

1 ENGROSSED SENATE
2 BILL NO. 1226

By: Allen of the Senate

3 and

4 O'Donnell of the House

5
6 [Department of Environmental Quality - Pollution
7 Prevention Program - effective date]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

16 1. "Pollution prevention" means any practice which reduces or
17 eliminates at the source the use of any hazardous substance or
18 amount of any pollutant or contaminant prior to recycling, treatment
19 or disposal, and reduces the hazards to public health and the
20 environment associated with the use or release or both of such
21 substances, pollutants or contaminants. including but not limited to
22 modifying production processes, promoting the use of nontoxic or
23 less toxic substances, implementing conservation techniques and
24 reusing materials; and

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

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

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

17 B. The Pollution Prevention Program is hereby authorized to and
18 may:

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

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

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

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

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

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

15 7. Compile, organize and make information available for
16 distribution on pollution prevention.

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

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

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- 1 a. the user or generator agrees that such information may
2 be available to the Department including voluntary
3 compliance information created pursuant to the
4 Oklahoma Environmental, Health and Safety Audit
5 Privilege Act of Section 1-4-110 et seq. of this
6 title,
- 7 b. the information is public record information,
8 c. the information pertains to an imminent threat to
9 public health or safety, or to the environment, or
10 d. disclosure to the Department is required by law.

11 2. The Program shall notify users or generators requesting
12 technical assistance of these provisions.

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

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

22 SECTION 3. This act shall become effective November 1, 2020.
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1 Passed the Senate the 2nd day of March, 2020.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2020.

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9 Presiding Officer of the House
10 of Representatives