

1 ENGROSSED HOUSE  
2 BILL NO. 1492

By: Newton of the House

3 and

4 Kidd of the Senate  
5  
6

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

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

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

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

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

- 22 1. The Secretary of Safety and Security or designee;  
23 2. The Commissioner of the Department of Public Safety or  
24 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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24

1 a. administer and enforce the planning requirements of  
2 Title III of the Superfund Amendments and  
3 Reauthorization Act of 1986,

4 b. receive and review emergency plans submitted by local  
5 emergency planning committees, make recommendations on  
6 revisions to the plans for coordination purposes, and  
7 facilitate the training for and the implementation of  
8 the plans, and

9 c. facilitate emergency training programs for local  
10 emergency planning committees.

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

14 1. Require reports and plans;

15 2. Prescribe rules and regulations consistent with Title III of  
16 the Superfund Amendments and Reauthorization Act. Any rule or  
17 regulation promulgated by any member agency pursuant to the Oklahoma  
18 Hazardous Materials Planning and Notification Act shall not be more  
19 stringent than any federal act;

20 3. Adopt federal rules. Any rule or regulation promulgated by  
21 any member agency pursuant to the provisions of the Oklahoma  
22 Hazardous Materials Planning and Notification Act shall not be more  
23 stringent than any such federal rules;

24 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.

