

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. \_\_\_\_\_

By: Littlefield

AS INTRODUCED

An Act relating to environment and natural resources; amending Section 17, Chapter 398, O.S.L. 1992, as amended by Section 66, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 2-6-205), which relates to unlawful discharges of pollutants into waters of the state; establishing fines and penalties for certain pollutant discharge violations; and providing an effective date.

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

SECTION 482. AMENDATORY Section 17, Chapter 398, O.S.L. 1992, as amended by Section 66, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 2-6-205), is amended to read as follows:

Section 2-6-205. A. Except as otherwise provided in subsection B of this section, it shall be unlawful for any facility, activity or entity regulated by the Department of Environmental Quality pursuant to the Oklahoma Pollutant Discharge Elimination System Act to discharge any pollutant into waters of the state or elsewhere without first obtaining a permit from the Executive Director.

B. The Board of Environmental Quality shall promulgate rules which prescribe permit requirements applicable to discharges composed entirely of stormwater. Such rules may require permits on a case-by-case basis, exempt categories of discharges, or provide a schedule for obtaining such permit, provided however, that no later than the date that the Department is to receive authorization to administer a state National Pollutant Discharge Elimination Systems program, the Board shall have promulgated rules for stormwater

discharges which comply with Environmental Protection Agency requirements for approval of the state National Pollutant Discharge Elimination Systems program.

C. Any person outside of the State of Oklahoma whose wastewater discharge causes a violation in Oklahoma of Oklahoma's Water Quality Standards is deemed in violation of the Oklahoma Pollutant Discharge Elimination System Act and may be subject to the administrative penalties of Twenty Thousand Dollars (\$20,000.00) per day of violation for each day not to exceed Two Hundred Fifty Thousand (\$250,000.00), civil penalties not to exceed Twenty Thousand Dollars (\$20,000.00) per day of violation and criminal penalties as follows:

1. Any person who negligently introduces into the waters of the state or a treatment works discharging into the waters of the state any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state or local requirements or permits, which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works shall be punished by a fine of not less than Five Thousand Dollars (\$5,000.00) nor more than Fifty Thousand Dollars (\$50,000.00) per day of violation, or by imprisonment in the county jail for not more than two (2) years, or by both such fine and imprisonment. If a conviction of a person is for a violation committed after a first conviction of such person under the provisions of this paragraph, punishment shall be a fine of not more than One Hundred Thousand Dollars (\$100,000.00) per day of violation, or by imprisonment in the State Penitentiary for not more than four (4) years, or by both such fine and imprisonment;

2. Any person who knowingly introduces into the waters of the state or a treatment works discharging into the waters of the state any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property

damage or, other than in compliance with all applicable federal, state or local requirements or permits, which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works shall be punished by a fine of not less than Ten Thousand Dollars (\$10,000.00) nor more than One Hundred Thousand Dollars (\$100,000.00) per day of violation, or by imprisonment in the county jail for not more than six (6) years, or by both such fine and imprisonment. If a conviction of a person is for a violation committed after a first conviction of such person under the provisions of this paragraph, punishment shall be a fine of not more than Two Hundred Thousand Dollars (\$200,000.00) per day of violation, or by imprisonment in the State Penitentiary for not more than twelve (12) years, or by both such fine and imprisonment;  
or

3. Any person who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction, be subject to a fine of not more than Five Hundred Thousand Dollars (\$500,000.00) or imprisonment in the State Penitentiary for not more than thirty (30) years, or both such fine and imprisonment. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than Two Million Dollars (\$2,000,000.00). If a conviction of a person is for a violation committed after a first conviction of such person under the provisions of this paragraph, the maximum punishment shall be doubled for both such fine and imprisonment.

SECTION 1. This act shall become effective November 1, 1999.

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