

1 responder shall be responsible for initial evaluation of the
2 incident and implementation of protective action measures.

3 B. As soon as reasonably possible after arriving at the scene
4 of the incident, the first responder shall notify the lead official
5 to respond to ~~such an~~ the incident pursuant to subsection C of this
6 section. The first responder shall maintain ~~such~~ authority to
7 implement protective action measures until the lead official arrives
8 or until the incident is stabilized.

9 C. Each contact agency specified to respond to a dangerous
10 substance incident requiring emergency response shall designate lead
11 officials who shall be capable of responding on a twenty-four-hour
12 basis to ~~such~~ an incident.

13 D. Upon arrival at the incident scene, the lead official will
14 immediately assume responsibility for management of the incident.
15 All other responding emergency persons are to assist the lead
16 official in the discharge of ~~such official's~~ the duties of the
17 official.

18 E. If the first responder or the lead official believes the
19 incident to be of a significant nature to threaten the public
20 health, safety or the environment, the first responder or lead
21 official shall contact the Department of Environmental Quality as
22 soon as is reasonably possible. The Department of Environmental
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1 Quality shall maintain a twenty-four-hour toll free statewide
2 telephone number to report emergencies.

3 F. The Department of Environmental Quality shall, as necessary:

4 1. Provide technical information or advice to the lead
5 official;

6 2. Provide for personnel for assistance in completing material
7 identification;

8 3. Provide technical assistance on or initiate procedures for
9 containment or suppression of the release;

10 4. Provide sampling, and analysis ~~and monitoring~~ of
11 contaminated water or soil after the release has been contained or
12 stabilized;

13 5. Notify the responsible party of the release; and

14 6. Oversee the planning of final containment, cleanup and
15 recovery of dangerous materials.

16 G. The Department of Environmental Quality is authorized when
17 determined to be necessary to protect the public health, safety and
18 welfare of the environment to initiate cleanup operations of the
19 release based upon seriousness of the release, location of the
20 release, threat of the release to the public health and safety or
21 the environment, responsiveness of the responsible party, or
22 authorization of the responsible party. The responsible party shall
23 be liable for any expenses incurred in any cleanup operation.

1 H. 1. Upon the release of dangerous substances requiring
2 protective actions, the responsible party shall take immediate
3 emergency response measures as directed by the lead official
4 assuming responsibilities for management of the incident or the
5 Department of Environmental Quality if contacted by the first
6 responder or lead official pursuant to subsection E of this section.

7 2. If the responsible party fails to take immediate emergency
8 response measures as required pursuant to paragraph 1 of this
9 subsection, the contact agency, the district attorney of the county
10 where the release occurred or the Department of Environmental
11 Quality, as applicable, is authorized to apply for a temporary order
12 to compel the responsible party to take ~~such~~ immediate emergency
13 response measures.

14 I. 1. In not less than four (4) hours nor more than seven (7)
15 days, as determined by the contact agency or the Department of
16 Environmental Quality, as applicable, the responsible party shall
17 provide a written action plan for the proposed cleanup operations to
18 the contact agency and shall initiate cleanup operations.

19 2. The contact agency, the district attorney of the county
20 where the release occurred or the Department of Environmental
21 Quality, as applicable, is authorized to apply for a temporary and
22 permanent court order to compel the responsible party to provide the
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1 written action plan and to abate the release and restore the release
2 site.

3 J. The Department of Environmental Quality shall maintain a
4 list of ~~persons qualified to provide the services necessary to take~~
5 ~~corrective actions to abate and restore release sites~~ licensed
6 highway remediation contractors.

7 K. The lead official may request the Department of Civil
8 Emergency Management to provide state resources in managing an
9 emergency or extreme emergency. If the lead official does not
10 request that the Department of Civil Emergency Management provide
11 state resources in managing an emergency or extreme emergency, the
12 lead official shall notify the Department of Civil Emergency
13 Management after the emergency or extreme emergency no longer poses
14 an immediate threat to the public's health or safety or the
15 environment of the release of dangerous substances.

16 L. The Department of Civil Emergency Management shall keep a
17 record of each emergency or extreme emergency which includes but is
18 not limited to the location, first responder, lead official, type of
19 emergency or extreme emergency, and actions taken to address said
20 emergency or extreme emergency.

21 M. At the request of the contact agency, the Department of
22 Civil Emergency Management shall provide assistance to the contact
23 agency, in either reviewing the emergency procedure or emergency

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1 management plan used in managing the completed emergency or extreme
2 emergency within the ~~contact agency's~~ jurisdiction of the contact
3 agency.

4 SECTION 2. AMENDATORY 27A O.S. 2001, Section 4-2-102, is
5 amended to read as follows:

6 Section 4-2-102. A. For purposes of implementing the
7 provisions of Title III of the federal Superfund Amendments and
8 Reauthorization Act of 1986, the Governor shall appoint or designate
9 the members of the Oklahoma Hazardous Materials Emergency Response
10 Commission.

11 B. The Oklahoma Hazardous Materials Emergency Response
12 Commission, shall include at a minimum:

13 1. The Secretary of Safety and Security or designee;

14 2. The Commissioner of the Department of Public Safety or
15 designee;

16 3. The State Fire Marshal;

17 4. The Executive Director of the Department of Environmental
18 Quality or designee;

19 5. The Director of the Department of Civil Emergency Management
20 or designee;

21 6. One member representing the response community for a term of
22 three (3) years; and

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1 7. One member representing regulated industries for a three-
2 year term, except the initial appointment shall only be for a two-
3 year term.

4 C. An appointment shall be made by the Governor within ninety
5 (90) days after the expiration of the term of any member due to
6 resignation, death, or any cause resulting in an unexpired term. If
7 no appointment is made within that ninety-day period, the Commission
8 may appoint a provisional member to serve in the interim until the
9 Governor acts.

10 D. The Commission shall have the power and duty to:

11 1. Appoint a chairman and vice-chairman;

12 2. Execute a Memorandum of Understanding subject to the
13 Administrative Procedures Act with each member agency to designate
14 responsibilities and conduct studies;

15 3. Require reports or plans from member agencies;

16 4. Advise, consult and coordinate with other agencies of the
17 state and federal government;

18 5. Ensure that the State of Oklahoma remains in compliance with
19 the requirements of Title III of the Superfund Amendments and
20 Reauthorization Act;

21 6. Coordinate administrative penalties;

22 7. Coordinate development of annual budgets for each member
23 agency's respective costs for administration and implementation of
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1 its responsibilities pursuant to the Oklahoma Hazardous Materials
2 Planning and Notification Act; and

3 8. ~~Supervise and coordinate the activities of~~ Coordinate with
4 the local emergency planning committees.

5 E. On behalf of the Oklahoma Hazardous Materials Emergency
6 Response Commission, member agencies shall have the following
7 responsibilities:

8 1. The Oklahoma Department of Environmental Quality shall:

9 a. provide administrative support to the Oklahoma
10 Hazardous Materials Emergency Response Commission,

11 b. review the activities of the local emergency planning
12 committees, and serve as liaison between the Oklahoma
13 Hazardous Materials Emergency Response Commission, the
14 local emergency planning committees, and federal
15 agencies, except as related to training funds from the
16 federal emergency management agency,

17 c. administer a notification program pursuant to federal
18 requirements for emergency releases of extremely
19 hazardous substances and hazardous substances as
20 identified by the federal Environmental Protection
21 Agency. ~~Such notification~~ Notification shall include
22 immediate notice of the release and written follow-up
23 notice of response actions taken, risk analyses, and

1 advice concerning medical treatment for exposure, and
2 shall include releases from facilities subject to
3 Title III of the Superfund Amendments and
4 Reauthorization Act. ~~Such~~ The notification
5 requirements shall be in addition to those required by
6 other agencies,

7 d. administer and enforce the reporting requirements of
8 Title III of the Superfund Amendments and
9 Reauthorization Act pertaining to emergency planning
10 notification, material safety data sheets, chemical
11 lists, emergency and hazardous chemical inventory
12 forms, and toxic chemical release forms,

13 e. serve as the industrial liaison and the repository for
14 required information,

15 f. perform such environmental services as are necessary
16 to validate required reports, and

17 g. receive and respond to requests for information under
18 the Oklahoma Open Records Act;

19 2. The Oklahoma Department of Civil Emergency Management shall:

20 a. administer and enforce the planning requirements of
21 Title III of the Superfund Amendments and
22 Reauthorization Act of 1986,

1 b. receive and review emergency plans submitted by local
2 emergency planning committees, make recommendations on
3 revisions to ~~such~~ the plans for coordination purposes,
4 and facilitate the training for and the implementation
5 of ~~such~~ the plans, and

6 c. facilitate emergency training programs for local
7 emergency planning committees.

8 F. Each member agency of the Oklahoma Hazardous Materials
9 Emergency Response Commission shall have the power and duty,
10 relative to its respective Commission responsibilities, to:

11 1. Require reports and plans;

12 2. Prescribe rules and regulations consistent with Title III of
13 the Superfund Amendments and Reauthorization Act. Any rule or
14 regulation promulgated by any member agency pursuant to the Oklahoma
15 Hazardous Materials Planning and Notification Act shall not be more
16 stringent than any ~~such~~ federal act;

17 3. Adopt federal rules. Any rule or regulation promulgated by
18 any member agency pursuant to the provisions of the Oklahoma
19 Hazardous Materials Planning and Notification Act shall not be more
20 stringent than any such federal rules;

21 4. Cause investigations, inquiries and inspections;

22 5. Prescribe penalties;

23 6. Assess administrative penalties;

1 7. Cause prosecution;

2 8. Accept, use, disburse and administer grants, allotments,
3 gifts, devises for the purposes of facilitating emergency response
4 performance in the state;

5 9. Provide public information as requested regarding emergency
6 response implementation in the state; and

7 10. Work with other agencies where applicable, to eliminate
8 redundancy in the reporting requirements of the various state,
9 federal and local agencies enforcing hazardous materials handling,
10 storage, spills and training.

11 G. Any person violating any provision of the Oklahoma Hazardous
12 Materials Planning and Notification Act shall be deemed guilty of a
13 misdemeanor, and upon conviction thereof, shall be punishable by a
14 fine of not more than Ten Thousand Dollars (\$10,000.00), or by
15 imprisonment for not more than one (1) year, or by both such fine
16 and imprisonment.

17 H. The Oklahoma Hazardous Materials Emergency Response
18 Commission shall:

19 1. Designate emergency planning districts to facilitate
20 preparation and implementation of emergency plans; and

21 2. Appoint members of a local emergency planning committee for
22 each emergency planning district.

1 SECTION 3. This act shall become effective November 1, 2011.

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3 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE, WILDLIFE AND
4 ENVIRONMENT, dated 03-02-2011 - DO PASS, As Coauthored.
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