

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE  
SUBSTITUTE FOR ENGROSSED  
HOUSE BILL NO. 1405

By: Wells of the House

and

Easley of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to storage tanks; creating the Legislative Task Force on Storage Tank Regulation; providing for members; providing for appointment; providing for reimbursement; providing for duties; providing for termination; amending 17 O.S. 1991, Section 304, as last amended by Section 10, Chapter 375, O.S.L. 1998 (17 O.S. Supp. 2000, Section 304), which relates to the Oklahoma Storage Tank Regulation Act; modifying exemptions; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby established the Legislative Task Force on Storage Tank Regulation. The Task Force shall be composed of seven (7) members as follows:

1. The Chair and Vice-Chair of the House of Representatives Energy and Utility Regulation Committee;

2. The Chair and Vice-Chair of the Senate Energy, Environmental Resources and Regulatory Affairs Committee;

3. The Chair of the Storage Tank Advisory Council as of may 1, 2001;

4. A member of the Environmental Quality Board who has knowledge and experience in the regulation of storage tanks to be

designated by the Executive Director of the Department of Environmental Quality; and

5. The Secretary of the Environment.

The Chair of the House of Representatives Energy and Utility Regulation Committee and the Chair of the Senate Energy, Environmental Resources and Regulatory Affairs Committee shall serve as the cochairs of the Task Force. The Chair of the House of Representatives Energy and Utility Regulation Committee shall call the first meeting.

B. 1. Legislative members of the Legislative Task Force on Storage Tank Regulation shall be reimbursed for necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes.

2. Nonlegislative members shall be reimbursed by their respective agencies for necessary travel expenses pursuant to the State Travel Reimbursement Act.

C. The Task force shall:

1. Evaluate the financial assurance mechanisms available to storage tank owners and operators to comply with state and federal financial responsibility requirements and their ability to select, participate in and fund only the mechanism of their choice;

2. Evaluate the implementation, operation and administration of the state fund financial assurance program;

3. Evaluate the implementation, operation and administration of the state's storage tank program or programs; and

4. Identify and evaluate any related issues.

D. The Task Force may make recommendations and issue reports as they deem necessary.

E. Legislative staff of the Oklahoma House of Representatives and the State Senate shall provide staff support as required by the Task Force. The Task Force may also utilize the expertise of the

Corporation Commission, the Department of Environmental Quality or any state agency in the performance of its duties.

F. The Task Force shall terminate no later than February 1, 2002.

SECTION 2. AMENDATORY 17 O.S. 1991, Section 304, as last amended by Section 10, Chapter 375, O.S.L. 1998 (17 O.S. Supp. 2000, Section 304), is amended to read as follows:

Section 304. The provisions of the Oklahoma Storage Tank Regulation Act shall not apply to:

1. Septic tank systems;
2. Pipeline facilities;
3. Surface impoundments, pits, ponds or lagoons;
4. Stormwater and wastewater collection systems;
5. Flow-through process tank systems;
6. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;
7. Hydraulic lift tank systems;
8. Storage tank systems with a capacity of less than one hundred ten (110) gallons;
9. Storage tank systems with a de minimus concentration of regulated substances including but not limited to swimming pools and coffins;
10. Storage tank systems that serve as emergency backup tanks, provided that such backup tanks hold regulated substances for only a short period of time and are expeditiously emptied after each use. The provisions of this paragraph shall not prevent Corporation Commission notification requirements and such other restrictions as may be deemed necessary by the Commission to protect the environment;
11. Storage tank systems with a capacity of one thousand one hundred (1,100) gallons or less used for noncommercial agricultural or residential purposes;

12. Storage tank systems and residential tanks for noncommercial use for storing heating oil for consumptive use on the premises where stored; ~~and~~

13. Storage tank systems storing hazardous wastes regulated under Subtitle C of the federal Solid Waste Disposal Act, 42 U.S.C., Section 6921 et seq., or substances regulated as hazardous wastes under the Oklahoma Hazardous Waste Management Act; and

14. Storage tanks containing regulated substances that are used by utilities for the generation of electricity.

SECTION 3. 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.

48-1-7299

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