance of a permit and request a public hearing.

3. The Department shall notify the surface owners of any hearings in connection with applications or permits in the same manner as the operator is notified.

4. Such protests must be received by the Department within fourteen (14) days after the date of publication of the newspaper advertisement. If a public hearing is requested, the Department shall then hold an informal hearing in the vicinity of the proposed mining.

5. Upon completion of findings after the hearing, the Department shall determine whether to issue or deny the permit, and shall notify all parties of its decision.

6. Any decision regarding the issuance of a permit under this section shall be appealable when entered, as provided in the Administrative Procedures Act.

~~H. Each application for a new operation shall contain, where applicable, a list of all other licenses and permits needed by the applicant to conduct the proposed mining operation. This list shall identify each license and permit by:~~

~~1. Type of permit or license;~~

~~2. Name and address of issuing authority;~~

~~3. Identification number or a copy of the application for permits or licenses or, if issued a copy of the permit or license;~~
and

~~4. If a decision has been made, the date of approval or disapproval by each issuing authority.~~

~~An existing operation which does not have on file a list of the applicable licenses or permits with the Department on the date of enactment of this act shall not be out of compliance with the~~

~~provisions of this section. Any renewal of an existing permit or expansion or amendment to an existing operation upon time of application shall submit a copy of all approved licenses and permits issued by other agencies or jurisdictions.~~

~~Identifications of all permits and licenses shall include local government agencies with jurisdiction over or an interest in the area of the proposed mining operation including, but not limited to, planning agencies, water and sewer authorities; and all state and federal government agencies with authority to issue permits and licenses applicable to the proposed mining operation, including all state environmental agencies, U.S. Army Corps of Engineers, U.S. Department of Agriculture Soil Conservation Service district office, and federal fish and wildlife agencies.~~

~~I.~~ An operator desiring to have such operator's permit amended to cover additional land may file an amended application with the Department. Upon receipt of the amended application, and such additional bond as may be required under the provisions of the Mining Lands Reclamation Act, the Department shall issue an amendment to the original permit covering the additional land described in the amended application, without the payment of any additional fee.

~~J.~~ I. An operator may withdraw any land covered by a permit, deleting affected land therefrom, by notifying the Department, in which case the penalty of the bond or security filed by such operator pursuant to the provisions of the Mining Lands Reclamation Act shall be reduced proportionately.

~~K.~~ J. Permits issued to an operator shall not be transferable to another operator.

~~L.~~ K. The perimeter of the permit area shall be clearly marked by durable and recognizable markers or by other means approved by the Department.

~~M.~~ L. The Department shall determine the blasting distance to transmission lines by rule and regulation.

~~N.~~ M. If any mining operations occur within the limits of a municipality with a population in excess of three hundred thousand (300,000) according to the latest Federal Decennial Census, the application for a permit pursuant to subsections B and C of this section shall be accompanied by proof that the operator is in full compliance with all applicable regulations of the municipality. Certified copies of any required municipal permits and any other required written municipal approvals shall be attached to the application. No mining permit shall be issued by the Department unless the applicant first complies with the requirements of this subsection.

~~O.~~ N. Within a reasonable time, as established by the Department, written comments or objections on permit or bond release applications may be submitted to the Department by public entities including but not limited to the local soil conservation district, with respect to the effects of the proposed mining operations on the environment.

~~P.~~ O. Any person having an interest in or who is or may be adversely affected by the decision on a permit or bond release application, or any federal, state or local agency, shall have the right to request in writing that the Department hold an informal conference on the application. The Department shall hold the informal conference within a reasonable time following the receipt of the written request at a location in the vicinity of the proposed or active surface mining or reclamation operation.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1710 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that it is of great importance to the citizens of Northeast Oklahoma to share their

concerns and offer advice to the governmental entities in the area of the Lake Eucha and Lake Spavinaw watershed area for the purpose of promoting the area and protecting the natural resources which are important to the State of Oklahoma.

B. There is hereby created The Eucha/Spavinaw Watershed Advisory Commission which shall be a forum for interested persons to address issues related to the environmental concerns, recreational use, and economic development of the lakes area.

C. The City of Tulsa, Oklahoma is hereby directed to enter into an interlocal agreement creating The Eucha/Spavinaw Lakes Advisory Commission. The interlocal agreement shall adopt the recommendations contained herein. All persons appointed to the Commission, with the exception of the Mayor of the City of Tulsa and his or her two at-large appointees, shall be residents of the Eucha/Spavinaw watershed area. Appointments to the Commission shall be as follows:

1. The Mayor of the City of Tulsa, or his or her designee. In addition, the Mayor of the City of Tulsa shall appoint two members to serve at-large;

2. The President Pro Tempore of the Senate shall appoint five members, three of whom shall represent: a local government, a local school district, and a local area Chamber of Commerce; and

3. The Speaker of the House of Representatives shall appoint five members, three of whom shall represent: area tourism, a local law enforcement agency, and the local media.

D. The first meeting of the Commission shall be called by the Mayor of the City of Tulsa, Oklahoma, no later than July 15, 1999. The members shall elect officers and determine a meeting schedule at the first meeting. The Eucha/Spavinaw Watershed Advisory Commission shall meet at least on a monthly basis, or as necessary at the call of the Chair. Members of the commission shall serve without compensation. Terms of office shall be determined by the Commission

and outlined in the interlocal agreement. Members appointed to the Commission shall serve at the pleasure of their appointing authority. Vacancies on the Commission shall be filled in the same manner as the original appointments.

E. Staffing for the Commission shall be provided by the Grand Gateway Economic Development Authority. Any necessary expenses of the Commission shall be borne by the Grand Gateway Economic Development Authority.

SECTION 9. Section 7 of this act shall become effective January 1, 2000.

SECTION 10. 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.

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