

SB 1311

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THE STATE SENATE
Wednesday, February 18, 2004

Senate Bill No. 1311

SENATE BILL NO. 1311 - By: GUMM of the Senate and LANGMACHER of the House.

An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 2-4-201, as amended by Section 3, Chapter 118, O.S.L. 2003 (27A O.S. Supp. 2003, Section 2-4-201), which relates to state environmental laboratories; Authorizing Department of Environmental Quality to operate laboratories for certain purposes; modifying purposes; and declaring an emergency.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-4-201, as amended by Section 3, Chapter 118, O.S.L. 2003 (27A O.S. Supp. 2003, Section 2-4-201), is amended to read as follows:

Section 2-4-201. A. The Department of Environmental Quality is authorized to acquire, operate and maintain laboratories to analyze samples to:

- 1. ~~From pollution studies to:~~
 - a. ~~obtain~~ Obtain factual data to support any order, permit, function or program of the Department, ~~;~~
 - b. ~~provide accurate information on wastewater flows and discharges or the chemical, physical or biological characteristics of wastewater,~~

1 ~~e. check the operations of treatment or disposal systems~~
2 ~~or works to determine whether they meet plans and~~
3 ~~specifications approved by the Department, and~~
4 ~~d. provide~~

5 2. Provide laboratory service for individuals, cities, towns,
6 counties, tribes, state institutions and other state and federal
7 agencies;

8 ~~2. From studies and investigations of any waste or pollutant~~
9 ~~entering treatment systems or waters of the state or any media in~~
10 ~~which the presence of a contaminant or pollutant is suspected; and~~

11 ~~3. To provide~~ Provide such services and perform such other
12 analyses as is necessary to implement and enforce the programs and
13 functions under the jurisdiction of the Department pursuant to this
14 Code.

15 B. The Board of Environmental Quality shall promulgate rules
16 for laboratory services under this Code. The Board shall follow the
17 procedures required by the Administrative Procedures Act for
18 promulgation of such rules.

19 C. 1. The Board, pursuant to the Administrative Procedures
20 Act, shall promulgate as a rule a fee schedule based on actual cost
21 of analyses and the costs of the provision of laboratory services.
22 The schedule shall include fees for specific analytes and
23 procedures.

1 2. Fees charged pursuant to this section shall be paid into the
2 Department of Environmental Quality Revolving Fund and shall only be
3 used by the Department in administering the Department's
4 environmental laboratory.

5 D. The Department may, if necessary to meet the demand for
6 laboratory services, contract, pursuant to the provisions of the
7 Oklahoma Central Purchasing Act, for the performance of analyses
8 with laboratories accredited by the Department.

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, ENVIRONMENT &
4 COMMUNICATIONS, dated 2-12-04 - DO PASS.