

CS for SB 511

THE STATE SENATE
Tuesday, February 17, 2009

Committee Substitute for
Senate Bill No. 511

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 511 - By: Aldridge of the Senate and Wesselhoft of the House.

[environment and natural resources - Oklahoma Highway Remediation and Cleanup Services Act - rotation system for remediation service calls - codification - effective date - emergency]

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

SECTION 1. AMENDATORY Section 6, Chapter 243, O.S.L.

2006 (27A O.S. Supp. 2007, Section 2-7-405), is amended to read as follows:

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 pose an imminent threat to human health or the environment, ~~in which ease.~~ In the case of such an imminent threat, or in a case in which the person responsible for the spill declines or fails to secure the services of a licensed highway remediation service within a reasonable time, a law enforcement officer or municipal fire chief may contact any available highway remediation and cleanup service

1 operator or any other provider of a needed service as the officer or
2 chief deems necessary ~~as safety and time conditions warrant~~, subject
3 to the provisions of subsection C of Section 2 of this act.

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

7 A. 1. Upon receipt of a list of licensed highway remediation
8 and cleanup service operators from the Department of Environmental
9 Quality, the Department of Public Safety shall place a licensed
10 highway remediation and cleanup service on the Highway Patrol
11 Rotation Log in a geographical area in which the place of business
12 and the primary storage facility of the highway remediation and
13 cleanup service are located. Upon request of a licensed highway
14 remediation and cleanup service operator, the Department of Public
15 Safety may place the highway remediation and cleanup service on the
16 Highway Patrol Rotation Log in a geographical area adjacent to the
17 geographical area in which the place of business and the primary
18 storage facility of the highway remediation and cleanup service are
19 located if the highway remediation and cleanup service is within a
20 reasonable proximity of the adjacent area. When a highway
21 remediation and cleanup service is placed on the rotation log, the
22 Department of Public Safety shall notify the highway remediation and
23 cleanup service and the troop commanders in that geographical area.

1 2. The Commissioner of Public Safety or the Department of
2 Public Safety shall be responsible for establishing geographical
3 areas of rotation and for notifying each highway remediation and
4 cleanup service operator of the geographical areas of rotation to
5 which the service is assigned, and shall make all rotation logs
6 available for public inspection.

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

- 13 1. Principal business facilities are located within Oklahoma;
- 14 2. Vehicles are registered and licensed in Oklahoma; and
- 15 3. Owner is a resident of the State of Oklahoma or the service
16 is an Oklahoma corporation.

17 C. 1. A request by a law enforcement officer or municipal fire
18 chief for the removal or remediation of a spill of hazardous
19 materials shall be directed to a licensed highway remediation and
20 cleanup service operator on the rotation log for the geographical
21 area of rotation in which the spill occurred. All licensed highway
22 remediation and cleanup service operators located within a
23 geographical area of rotation shall, as nearly as possible, be

1 called on an equal basis for spills within that geographical area of
2 rotation.

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

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

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

22 A. The provisions of the Oklahoma Highway Remediation and
23 Cleanup Services Act shall not apply to discharges or spills from

1 rail transportation vehicles or cargo at locations including, but
2 not limited to, highway, street or road intersections or other
3 locations involving railroad tracks.

4 B. The provisions of the Oklahoma Highway Remediation and
5 Cleanup Services Act shall not apply to discharges or spills from
6 vehicles, cargo or electrical equipment under the control of an
7 electric utility.

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated
14 2-12-09 - DO PASS, As Amended and Coauthored.