

# An Act

ENROLLED HOUSE  
BILL NO. 1492

By: Newton of the House

and

Kidd of the Senate

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

SUBJECT: Oklahoma Hazardous Materials Emergency Response Commission

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

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

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

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

1. The Secretary of Safety and Security or designee;
2. The Commissioner of the Department of Public Safety or designee;
3. The State Fire Marshal or designee;
4. The Executive Director of the Department of Environmental Quality or designee;

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

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

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

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

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

1. Appoint a chairman and vice-chairman;

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

3. Require reports or plans from member agencies;

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

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

6. Coordinate administrative penalties;

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

8. Coordinate with the local emergency planning committees.

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

1. The Oklahoma Department of Environmental Quality shall:
  - a. provide administrative support to the Oklahoma Hazardous Materials Emergency Response Commission,
  - b. review the activities of the local emergency planning committees, and serve as liaison between the Oklahoma Hazardous Materials Emergency Response Commission, the local emergency planning committees, and federal agencies, except as related to training funds from the federal emergency management agency,
  - c. administer a notification program pursuant to federal requirements for emergency releases of extremely hazardous substances and hazardous substances as identified by the federal Environmental Protection Agency. Notification shall include immediate notice of the release and written follow-up notice of response actions taken, risk analyses, and advice concerning medical treatment for exposure, and shall include releases from facilities subject to Title III of the Superfund Amendments and Reauthorization Act. The notification requirements shall be in addition to those required by other agencies,
  - d. administer and enforce the reporting requirements of Title III of the Superfund Amendments and Reauthorization Act pertaining to emergency planning notification, material safety data sheets, chemical lists, emergency and hazardous chemical inventory forms, and toxic chemical release forms,
  - e. serve as the industrial liaison and the repository for required information,
  - f. perform such environmental services as are necessary to validate required reports, and
  - g. receive and respond to requests for information under the Oklahoma Open Records Act;

2. The Oklahoma Department of Civil Emergency Management shall:
  - a. administer and enforce the planning requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986,
  - b. receive and review emergency plans submitted by local emergency planning committees, make recommendations on revisions to the plans for coordination purposes, and facilitate the training for and the implementation of the plans, and
  - c. facilitate emergency training programs for local emergency planning committees.

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

1. Require reports and plans;
2. Prescribe rules and regulations consistent with Title III of the Superfund Amendments and Reauthorization Act. Any rule or regulation promulgated by any member agency pursuant to the Oklahoma Hazardous Materials Planning and Notification Act shall not be more stringent than any federal act;
3. Adopt federal rules. Any rule or regulation promulgated by any member agency pursuant to the provisions of the Oklahoma Hazardous Materials Planning and Notification Act shall not be more stringent than any such federal rules;
4. Cause investigations, inquiries and inspections;
5. Prescribe penalties;
6. Assess administrative penalties;
7. Cause prosecution;
8. Accept, use, disburse and administer grants, allotments, gifts, devises for the purposes of facilitating emergency response performance in the state;

9. Provide public information as requested regarding emergency response implementation in the state; and

10. Work with other agencies where applicable, to eliminate redundancy in the reporting requirements of the various state, federal and local agencies enforcing hazardous materials handling, storage, spills and training.

G. Any person violating any provision of the Oklahoma Hazardous Materials Planning and Notification Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

H. The Oklahoma Hazardous Materials Emergency Response Commission shall:

1. Designate emergency planning districts to facilitate preparation and implementation of emergency plans; and

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

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

Passed the House of Representatives the 22nd day of February, 2017.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 17th day of April, 2017.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_