

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1226

By: Allen

AS INTRODUCED

An Act relating to the Department of Environmental Quality; amending 27A O.S. 2011, Sections 2-3-106 and 2-3-107, which relate to the Pollution Prevention Program; updating statutory references; modifying definition of pollution prevention; clarifying entity to which program applies; adding certain exception to program information that shall not be made available to Department of Environmental Quality; and providing an 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

1 substances, pollutants or contaminants~~-,~~ including but not limited
2 to modifying production processes, promoting the use of nontoxic or
3 less toxic substances, implementing conservation techniques and
4 reusing materials; and

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

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

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

21 B. The Pollution Prevention Program is hereby authorized to and
22 may:

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

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

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

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

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

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

20 7. Compile, organize and make information available for
21 distribution on pollution prevention.

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

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

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

11 b. the information is public record information,

12 c. the information pertains to an imminent threat to
13 public health or safety, or to the environment, or

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

15 2. The Program shall notify users or generators requesting
16 technical assistance of these provisions.

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

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

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