

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 502

By: Taylor

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5  
6 AS INTRODUCED

7 An Act relating to environment and natural resources;  
8 amending 27A O.S. 2011, Section 2-7-403, which  
9 relates to highway remediation and cleanup; providing  
10 exception for authority over highway remediation and  
11 cleanup services; amending 17 O.S. 2011, Section 52,  
12 as amended by Section 1, Chapter 77, O.S.L. 2016 (17  
13 O.S. Supp. 2020, Section 52), which relates to the  
14 authorities of the Corporation Commission; providing  
15 definitions; providing authority to Corporation  
16 Commission for certain highway remediation and  
17 cleanup services; and providing an effective date.

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

19 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-7-403, is  
20 amended to read as follows:

21 A. The Department of Environmental Quality shall have the power  
22 and authority to license, supervise, govern and regulate highway  
23 remediation and cleanup services and highway remediation and cleanup  
24 service operators in this state except as provided in Section 2 of  
25 this act.

26 B. The Environmental Quality Board is authorized to adopt rules  
27 as necessary to implement the provisions of this act. The rules

1 shall state the requirements for facilities, for storage of  
2 vehicles, the records to be kept by operators and liability  
3 insurance and other insurance or bonding requirements in such sums  
4 and with such provisions as the Department deems necessary to  
5 adequately protect the interests of the public. The rules may  
6 address such other matters as the Board deems necessary for the  
7 protection of the public.

8 SECTION 2. AMENDATORY 17 O.S. 2011, Section 52, as  
9 amended by Section 1, Chapter 77, O.S.L. 2016 (17 O.S. Supp. 2020,  
10 Section 52), is amended to read as follows:

11 Section 52. A. 1. Except as otherwise provided by this  
12 section, the Corporation Commission is hereby vested with exclusive  
13 jurisdiction, power and authority with reference to:

- 14 a. the conservation of oil and gas,
- 15 b. field operations for geologic and geophysical  
16 exploration for oil, gas and brine, including seismic  
17 survey wells, stratigraphic test wells and core test  
18 wells,
- 19 c. the exploration, drilling, development, producing or  
20 processing for oil and gas on the lease site,
- 21 d. the exploration, drilling, development, production and  
22 operation of wells used in connection with the  
23 recovery, injection or disposal of mineral brines,
- 24

- 1 e. reclaiming facilities only for the processing of salt  
2 water, crude oil, natural gas condensate and tank  
3 bottoms or basic sediment from crude oil tanks,  
4 pipelines, pits and equipment associated with the  
5 exploration, drilling, development, producing or  
6 transportation of oil or gas,
- 7 f. injection wells known as Class II wells under the  
8 federal Underground Injection Control Program, and any  
9 aspect of any CO2 sequestration facility, including  
10 any associated CO2 injection well, over which the  
11 Commission is given jurisdiction pursuant to the  
12 Oklahoma Carbon Capture and Geologic Sequestration  
13 Act. Any substance that the United States  
14 Environmental Protection Agency allows to be injected  
15 into a Class II well may continue to be so injected,
- 16 g. tank farms for storage of crude oil and petroleum  
17 products which are located outside the boundaries of  
18 refineries, petrochemical manufacturing plants,  
19 natural gas liquid extraction plants, or other  
20 facilities which are subject to the jurisdiction of  
21 the Department of Environmental Quality with regard to  
22 point source discharges,
- 23 h. the construction and operation of pipelines and  
24 associated rights-of-way, equipment, facilities or

1 buildings used in the transportation of oil, gas,  
2 petroleum, petroleum products, anhydrous ammonia or  
3 mineral brine, or in the treatment of oil, gas or  
4 mineral brine during the course of transportation but  
5 not including line pipes in any:

6 (1) natural gas liquids extraction plant,

7 (2) refinery,

8 (3) reclaiming facility other than for those  
9 specified within subparagraph e of this  
10 subsection,

11 (4) mineral brine processing plant, and

12 (5) petrochemical manufacturing plant,

13 i. the handling, transportation, storage and disposition  
14 of saltwater, mineral brines, waste oil and other  
15 deleterious substances produced from or obtained or  
16 used in connection with the drilling, development,  
17 producing and operating of oil and gas wells, at:

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

22 (2) other oil and gas extraction facilities and  
23 activities,  
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- 1 j. spills of deleterious substances associated with  
2 facilities and activities specified in paragraph 1 of  
3 this subsection or associated with other oil and gas  
4 extraction facilities and activities, and  
5 k. subsurface storage of oil, natural gas and liquefied  
6 petroleum gas in geologic strata.  
7 l. the licensing, supervising, governing and regulating  
8 of highway remediation and cleanup services and  
9 highway remediation and cleanup service operators in  
10 this state for the remediation of brine and oil, as  
11 defined in this section.

12 2. As used in this section:

- 13 a. "brine" means subterranean saltwater and all of its  
14 constituent parts and chemical substances therein  
15 contained including, but not limited to bromine,  
16 magnesium, potassium, lithium, boron, chlorine,  
17 iodine, calcium, strontium, sodium, sulphur, barium or  
18 other chemical substances produced with or separated  
19 from such saltwater. Brine produced as an incident to  
20 the production of oil or gas, unless such brine is  
21 saved or sold for the purposes of removing chemical  
22 substances therefrom, shall not be considered brine  
23 for the purposes of this act. Gas, whether found in  
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1 solution or otherwise, shall not be included within  
2 the meaning of the term "brine",

3 b. "oil" means crude petroleum oil and all other  
4 hydrocarbons, regardless of gravity, which are  
5 produced in liquid form, but does not include liquid  
6 hydrocarbons which were originally in a gaseous phase  
7 in the reservoir.

8 ~~2.~~ 3. The exclusive jurisdiction, power and authority of the  
9 Corporation Commission shall also extend to the construction,  
10 operation, maintenance, site remediation, closure and abandonment of  
11 the facilities and activities described in paragraph 1 of this  
12 subsection.

13 ~~3.~~ 4. When a deleterious substance from a Commission-regulated  
14 facility or activity enters a point source discharge of pollutants  
15 or storm water from a facility or activity regulated by the  
16 Department of Environmental Quality, the Department shall have sole  
17 jurisdiction over the point source discharge of the commingled  
18 pollutants and storm water from the two facilities or activities  
19 insofar as Department-regulated facilities and activities are  
20 concerned.

21 ~~4.~~ 5. For purposes of the Federal Clean Water Act, any facility  
22 or activity which is subject to the jurisdiction of the Corporation  
23 Commission pursuant to paragraph 1 of this subsection and any other  
24 oil and gas extraction facility or activity which requires a permit  
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1 for the discharge of a pollutant or storm water to waters of the  
2 United States shall be subject to the direct jurisdiction of the  
3 United States Environmental Protection Agency and shall not be  
4 required to be permitted by the Department of Environmental Quality  
5 or the Corporation Commission for such discharge.

6 ~~5.~~ 6. The Corporation Commission shall have jurisdiction over:

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

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

13 c. the Petroleum Storage Tank Release Environmental  
14 Cleanup Indemnity Fund and Program and the Leaking  
15 Underground Storage Tank Trust Fund.

16 ~~6.~~ 7. The Department of Environmental Quality shall have sole  
17 jurisdiction to regulate the transportation, discharge or release of  
18 deleterious substances or hazardous or solid waste or other  
19 pollutants from rolling stock and rail facilities. The Department  
20 of Environmental Quality shall not have any jurisdiction with  
21 respect to pipeline transportation of carbon dioxide.

22 ~~7.~~ 8. The Department of Environmental Quality shall have sole  
23 environmental jurisdiction for point and nonpoint source discharges  
24 of pollutants and storm water to waters of the state from:



- 1 a. refineries, petrochemical manufacturing plants and  
2 natural gas liquid extraction plants,  
3 b. manufacturing of oil and gas related equipment and  
4 products,  
5 c. bulk terminals, aboveground and underground storage  
6 tanks not subject to the jurisdiction of the  
7 Commission pursuant to this subsection, and  
8 d. other facilities, activities and sources not subject  
9 to the jurisdiction of the Corporation Commission or  
10 Department of Agriculture as specified by this  
11 section.

12 ~~8.~~ 9. The Department of Environmental Quality shall have sole  
13 environmental jurisdiction to regulate air emissions from all  
14 facilities and sources subject to operating permit requirements  
15 under Title V of the Federal Clean Air Act as amended.

16 B. The Corporation Commission and incorporated cities and towns  
17 shall have exclusive jurisdiction over permit fees for the drilling  
18 and operation of oil and gas wells.

19 C. The Corporation Commission shall comply with and enforce the  
20 Oklahoma Water Quality Standards.

21 D. For purposes of immediately responding to emergency  
22 situations having potentially critical environmental or public  
23 safety impact and resulting from activities within its jurisdiction,  
24 the Corporation Commission may take whatever action is necessary,  
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1 without notice and hearing, including without limitation the  
2 issuance or execution of administrative agreements by the Oil and  
3 Gas Conservation Division of the Corporation Commission, to promptly  
4 respond to the emergency.

5 SECTION 3. This act shall become effective November 1, 2021.

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7 58-1-329 APW 1/20/2021 8:42:37 AM

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