

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 511

6 By: Aldridge

7 COMMITTEE SUBSTITUTE

8 An Act relating to the environment and natural
9 resources; amending Section 6, Chapter 243, O.S.L.
10 2006 (27A O.S. Supp 2007, Section 2-7-405), which
11 relates to the Oklahoma Highway Remediation and
12 Cleanup Services Act; creating rotation system for
13 remediation service calls; requiring Department of
14 Public Safety to implement rotation log system;
15 stating requirements for service operators; stating
16 procedures; stating exemptions for railroads and
17 electric utilities; providing for codification;
18 providing an effective date; and declaring an
19 emergency.

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

21 SECTION 1. AMENDATORY Section 6, Chapter 243, O.S.L.
22 2006 (27A O.S. Supp. 2007, Section 2-7-405), is amended to read as
23 follows:

24 Section 2-7-405. The provisions of ~~this act~~ the Oklahoma
Highway Remediation and Cleanup Services Act shall not preclude any
person in need of any highway remediation or cleanup service from
employing or contracting with any licensed highway remediation
service of choice, except where hazardous conditions exist which

1 pose an imminent threat to human health or the environment, ~~in which~~
2 ease. In the case of such an imminent threat, or in a case in which
3 the person responsible for the spill declines or fails to secure the
4 services of a licensed highway remediation service within a
5 reasonable time, a law enforcement officer or municipal fire chief
6 may contact any available highway remediation and cleanup service
7 operator or any other provider of a needed service as the officer or
8 chief deems necessary ~~as safety and time conditions warrant,~~ subject
9 to the provisions of subsection C of Section 2 of this act.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 2-7-406 of Title 27A, unless
12 there is created a duplication in numbering, reads as follows:

13 A. 1. Upon receipt of a list of licensed highway remediation
14 and cleanup service operators from the Department of Environmental
15 Quality, the Department of Public Safety shall place a licensed
16 highway remediation and cleanup service on the Highway Patrol
17 Rotation Log in a geographical area in which the place of business
18 and the primary storage facility of the highway remediation and
19 cleanup service are located. Upon request of a licensed highway
20 remediation and cleanup service operator, the Department of Public
21 Safety may place the highway remediation and cleanup service on the
22 Highway Patrol Rotation Log in a geographical area adjacent to the
23 geographical area in which the place of business and the primary
24 storage facility of the highway remediation and cleanup service are

1 | located if the highway remediation and cleanup service is within a
2 | reasonable proximity of the adjacent area. When a highway
3 | remediation and cleanup service is placed on the rotation log, the
4 | Department of Public Safety shall notify the highway remediation and
5 | cleanup service and the troop commanders in that geographical area.

6 | 2. The Commissioner of Public Safety or the Department of
7 | Public Safety shall be responsible for establishing geographical
8 | areas of rotation and for notifying each highway remediation and
9 | cleanup service operator of the geographical areas of rotation to
10 | which the service is assigned, and shall make all rotation logs
11 | available for public inspection.

12 | B. The Department of Public Safety shall not place any highway
13 | remediation and cleanup service operator upon an official rotation
14 | log for the performance of services carried out pursuant to the
15 | request of or at the direction of any law enforcement officer or
16 | municipal fire chief unless the service meets the following
17 | requirements:

- 18 | 1. Principal business facilities are located within Oklahoma;
- 19 | 2. Vehicles are registered and licensed in Oklahoma; and
- 20 | 3. Owner is a resident of the State of Oklahoma or the service
21 | is an Oklahoma corporation.

22 | C. 1. A request by a law enforcement officer or municipal fire
23 | chief for the removal or remediation of a spill of hazardous
24 | materials shall be directed to a licensed highway remediation and

1 cleanup service operator on the rotation log for the geographical
2 area of rotation in which the spill occurred. All licensed highway
3 remediation and cleanup service operators located within a
4 geographical area of rotation shall, as nearly as possible, be
5 called on an equal basis for spills within that geographical area of
6 rotation.

7 2. The Department of Public Safety shall keep rotation logs on
8 all requested cleanups, except where there are insufficient licensed
9 highway remediation or cleanup service operators available to rotate
10 such services. Rotation logs shall be made available for public
11 inspection upon request. Any calls made from cell phones or two-way
12 radios by any law enforcement officer or municipal fire chief to any
13 highway remediation service shall be listed on the rotation or call
14 logs and made available for public inspection.

15 3. The Department of Public Safety shall not remove a licensed
16 highway remediation and cleanup service operator from a rotation log
17 without notification to the highway remediation and cleanup operator
18 stating the reason for removal from the rotation log. A
19 notification for removal from a rotation log shall be mailed to the
20 highway remediation and cleanup service owner at least ten (10) days
21 before removal from the rotation log and shall state the procedure
22 and requirements for reinstatement.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-7-407 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The provisions of the Oklahoma Highway Remediation and
5 Cleanup Services Act shall not apply to discharges or spills from
6 vehicles or cargo at locations or spills from rail transportation,
7 including, but not limited to, highway, street or road intersections
8 or other locations involving railroad tracks.

9 B. The provisions of the Oklahoma Highway Remediation and
10 Cleanup Services Act shall not apply to discharges or spills from
11 vehicles, cargo or electrical equipment under the control of an
12 electric utility.

13 SECTION 4. This act shall become effective July 1, 2009.

14 SECTION 5. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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