

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1492

By: Newton

AS INTRODUCED

An Act relating to environment and natural resources;
amending 27A O.S. 2011, Section 4-2-102, which
relates to the Oklahoma Hazardous Materials Emergency
Response Commission; adding designee for State Fire
Marshall; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 4-2-102, is
amended to read as follows:

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

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

1. The Secretary of Safety and Security or designee;
2. The Commissioner of the Department of Public Safety or
designee;

1 3. The State Fire Marshal or designee;

2 4. The Executive Director of the Department of Environmental
3 Quality or designee;

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

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

8 7. One member representing regulated industries for a three-
9 year term, except the initial appointment shall only be for a two-
10 year term.

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

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

18 1. Appoint a chairman and vice-chairman;

19 2. Execute a Memorandum of Understanding subject to the
20 Administrative Procedures Act with each member agency to designate
21 responsibilities and conduct studies;

22 3. Require reports or plans from member agencies;

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

1 5. Ensure that the State of Oklahoma remains in compliance with
2 the requirements of Title III of the Superfund Amendments and
3 Reauthorization Act;

4 6. Coordinate administrative penalties;

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

9 8. Coordinate with the local emergency planning committees.

10 E. On behalf of the Oklahoma Hazardous Materials Emergency
11 Response Commission, member agencies shall have the following
12 responsibilities:

13 1. The Oklahoma Department of Environmental Quality shall:

14 a. provide administrative support to the Oklahoma
15 Hazardous Materials Emergency Response Commission,

16 b. review the activities of the local emergency planning
17 committees, and serve as liaison between the Oklahoma
18 Hazardous Materials Emergency Response Commission, the
19 local emergency planning committees, and federal
20 agencies, except as related to training funds from the
21 federal emergency management agency,

22 c. administer a notification program pursuant to federal
23 requirements for emergency releases of extremely
24 hazardous substances and hazardous substances as

1 identified by the federal Environmental Protection
2 Agency. Notification shall include immediate notice
3 of the release and written follow-up notice of
4 response actions taken, risk analyses, and advice
5 concerning medical treatment for exposure, and shall
6 include releases from facilities subject to Title III
7 of the Superfund Amendments and Reauthorization Act.
8 The notification requirements shall be in addition to
9 those required by other agencies,

- 10 d. administer and enforce the reporting requirements of
11 Title III of the Superfund Amendments and
12 Reauthorization Act pertaining to emergency planning
13 notification, material safety data sheets, chemical
14 lists, emergency and hazardous chemical inventory
15 forms, and toxic chemical release forms,
- 16 e. serve as the industrial liaison and the repository for
17 required information,
- 18 f. perform such environmental services as are necessary
19 to validate required reports, and
- 20 g. receive and respond to requests for information under
21 the Oklahoma Open Records Act;

22 2. The Oklahoma Department of Civil Emergency Management shall:
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- a. administer and enforce the planning requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986,
- b. receive and review emergency plans submitted by local emergency planning committees, make recommendations on revisions to the plans for coordination purposes, and facilitate the training for and the implementation of the plans, and
- c. facilitate emergency training programs for local emergency planning committees.

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

1. Require reports and plans;
2. Prescribe rules and regulations consistent with Title III of the Superfund Amendments and Reauthorization Act. Any rule or regulation promulgated by any member agency pursuant to the Oklahoma Hazardous Materials Planning and Notification Act shall not be more stringent than any federal act;
3. Adopt federal rules. Any rule or regulation promulgated by any member agency pursuant to the provisions of the Oklahoma Hazardous Materials Planning and Notification Act shall not be more stringent than any such federal rules;
4. Cause investigations, inquiries and inspections;

1 5. Prescribe penalties;

2 6. Assess administrative penalties;

3 7. Cause prosecution;

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

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

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

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

19 H. The Oklahoma Hazardous Materials Emergency Response
20 Commission shall:

21 1. Designate emergency planning districts to facilitate
22 preparation and implementation of emergency plans; and

23 2. Appoint members of a local emergency planning committee for
24 each emergency planning district.

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

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