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February 13, 2020

AS AMENDED

SENATE BILL NO. 1226

By: Allen of the Senate

and

O'Donnell of the House

[Department of Environmental Quality - Pollution
Prevention Program - effective date]

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-3-106, is amended to read as follows:

Section 2-3-106. As used in ~~this act~~ Section 2-3-105 et seq. of
this title and the Oklahoma Environmental Quality Act and the
Oklahoma Environmental Quality Code, unless otherwise specified:

1. "Pollution prevention" means any practice which reduces or eliminates at the source the use of any hazardous substance or amount of any pollutant or contaminant prior to recycling, treatment or disposal, and reduces the hazards to public health and the environment associated with the use or release or both of such substances, pollutants or contaminants~~7~~, including but not limited to modifying production processes, promoting the use of nontoxic or

1 less toxic substances, implementing conservation techniques and
2 reusing materials; and

3 2. The term "pollution prevention" shall not include or in any
4 way be construed to promote or require substitution of one hazardous
5 waste for another, treatment, increased pollution control, off-site
6 recycling, or incineration.

7 SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-3-107, is
8 amended to read as follows:

9 Section 2-3-107. A. It shall be the duty of the Pollution
10 Prevention Program within the Department of Environmental Quality to
11 create a cooperative partnership among the business community,
12 municipalities, agencies of the state, the environmental community
13 and the Department of Environmental Quality Advisory Councils
14 created pursuant to Section 2-2-201 of this title and all other
15 state environmental agencies in which technical assistance,
16 outreach, and education activities are coordinated and conducted to
17 achieve pollution prevention, waste minimization and source
18 reduction.

19 B. The Pollution Prevention Program is hereby authorized to and
20 may:

21 1. Encourage and assist facilities using toxic or hazardous
22 substances to engage in comprehensive pollution prevention planning
23 and develop measurable performance goals;

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1 2. Offer and provide technical assistance, including audits, to
2 the users and generators of toxic or hazardous substances; provided,
3 however, the Program shall not duplicate services readily available
4 in the private sector;

5 3. Promote pollution prevention as the preferred means for
6 achieving compliance with the laws of this state and shall further
7 encourage all agencies and political subdivisions of the State of
8 Oklahoma to strongly pursue pollution prevention goals;

9 4. Promote research in toxics use reduction in order to spur
10 public and private investment in pollution prevention;

11 5. Develop and provide curriculum and training on pollution
12 prevention for students and faculty of educational institutions,
13 users and generators of toxic or hazardous substances and agencies
14 of the State of Oklahoma and its political subdivisions;

15 6. Sponsor and conduct conferences and workshops on pollution
16 prevention for specific classes of business or industry; and

17 7. Compile, organize and make information available for
18 distribution on pollution prevention.

19 C. The Pollution Prevention Program may develop an award and a
20 recognition program for the purpose of promoting pollution
21 prevention activities among businesses and governmental entities.

22 D. 1. The Pollution Prevention Program shall not make
23 available to the Department of Environmental Quality information the
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1 Program obtains in the course of providing technical assistance to a
2 user or generator of toxic or hazardous waste, unless:

3 a. the user or generator agrees that such information may
4 be available to the Department, including voluntary
5 compliance information created pursuant to the
6 Oklahoma Environmental, Health and Safety Audit
7 Privilege Act of Section 1-4-110 et seq. of this
8 title,

9 b. the information is public record information,

10 c. the information pertains to an imminent threat to
11 public health or safety, or to the environment, or

12 d. disclosure to the Department is required by law.

13 2. The Program shall notify users or generators requesting
14 technical assistance of these provisions.

15 3. Any technical assistance or information obtained by the
16 Program shall not result in any regulatory inspections or other
17 enforcement actions unless there is a reasonable cause to believe
18 there exists a clear and imminent threat to the public health or
19 safety or to the environment.

20 E. Positions created pursuant to this article compensated with
21 federal funds shall be contingent upon the procurement of federal
22 funds and shall be terminated when federal support of those
23 positions is discontinued.

SECTION 3. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON ENERGY
February 13, 2020 - DO PASS AS AMENDED