

1 **SENATE FLOOR VERSION**

2 April 3, 2017

3 ENGROSSED HOUSE
4 BILL NO. 1492

By: Newton of the House

5 and

6 Kidd of the Senate

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

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

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

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

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

23 1. The Secretary of Safety and Security or designee;
24

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

3 3. The State Fire Marshal or designee;

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

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

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

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

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

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

20 1. Appoint a chairman and vice-chairman;

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

24 3. Require reports or plans from member agencies;

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

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

6 6. Coordinate administrative penalties;

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

11 8. Coordinate with the local emergency planning committees.

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

15 1. The Oklahoma Department of Environmental Quality shall:

16 a. provide administrative support to the Oklahoma

17 Hazardous Materials Emergency Response Commission,

18 b. review the activities of the local emergency planning

19 committees, and serve as liaison between the Oklahoma

20 Hazardous Materials Emergency Response Commission, the

21 local emergency planning committees, and federal

22 agencies, except as related to training funds from the

23 federal emergency management agency,
24

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

13 d. administer and enforce the reporting requirements of
14 Title III of the Superfund Amendments and
15 Reauthorization Act pertaining to emergency planning
16 notification, material safety data sheets, chemical
17 lists, emergency and hazardous chemical inventory
18 forms, and toxic chemical release forms,

19 e. serve as the industrial liaison and the repository for
20 required information,

21 f. perform such environmental services as are necessary
22 to validate required reports, and

23 g. receive and respond to requests for information under
24 the Oklahoma Open Records Act;

1 2. The Oklahoma Department of Civil Emergency Management shall:

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

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

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

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

15 1. Require reports and plans;

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

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

- 1 4. Cause investigations, inquiries and inspections;
- 2 5. Prescribe penalties;
- 3 6. Assess administrative penalties;
- 4 7. Cause prosecution;
- 5 8. Accept, use, disburse and administer grants, allotments,
- 6 gifts, devises for the purposes of facilitating emergency response
- 7 performance in the state;
- 8 9. Provide public information as requested regarding emergency
- 9 response implementation in the state; and
- 10 10. Work with other agencies where applicable, to eliminate
- 11 redundancy in the reporting requirements of the various state,
- 12 federal and local agencies enforcing hazardous materials handling,
- 13 storage, spills and training.
- 14 G. Any person violating any provision of the Oklahoma Hazardous
- 15 Materials Planning and Notification Act shall be deemed guilty of a
- 16 misdemeanor, and upon conviction thereof, shall be punishable by a
- 17 fine of not more than Ten Thousand Dollars (\$10,000.00), or by
- 18 imprisonment for not more than one (1) year, or by both such fine
- 19 and imprisonment.
- 20 H. The Oklahoma Hazardous Materials Emergency Response
- 21 Commission shall:
- 22 1. Designate emergency planning districts to facilitate
- 23 preparation and implementation of emergency plans; and
- 24

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

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

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
5 April 3, 2017 - DO PASS
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