

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1040

By: Erwin

COMMITTEE SUBSTITUTE

An Act relating to environment and natural resources; amending Section 24, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 2000, Section 2-3-402), which relates to fees assessed by the Environmental Quality Board; limiting and setting certain fees for tank batteries; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 24, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 2000, Section 2-3-402), is amended to read as follows:

Section 2-3-402. A. The Except as provided by this section or as otherwise provided by law, the Environmental Quality Board shall establish schedules of fees to be charged for applications for, or the issuance of, new, modified or renewed permits, licenses, certificates and other authorizations and for such other environmental services as are involved in the regulation of environmental functions and programs authorized by the provisions of this Code. Such fees shall be subject to the following limitations:

1. The Board shall follow the procedures required by the Administrative Procedures Act for promulgation of rules in establishing or amending any such schedule of fees;

2. The Board shall base its schedule of fees for each environmental function or program upon the reasonable costs of operating such environmental functions or programs, including, but not limited to, the costs of administration, personnel, office

space, equipment, training, travel, inspection and review rendered in connection with each such function or program;

3. The Board shall promulgate rules establishing fee schedules for services, functions and programs within the advisory jurisdiction of a Council created by this Code only upon receipt of fee schedule recommendations from such Council;

4. Any facility exempt from the requirement to obtain a permit based on date of construction or start-up may be assessed an annual permit renewal fee equivalent; and

5. The Department shall expend monies received from permit, license and certification programs, including but not limited to application, review, inspection, monitoring and operating fees, only on the direct or indirect costs of the specific programs from which such monies originate.

B. The fee schedule for the validation of Tier Two Hazardous Substance Inventory Reports required pursuant to Title III of the federal Superfund Amendments and Reauthorization Act (SARA), for tank batteries owned by an oil and gas production facility shall not exceed a one-time flat fee of Ten Dollars (\$10.00) per oil and gas production facility owner regardless of the number of tank batteries owned by the oil and gas production owner which are located at a particular site. However, if such oil and gas production owner has fifty or more tank batteries, a one-time flat fee of Five Hundred Dollars (\$500.00) will be charged.

C. The Board shall establish a schedule of fees to be charged for services including, but not limited to, searches, compilations, certifications or reproduction of maps and publications, transcripts, blueprints, computer data, electronic recordings or documents. Such fees shall be based on the actual cost to the Department for the provision of such services.

~~C.~~ D. The Board shall promulgate a schedule of fees for the provision of services to validate reports from facilities required

to report, but not merely to notify, under the Oklahoma Hazardous Materials Planning and Notification Act.

~~D.~~ E. The Board's authority to establish fee schedules by rule shall extend to all programs administered by the Department, regardless of whether the statutes creating such programs are codified in ~~Title 27A of the Oklahoma Statutes~~ this title.

SECTION 2. 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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