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AS AMENDED

By: Pfeiffer of the House

Fields of the Senate

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1 responsibilities specified by this section is hereby superseded.
2 The provisions of this subsection shall not nullify any financial
3 obligation arising from services rendered pursuant to any
4 interagency agreement or executive order entered into prior to July
5 1, 1993, nor nullify any obligations or agreements with private
6 persons or parties entered into with any state environmental agency
7 before July 1, 1993.

8 B. Department of Environmental Quality. The Department of
9 Environmental Quality shall have the following jurisdictional areas
10 of environmental responsibility:

11 1. All point source discharges of pollutants and storm water to
12 waters of the state which originate from municipal, industrial,
13 commercial, mining, transportation and utilities, construction,
14 trade, real estate and finance, services, public administration,
15 manufacturing and other sources, facilities and activities, except
16 as provided in subsections D and E of this section;

17 2. All nonpoint source discharges and pollution except as
18 provided in subsections D, E and F of this section;

19 3. Technical lead agency for point source, nonpoint source and
20 storm water pollution control programs funded under Section 106 of
21 the federal Clean Water Act, for areas within the Department's
22 jurisdiction as provided in this subsection;

23 4. Surface water and groundwater quality and protection and
24 water quality certifications;

1 5. Waterworks and wastewater works operator certification;
2 6. Public and private water supplies;
3 7. Underground injection control pursuant to the federal Safe
4 Drinking Water Act and 40 CFR Parts 144 through 148, except for:
5 a. Class II injection wells,
6 b. Class V injection wells utilized in the remediation of
7 groundwater associated with underground or aboveground
8 storage tanks regulated by the Corporation Commission,
9 c. those wells used for the recovery, injection or
10 disposal of mineral brines as defined in the Oklahoma
11 Brine Development Act regulated by the Commission, and
12 d. any aspect of any CO₂ sequestration facility, including
13 any associated CO₂ injection well, over which the
14 Commission is given jurisdiction pursuant to the
15 Oklahoma Carbon Capture and Geologic Sequestration
16 Act;
17 8. Notwithstanding any other provision in this section or other
18 environmental jurisdiction statute, sole and exclusive jurisdiction
19 for air quality under the federal Clean Air Act and applicable state
20 law, except for indoor air quality and asbestos as regulated for
21 worker safety by the federal Occupational Safety and Health Act and
22 by Chapter 11 of Title 40 of the Oklahoma Statutes;
23 9. Hazardous waste and solid waste, including industrial,
24 commercial and municipal waste;

1 10. Superfund responsibilities of the state under the
2 Comprehensive Environmental Response, Compensation and Liability Act
3 of 1980 and amendments thereto, except the planning requirements of
4 Title III of the Superfund Amendment and Reauthorization Act of
5 1986;

6 11. Radioactive waste and all regulatory activities for the use
7 of atomic energy and sources of radiation except for electronic
8 products used for diagnosis by diagnostic x-ray facilities and
9 electronic products used for bomb detection by public safety bomb
10 squads within law enforcement agencies of this state or within law
11 enforcement agencies of any political subdivision of this state;

12 12. Water, waste, and wastewater treatment systems including,
13 but not limited to, septic tanks or other public or private waste
14 disposal systems;

15 13. Emergency response as specified by law;

16 14. Environmental laboratory services and laboratory
17 certification;

18 15. Hazardous substances other than branding, package and
19 labeling requirements;

20 16. Freshwater wellhead protection;

21 17. Groundwater protection for activities subject to the
22 jurisdictional areas of environmental responsibility of the
23 Department;

1 18. Utilization and enforcement of Oklahoma Water Quality
2 Standards and implementation documents;

3 19. Environmental regulation of any entity or activity, and the
4 prevention, control and abatement of any pollution, not subject to
5 the specific statutory authority of another state environmental
6 agency;

7 20. Development and maintenance of a computerized information
8 system relating to water quality pursuant to Section 1-4-107 of this
9 title; ~~and~~

10 21. Development and promulgation of a Water Quality Standards
11 Implementation Plan pursuant to Section 1-1-202 of this title for
12 its jurisdictional area of environmental responsibility; and

13 22. Development and promulgation of a program for the treatment
14 and testing of spent foundry sand and the transfer of that sand from
15 refineries to the Oklahoma Department of Transportation for use on
16 roadways and for other beneficial uses. As used in this paragraph,
17 "spent foundry sand" means used silica sand and binders generated by
18 the metal-casting industry, which uses silica sand molds in the
19 production of metal products, that can no longer be used to cast
20 molds.

21 C. Oklahoma Water Resources Board. The Oklahoma Water
22 Resources Board shall have the following jurisdictional areas of
23 environmental responsibility:
24

- 1 1. Water quantity including, but not limited to, water rights,
2 surface water and underground water, planning, and interstate stream
3 compacts;
- 4 2. Weather modification;
- 5 3. Dam safety;
- 6 4. Flood plain management;
- 7 5. State water/wastewater loans and grants revolving fund and
8 other related financial aid programs;
- 9 6. Administration of the federal State Revolving Fund Program
10 including, but not limited to, making application for and receiving
11 capitalization grant awards, wastewater prioritization for funding,
12 technical project reviews, environmental review process, and
13 financial review and administration;
- 14 7. Water well drillers/pump installers licensing;
- 15 8. Technical lead agency for clean lakes eligible for funding
16 under Section 314 of the federal Clean Water Act or other applicable
17 sections of the federal Clean Water Act or other subsequent state
18 and federal clean lakes programs; administration of a state program
19 for assessing, monitoring, studying and restoring Oklahoma lakes
20 with administration to include, but not be limited to, receipt and
21 expenditure of funds from federal, state and private sources for
22 clean lakes and implementation of a volunteer monitoring program to
23 assess and monitor state water resources, provided such funds from
24

1 federal Clean Water Act sources are administered and disbursed by
2 the Office of the Secretary of Environment;

3 9. Statewide water quality standards and their accompanying use
4 support assessment protocols, anti-degradation policy and
5 implementation, and policies generally affecting Oklahoma Water
6 Quality Standards application and implementation including but not
7 limited to mixing zones, low flows and variances or any modification
8 or change thereof pursuant to Section 1085.30 of Title 82 of the
9 Oklahoma Statutes;

10 10. Groundwater protection for activities subject to the
11 jurisdictional areas of environmental responsibility of the Board;

12 11. Development and promulgation of a Water Quality Standards
13 Implementation Plan pursuant to Section 1-1-202 of this title for
14 its jurisdictional area of environmental responsibility;

15 12. Development of classifications and identification of
16 permitted uses of groundwater, in recognized water rights, and
17 associated groundwater recharge areas;

18 13. Establishment and implementation of a statewide beneficial
19 use monitoring program for waters of the state in coordination with
20 the other state environmental agencies;

21 14. Coordination with other state environmental agencies and
22 other public entities of water resource investigations conducted by
23 the federal United States Geological Survey for water quality and
24 quantity monitoring in the state; and

1 15. Development and submission of a report concerning the
2 status of water quality monitoring in this state pursuant to Section
3 1-1-202 of this title.

4 D. Oklahoma Department of Agriculture, Food, and Forestry.

5 1. The Oklahoma Department of Agriculture, Food, and Forestry
6 shall have the following jurisdictional areas of environmental
7 responsibility except as provided in paragraph 2 of this subsection:

8 a. point source discharges and nonpoint source runoff
9 from agricultural crop production, agricultural
10 services, livestock production, silviculture, feed
11 yards, livestock markets and animal waste,

12 b. pesticide control,

13 c. forestry and nurseries,

14 d. fertilizer,

15 e. facilities which store grain, feed, seed, fertilizer
16 and agricultural chemicals,

17 f. dairy waste and wastewater associated with milk
18 production facilities,

19 g. groundwater protection for activities subject to the
20 jurisdictional areas of environmental responsibility
21 of the Department,

22 h. utilization and enforcement of Oklahoma Water Quality
23 Standards and implementation documents,
24

- 1 i. development and promulgation of a Water Quality
2 Standards Implementation Plan pursuant to Section 1-1-
3 202 of this title for its jurisdictional areas of
4 environmental responsibility, and
- 5 j. storm water discharges for activities subject to the
6 jurisdictional areas of environmental responsibility
7 of the Department.

8 2. In addition to the jurisdictional areas of environmental
9 responsibility specified in subsection B of this section, the
10 Department of Environmental Quality shall have environmental
11 jurisdiction over:

- 12 a. (1) commercial manufacturers of fertilizers, grain
13 and feed products, and chemicals, and over
14 manufacturing of food and kindred products,
15 tobacco, paper, lumber, wood, textile mill and
16 other agricultural products,
- 17 (2) slaughterhouses, but not including feedlots at
18 these facilities, and
- 19 (3) aquaculture and fish hatcheries,
20 including, but not limited to, discharges of pollutants
21 and storm water to waters of the state, surface
22 impoundments and land application of wastes and
23 sludge, and other pollution originating at these
24 facilities, and

1 b. facilities which store grain, feed, seed, fertilizer,
2 and agricultural chemicals that are required by
3 federal NPDES regulations to obtain a permit for storm
4 water discharges shall only be subject to the
5 jurisdiction of the Department of Environmental
6 Quality with respect to such storm water discharges.

7 E. Corporation Commission.

8 1. The Corporation Commission is hereby vested with exclusive
9 jurisdiction, power and authority, and it shall be its duty to
10 promulgate and enforce rules, and issue and enforce orders governing
11 and regulating:

- 12 a. the conservation of oil and gas,
13 b. field operations for geologic and geophysical
14 exploration for oil, gas and brine, including seismic
15 survey wells, stratigraphic test wells and core test
16 wells,
17 c. the exploration, drilling, development, producing or
18 processing for oil and gas on the lease site,
19 d. the exploration, drilling, development, production and
20 operation of wells used in connection with the
21 recovery, injection or disposal of mineral brines,
22 e. reclaiming facilities only for the processing of salt
23 water, crude oil, natural gas condensate and tank
24 bottoms or basic sediment from crude oil tanks,

1 pipelines, pits and equipment associated with the
2 exploration, drilling, development, producing or
3 transportation of oil or gas,

4 f. underground injection control pursuant to the federal
5 Safe Drinking Water Act and 40 CFR Parts 144 through
6 148, of:

7 (1) Class II injection wells,

8 (2) Class V injection wells utilized in the
9 remediation of groundwater associated with
10 underground or aboveground storage tanks
11 regulated by the Commission,

12 (3) those wells used for the recovery, injection or
13 disposal of mineral brines as defined in the
14 Oklahoma Brine Development Act, and

15 (4) any aspect of any CO₂ sequestration facility,
16 including any associated CO₂ injection well, over
17 which the Commission is given jurisdiction
18 pursuant to the Oklahoma Carbon Capture and
19 Geologic Sequestration Act.

20 Any substance that the United States Environmental
21 Protection Agency allows to be injected into a Class
22 II well may continue to be so injected,

23 g. tank farms for storage of crude oil and petroleum
24 products which are located outside the boundaries of

1 refineries, petrochemical manufacturing plants,
2 natural gas liquid extraction plants, or other
3 facilities which are subject to the jurisdiction of
4 the Department of Environmental Quality with regard to
5 point source discharges,

6 h. the construction and operation of pipelines and
7 associated rights-of-way, equipment, facilities or
8 buildings used in the transportation of oil, gas,
9 petroleum, petroleum products, anhydrous ammonia or
10 mineral brine, or in the treatment of oil, gas or
11 mineral brine during the course of transportation but
12 not including line pipes in any:

13 (1) natural gas liquids extraction plant,

14 (2) refinery,

15 (3) reclaiming facility other than for those
16 specified within subparagraph e of this
17 subsection,

18 (4) mineral brine processing plant, and

19 (5) petrochemical manufacturing plant,

20 i. the handling, transportation, storage and disposition
21 of saltwater, mineral brines, waste oil and other
22 deleterious substances produced from or obtained or
23 used in connection with the drilling, development,
24 producing and operating of oil and gas wells, at:

1 (1) any facility or activity specifically listed in
2 paragraphs 1 and 2 of this subsection as being
3 subject to the jurisdiction of the Commission,
4 and

5 (2) other oil and gas extraction facilities and
6 activities,

7 j. spills of deleterious substances associated with
8 facilities and activities specified in paragraph 1 of
9 this subsection or associated with other oil and gas
10 extraction facilities and activities,

11 k. subsurface storage of oil, natural gas and liquefied
12 petroleum gas in geologic strata,

13 l. groundwater protection for activities subject to the
14 jurisdictional areas of environmental responsibility
15 of the Commission,

16 m. utilization and enforcement of Oklahoma Water Quality
17 Standards and implementation documents, and

18 n. development and promulgation of a Water Quality
19 Standards Implementation Plan pursuant to Section 1-1-
20 202 of this title for its jurisdictional areas of
21 environmental responsibility.

22 2. The exclusive jurisdiction, power and authority of the
23 Commission shall also extend to the construction, operation,
24 maintenance, site remediation, closure and abandonment of the

1 facilities and activities described in paragraph 1 of this
2 subsection.

3 3. When a deleterious substance from a Commission-regulated
4 facility or activity enters a point source discharge of pollutants
5 or storm water from a facility or activity regulated by the
6 Department of Environmental Quality, the Department shall have sole
7 jurisdiction over the point source discharge of the commingled
8 pollutants and storm water from the two facilities or activities
9 insofar as Department-regulated facilities and activities are
10 concerned.

11 4. For purposes of the federal Clean Water Act, any facility or
12 activity which is subject to the jurisdiction of the Commission
13 pursuant to paragraph 1 of this subsection and any other oil and gas
14 extraction facility or activity which requires a permit for the
15 discharge of a pollutant or storm water to waters of the United
16 States shall be subject to the direct jurisdiction of the federal
17 Environmental Protection Agency and shall not be required to be
18 permitted by the Department of Environmental Quality or the
19 Commission for such discharge.

20 5. The Commission shall have jurisdiction over:

- 21 a. underground storage tanks that contain antifreeze,
22 motor oil, motor fuel, gasoline, kerosene, diesel, or
23 aviation fuel and that are not located at refineries
24 or at the upstream or intermediate shipment points of

1 pipeline operations, including, but not limited to,
2 tanks from which these materials are dispensed into
3 vehicles, or tanks used in wholesale or bulk
4 distribution activities, as well as leaks from pumps,
5 hoses, dispensers, and other ancillary equipment
6 associated with the tanks, whether above the ground or
7 below; provided, that any point source discharge of a
8 pollutant to waters of the United States during site
9 remediation or the off-site disposal of contaminated
10 soil, media, or debris shall be regulated by the
11 Department of Environmental Quality,

- 12 b. aboveground storage tanks that contain antifreeze,
13 motor oil, motor fuel, gasoline, kerosene, diesel, or
14 aviation fuel and that are not located at refineries
15 or at the upstream or intermediate shipment points of
16 pipeline operations, including, but not limited to,
17 tanks from which these materials are dispensed into
18 vehicles, or tanks used in wholesale or bulk
19 distribution activities, as well as leaks from pumps,
20 hoses, dispensers, and other ancillary equipment
21 associated with the tanks, whether above the ground or
22 below; provided, that any point source discharge of a
23 pollutant to waters of the United States during site
24 remediation or the off-site disposal of contaminated

1 soil, media, or debris shall be regulated by the
2 Department of Environmental Quality, and

3 c. the Petroleum Storage Tank Release Environmental
4 Cleanup Indemnity Fund, the Oklahoma Petroleum Storage
5 Tank Release Indemnity Program, and the Oklahoma
6 Leaking Underground Storage Tank Trust Fund.

7 6. The Department of Environmental Quality shall have sole
8 jurisdiction to regulate the transportation, discharge or release of
9 deleterious substances or solid or hazardous waste or other
10 pollutants from rolling stock and rail facilities. The Department
11 of Environmental Quality shall not have any jurisdiction with
12 respect to pipeline transportation of carbon dioxide.

13 7. The Department of Environmental Quality shall have sole
14 environmental jurisdiction for point and nonpoint source discharges
15 of pollutants and storm water to waters of the state from:

16 a. refineries, petrochemical manufacturing plants and
17 natural gas liquid extraction plants,

18 b. manufacturing of equipment and products related to oil
19 and gas,

20 c. bulk terminals, aboveground and underground storage
21 tanks not subject to the jurisdiction of the
22 Commission pursuant to this subsection, and

23 d. other facilities, activities and sources not subject
24 to the jurisdiction of the Commission or the Oklahoma

1 Department of Agriculture, Food, and Forestry as
2 specified by this section.

3 8. The Department of Environmental Quality shall have sole
4 environmental jurisdiction to regulate air emissions from all
5 facilities and sources subject to operating permit requirements
6 under Title V of the federal Clean Air Act as amended.

7 F. Oklahoma Conservation Commission. The Oklahoma Conservation
8 Commission shall have the following jurisdictional areas of
9 environmental responsibility:

10 1. Soil conservation, erosion control and nonpoint source
11 management except as otherwise provided by law;

12 2. Monitoring, evaluation and assessment of waters to determine
13 the condition of streams and rivers being impacted by nonpoint
14 source pollution. In carrying out this area of responsibility, the
15 Oklahoma Conservation Commission shall serve as the technical lead
16 agency for nonpoint source categories as defined in Section 319 of
17 the federal Clean Water Act or other subsequent federal or state
18 nonpoint source programs, except for activities related to
19 industrial and municipal storm water or as otherwise provided by
20 state law;

21 3. Wetlands strategy;

22 4. Abandoned mine reclamation;

23 5. Cost-share program for land use activities;
24

1 6. Assessment and conservation plan development and
2 implementation in watersheds of clean lakes, as specified by law;

3 7. Complaint data management;

4 8. Coordination of environmental and natural resources
5 education;

6 9. Federal upstream flood control program;

7 10. Groundwater protection for activities subject to the
8 jurisdictional areas of environmental responsibility of the
9 Commission;

10 11. Development and promulgation of a Water Quality Standards
11 Implementation Plan pursuant to Section 1-1-202 of this title for
12 its jurisdictional areas of environmental responsibility;

13 12. Utilization of Oklahoma Water Quality Standards and
14 Implementation documents; and

15 13. Verification and certification of carbon sequestration
16 pursuant to the Oklahoma Carbon Sequestration Enhancement Act. This
17 responsibility shall not be superseded by the Oklahoma Carbon
18 Capture and Geologic Sequestration Act.

19 G. Department of Mines. The Department of Mines shall have the
20 following jurisdictional areas of environmental responsibility:

21 1. Mining regulation;

22 2. Mining reclamation of active mines;

1 3. Groundwater protection for activities subject to the
2 jurisdictional areas of environmental responsibility of the
3 Commission; and

4 4. Development and promulgation of a Water Quality Standards
5 Implementation Plan pursuant to Section 1-1-202 of this title for
6 its jurisdictional areas of responsibility.

7 H. Department of Wildlife Conservation. The Department of
8 Wildlife Conservation shall have the following jurisdictional areas
9 of environmental responsibilities:

10 1. Investigating wildlife kills;

11 2. Wildlife protection and seeking wildlife damage claims; and

12 3. Development and promulgation of a Water Quality Standards
13 Implementation Plan pursuant to Section 1-1-202 of this title for
14 its jurisdictional areas of environmental responsibility.

15 I. Department of Public Safety. The Department of Public
16 Safety shall have the following jurisdictional areas of
17 environmental responsibilities:

18 1. Hazardous waste, substances and material transportation
19 inspections as authorized by the Hazardous Materials Transportation
20 Act; and

21 2. Inspection and audit activities of hazardous waste and
22 materials carriers and handlers as authorized by the Hazardous
23 Materials Transportation Act.

1 J. Department of Labor. The Department of Labor shall have the
2 following jurisdictional areas of environmental responsibility:

3 1. Regulation of asbestos in the workplace pursuant to Chapter
4 11 of Title 40 of the Oklahoma Statutes;

5 2. Asbestos monitoring in public and private buildings; and

6 3. Indoor air quality as regulated under the authority of the
7 Oklahoma Occupational Health and Safety Standards Act, except for
8 those indoor air quality issues specifically authorized to be
9 regulated by another agency.

10 Such programs shall be a function of the Department's
11 occupational safety and health jurisdiction.

12 K. Oklahoma Department of Emergency Management. The Oklahoma
13 Department of Emergency Management shall have the following
14 jurisdictional areas of environmental responsibilities:

15 1. Coordination of all emergency resources and activities
16 relating to threats to citizens' lives and property pursuant to the
17 Oklahoma Emergency Resources Management Act of 1967;

18 2. Administer and enforce the planning requirements of Title
19 III of the Superfund Amendments and Reauthorization Act of 1986 and
20 develop such other emergency operations plans that will enable the
21 state to prepare for, respond to, recover from and mitigate
22 potential environmental emergencies and disasters pursuant to the
23 Oklahoma Hazardous Materials Planning and Notification Act;

1 3. Administer and conduct periodic exercises of emergency
2 operations plans provided for in this subsection pursuant to the
3 Oklahoma Emergency Resources Management Act of 1967;

4 4. Administer and facilitate hazardous materials training for
5 state and local emergency planners and first responders pursuant to
6 the Oklahoma Emergency Resources Management Act of 1967; and

7 5. Maintain a computerized emergency information system
8 allowing state and local access to information regarding hazardous
9 materials' location, quantity and potential threat.

10 SECTION 2. This act shall become effective November 1, 2017.

11 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
12 April 11, 2017 - DO PASS AS AMENDED
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