

US EPA ARCHIVE DOCUMENT

An Act

ENROLLED SENATE
BILL NO. 997

By: Easley of the Senate

and

Leist of the House

An Act relating to environment and natural resources; amending 63 O.S. 1991, Section 1-2014, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 29, Chapter 324, O.S.L. 1993, 63 O.S. 1991, Section 1-2006, as last amended by Section 96, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2415, as amended by Section 148, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, Section 12, Chapter 215, O.S.L. 1992, as amended by Section 49, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2004, as last amended by Section 88, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, Chapter 201, O.S.L. 1992, as amended by Section 92, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2006.1, as last amended by Section 93, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2014.3, as last amended by Section 97, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2008, as last amended by Section 99, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 1-2014.2, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 30, Chapter 324, O.S.L. 1993, 63 O.S. 1991, Section 1-2012.4, as last amended by Section 115, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993, 63 O.S. 1991, Section 2-7-111, 2-7-113, 2-10-303, 2-5-112, 2-7-105, 2-7-109, 2-7-110, 2-7-114, 2-7-115, 2-7-116, 2-7-117, 2-7-118, 2-7-132 and 2-10-305), which relate to the Department of Environmental Quality and environmental permitting; creating the Oklahoma

Uniform Environmental Permitting Act; providing short title; stating intent; defining terms; stating application; authorizing Environmental Quality Board to promulgate rules implementing act; authorizing Department of Environmental Quality to implement and enforce act; authorizing Executive Director to administer certain permits; stating procedures for applying for certain major permits; providing for Department to review applications; stating procedures for Department to approve or deny permit applications; stating procedures for public meetings; providing for administrative hearings; requiring report to legislature by certain date; updating obsolete language; modifying certain procedures for permitting hazardous waste facilities; modifying certain procedures for permitting solid waste disposal sites; modifying permitting procedures for air quality; authorizing the Department to issue permits for maintenance and monitoring of hazardous waste facilities; deleting obsolete language; providing emergency exemption for certain hazardous waste facilities; updating the statutory references; authorizing the Department to issue hazardous waste facility permits; stating requirements for permit; providing for certain administrative permit hearings for solid waste and water quality discharge permits; stating procedures for certain public notice required by applicants for air quality construction permits; repealing Sections 23 and 26, Chapter 324, O.S.L. 1993, 63 O.S. 1991, Section 1-2006, as last amended by Section 14 of this act, 63 O.S. 1991, Section 1-2415, as last amended by Section 15 of this act (27A O.S. Supp. 1993, Sections 2-6-205.1, 2-6-501.1, 2-7-113 and 2-10-303) and Section 30 of this act, which relate to environmental permitting; providing for codification; providing effective dates; and declaring an emergency.

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

Part 1. Short Title, Intent, Definitions and Applicability

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-101 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 12 of this act shall be known and may be cited as the "Oklahoma Uniform Environmental Permitting Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-102 of Title 27A, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Oklahoma Legislature that the Oklahoma Uniform Environmental Permitting Act provide for uniform permitting provisions regarding notices and public participation opportunities that apply consistently and uniformly to applications for major air

quality, solid waste, hazardous waste and water quality permits issued by the Department of Environmental Quality and to provide for procedures relating to the processing of applications for nonmajor permits.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-103 of Title 27A, unless there is created a duplication in numbering, reads as follows:

For the purposes of the Oklahoma Uniform Environmental Permitting Act:

1. "Application" means a document or set of documents, filed with the Department of Environmental Quality for the purpose of receiving a permit from the Department. "Application" includes any subsequent additions, revisions or modifications submitted to the Department which supplement, correct or amend a pending application;

2. "Council" means the Air Quality Council, the Hazardous Waste Management Advisory Council, the Solid Waste Management Advisory Council or the Water Quality Advisory Council;

3. "Draft permit" means a draft document prepared by the Department after it has tentatively found an application for a new major permit or for the major modification or renewal of a major permit to be administratively and technically complete, pursuant to the requirements of the Oklahoma Environmental Quality Code and rules promulgated thereunder, and that such application may warrant the issuance, modification or renewal of the major permit;

4. "Information meeting" means a meeting open to the public which is held by the Department, pursuant to the provisions of the Oklahoma Uniform Environmental Permitting Act, to explain the permitting process and the public participation opportunities applicable to a specific major permit;

5. "Major modification" means a type of modification of a major air quality, hazardous waste, solid waste, or water quality permit determined by the Board upon recommendation of the appropriate Council to be major;

6. "Major permit" means a type of air quality, hazardous waste, solid waste, or water quality permit determined by the Environmental Quality Board upon recommendation of the appropriate Council to be major;

7. "Proposed permit" means a document, based on a draft permit and prepared by the Department after consideration of comments received on the draft permit, which indicates the Department's tentative decision to issue a final permit pending the outcome of an administrative permit hearing, if any;

8. "Qualified interest group" means any organization with twenty-five or more members who are Oklahoma residents; and

9. "Response to comments" means a document prepared by the Department after its review of timely comments received on a draft denial or draft permit pursuant to public comment opportunities authorized by the Oklahoma Uniform Environmental Permitting Act which:

- a. specifies the provisions, if any, of the draft permit that were changed in the proposed or final permit and the reasons for such changes, and

- b. briefly describes and responds to all significant comments raised during the public comment period or formal public meeting about the draft denial or draft permit.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-104 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Uniform Environmental Permitting Act shall apply to applications for major and nonmajor permits and to applications for modifications and renewals of such permits filed with the Department on or after July 1, 1996, unless exempt in part or in whole as provided by this section.

B. Permit applications subject to the Oklahoma Uniform Environmental Permitting Act shall continue to be subject to additional or more comprehensive notice provisions of the Code or rules of the Board enacted or promulgated pursuant to federal requirements for state permitting programs.

C. Unless required otherwise by federal requirements enacted into state law or promulgated as rules by the Board, the following exemptions shall apply.

1. Certifications, registrations and other authorizations that are neither major nor nonmajor permits shall be exempt from compliance with the Oklahoma Uniform Environmental Permitting Act.

2. The following applications are exempt from the permitting process as set forth in Sections 8, 9, 10 and 11 of this article:

- a. applications for nonmajor permits and the modifications, amendments and renewals thereof,
- b. applications for minor modifications of major permits, and
- c. applications for amendments of major permits.

3. The following applications are exempt from the provisions of Section 8 of this article:

- a. applications for major modifications of major air quality and water quality permits,
- b. applications for major modifications of major hazardous waste or solid waste permits except for those major modifications involving the proposed increase of an existing hazardous waste or solid waste facility's permitted capacity for storage, treatment or disposal (including incineration) by fifty percent (50%) or more,
- c. applications for renewals of major air quality, hazardous waste, solid waste and water quality permits,
- d. applications for new major water quality discharge permits for new discharges subject to the Oklahoma Pollutant Discharge Elimination System Act, Section 2-6-201 et seq. of Title 27A of the Oklahoma Statutes, and

- e. applications for new major air quality permits for proposed and existing facilities.

Part 2. Powers and Duties

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-201 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Board shall promulgate rules to implement the Oklahoma Uniform Environmental Permitting Act which will to the greatest extent possible:

1. Enable applicants for major permits to follow a consistent application process;
2. Ensure that uniform public participation opportunities are offered as part of the permitting procedure for major permits;
3. Provide for uniformity in notices required of permit applicants; and
4. Set forth procedural application requirements for nonmajor permits.

B. Such rules shall:

1. Identify the types of permits to be designated as major and nonmajor. In making such determinations, the Board and each recommending Council shall consider information and data offered on:
 - a. the significance of the potential impact of the type of activity on the environment,
 - b. the amount, volume and types of waste proposed to be accepted, stored, treated, disposed, discharged, emitted or land applied,
 - c. the degree of public concern traditionally connected with the type of activity,
 - d. the federal classification, if any, for such proposed activity, operation or type of site or facility, and
 - e. any other factors relevant to such determinations;
2. Identify the types of modifications of major permits to be designated as major or minor, and classify the types of amendments of major permits. For purposes of this section, the Board and each recommending Council shall ensure that such modification and amendment designations are consistent with analogous classifications, if any, set forth in applicable federal programs;
3. Set forth uniform procedures to be followed for filing a permit application with the Department;
4. Contain specific uniform requirements for each type of notice required pursuant to the Oklahoma Uniform Environmental Permitting Act or rules promulgated thereunder;
5. Establish permitting processes for types of nonmajor permits and for types of major modifications and amendments of major permits; provided, however, that if notice and public participation opportunities are required, such requirements shall not exceed those set forth in Sections 8, 9 and 10 of this article unless required

otherwise by applicable federal regulations promulgated as rules of the Board; and

6. Establish permitting processes for types of minor modifications of major permits; provided, however, if notice and public participation opportunities are required, such requirements shall not exceed those set forth in Sections 8, 9 and 10 of this article unless required otherwise by applicable federal regulations promulgated as rules of the Board.

C. Such rules shall be adopted by the Board by March 1, 1996, and shall in no way limit the ability of the Department to satisfy federal requirements for state program authorization or delegation.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-202 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Department is hereby authorized to implement and enforce the provisions of the Oklahoma Uniform Environmental Permitting Act and rules promulgated thereunder.

B. In addition to authority under the Oklahoma Environmental Quality Code, the Department shall have the power and duty to:

1. Review permit applications for administrative and technical completeness pursuant to requirements of the Code and rules promulgated thereunder, and when necessary to determine such completeness, request changes, revisions, corrections, or supplemental submissions;
2. Review notices related to permit applications for sufficiency of content and compliance;
3. Review and consider timely and relevant comments received;
4. Prepare responses to comments, draft and final denials, and draft, proposed and final permits;
5. Cooperate with federal agencies as is required for federal review or oversight of state permitting programs;
6. Enforce the provisions of the Oklahoma Uniform Environmental Permitting Act, rules promulgated thereunder, and permits and orders issued pursuant thereto; and
7. Otherwise exercise all incidental powers as necessary and proper to implement the provisions of the Oklahoma Uniform Environmental Permitting Act and rules promulgated thereunder.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-203 of Title 27A, unless there is created a duplication in numbering, reads as follows:

Pursuant to the authority granted by the Oklahoma Environmental Quality Code, the Executive Director shall have the power and duty to issue, renew, reinstate, modify, suspend, revoke, or refuse to issue, renew or reinstate permits pursuant to the requirements of the Code and the Oklahoma Uniform Environmental Permitting Act, and rules promulgated thereunder.

Part 3. Application Process for Major Permits

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-301 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Upon filing an application for a major permit with the Department, the applicant shall publish notice of the filing as legal notice in one newspaper local to the proposed new site or existing facility. The publication shall:

1. Identify locations where the application may be reviewed, including a location in the county where the proposed new site or existing facility is located;
2. Give notice of a sixty-day opportunity for interested persons to submit written comments on the permit request;
3. Include notice of a thirty-day opportunity to request, or give the date, time and place for, an information meeting on the permitting process. If the Department receives timely request and determines that a significant degree of public interest in the application exists, it shall schedule and hold such meeting. The applicant shall be entitled to attend the meeting and may make a brief presentation on the permit request. Any local community meeting to be held by the applicant on the proposed facility or activity for which a permit or permit modification is sought may, with the agreement of the Department and the applicant, be combined with the information meeting authorized by this paragraph; and

4. Provide any other notice required by law.

B. The provisions of this section shall not stay the Department's review of the application.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-302 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Upon conclusion of its technical review of an application for a major permit or the major modification or renewal of a major permit within the permitting timeframes established by rules promulgated by the Board, the Department shall prepare a draft denial or draft permit. For applications subject to the provisions of Section 8 of this article, the Department's review shall also include any timely and relevant comments received during the public comment period.

1. Notice of a draft denial shall be given by the Department and notice of a draft permit shall be given by the applicant.

2. Notice of the draft denial or draft permit shall be published as legal notice in one newspaper local to the proposed new site or existing facility. The notice shall identify places where the draft denial or draft permit may be reviewed, including a location in the county where the proposed new site or existing facility is located, and shall provide for a set time period for public comment and for the opportunity to request a formal public meeting on the respective draft denial or draft permit. Such time period shall be set at thirty (30) days after the date the notice is published unless a longer time is required by federal regulations promulgated as rules by the Board. In lieu of the notice of opportunity to request a public meeting, notice of the date, time, and place of a public meeting may be given, if previously scheduled. Additional notice shall be given as is required by rules of the Board promulgated pursuant to applicable federal programs.

B. Upon the publication of notice of a draft permit, the applicant shall make the draft permit and the application, except for proprietary provisions otherwise protected by law, available for public review at a location in the county where the proposed new site or existing facility is located.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-303 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Department shall expeditiously schedule and hold a formal public meeting if the Department receives written timely request for such meeting, pursuant to the provisions of Section 9 of this article, and determines there is a significant degree of public interest in the draft denial or draft permit.

1. Notice of the meeting shall be given to the public at least thirty (30) days prior to the meeting date.

2. The public meeting shall be held at a location convenient to and near the proposed new site or existing facility not more than one hundred twenty (120) days after the date notice of the draft denial or draft permit was published.

3. At the meeting, any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements.

4. The public comment period shall automatically be extended to the close of the public meeting. Upon good cause shown, the presiding officer may extend the comment period further to a date certain by so stating at the meeting.

5. Such meeting shall not be a quasi-judicial proceeding.

6. The applicant or a representative of the applicant shall be present at the meeting to respond to questions.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-304 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. For draft permits or draft denials prepared in accordance with Section 9 of this article, and subsection D of this section when applicable, on which no comment or public meeting request was timely received and on which no public meeting was held, the Executive Director shall, respectively, issue or deny the final permit.

B. For draft permits or draft denials prepared in accordance with Section 9 of this article, and subsection D of this section when applicable, on which comment or a public meeting request was timely received or on which a public meeting was held, the Department, upon consideration of the comments, shall prepare a response to comments and tentatively determine whether the draft permit should be issued as is, amended and issued, or denied or whether the draft denial should be made final.

1. The response to comments shall be prepared within ninety (90) days after the close of the public comment period unless extended by the Executive Director upon a determination that additional time is required due to circumstances outside the control of the Department. Such circumstances may include, but shall not be limited to, an act of God, a substantial and unexpected increase in the number of applications filed, additional review duties imposed on the

Department from an outside source, or outside review by a federal agency.

2. If the Department's tentative decision is to issue a permit and no opportunity for an administrative hearing on the permit is provided by the Code, the Department shall prepare, and the Executive Director shall issue, the final permit.

3. If the Department's tentative decision is to issue a permit and an opportunity for an administrative hearing on the permit is provided by Sections 27, 28 or 29 of this act, the Department shall prepare a proposed permit and the applicant shall publish notice, as legal notice in one newspaper local to the proposed new site or existing facility, of the Department's tentative decision to issue the permit. Such notice shall identify the places where the proposed permit and the Department's response to comments may be reviewed, including a location in the county where the proposed new site or existing facility is located and shall offer a twenty-day opportunity to request an administrative hearing to participate in as a party. The opportunity to request a hearing shall be available to:

- a. any person or qualified interest group:
 - (1) who has raised one or more issues about the proposed facility or activity during the public comment period or formal public meeting on the draft permit, and
 - (2) who claims to hold a demonstrable environmental interest and who alleges that the construction or operation of the proposed facility or activity would directly and adversely affect such interest; and
- b. any applicant who has raised one or more issues about the draft permit in the comment period or formal public meeting.

If no written administrative hearing request is received by the Department by the end of twenty (20) days after the publication date of the notice, the Executive Director shall issue the final permit.

4. If the Department's final decision is to deny the permit, it shall give notice to the applicant and issue a final denial.

C. When an administrative hearing is timely requested on a proposed permit in accordance with subsection B of this section, all timely requests shall be combined in a single hearing. The hearing shall be a quasi-judicial proceeding and shall be conducted by an Administrative Law Judge in accordance with the Administrative Procedures Act, the Code and rules promulgated by the Environmental Quality Board.

1. The applicant shall be a party to the hearing.

2. The Department shall schedule a prehearing conference within sixty (60) days after the end of the hearing request period.

3. The Department shall move expeditiously to an evidentiary proceeding in which parties shall have the right to present evidence before the Department on whether the proposed permit and the technical data, models and analyses, and information in the application upon which the proposed permit is based are in substantial compliance with applicable provisions of the Code and

rules promulgated thereunder and whether the proposed permit should be issued as is, amended and issued, or denied.

4. Failure of any party to participate in the administrative proceeding with good faith and diligence may result in a default judgment with regard to that party; provided however, that no final permit shall be issued solely on the basis of any such judgment.

D. If the Department decides to reverse its initial draft decision, it shall withdraw the draft denial or draft permit and prepare a draft permit or draft denial, as appropriate. Notice of the withdrawal of the original draft and preparation of the revised draft shall be given as provided in Section 9 of this article. The Department shall then re-open the comment period and provide additional opportunity for a formal public meeting on the revised draft as described in Section 10 of this article.

E. Upon issuance or denial of a permit, the Department shall provide public notice of the final permit decision and the availability of the response to comments, if any. Additional notice of the Department's permitting decisions shall be given as is required by rules of the Board promulgated pursuant to applicable federal program permitting requirements.

F. Any appeal of a final permit decision or any final order connected therewith shall be made in accordance with the provisions of the Code, the Administrative Procedures Act and rules promulgated thereunder.

Part 4. Miscellaneous

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14-401 of Title 27A, unless there is created a duplication in numbering, reads as follows:

By March 1, 1996, the Department shall prepare and submit a report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives which summarizes the permitting processes and components established by the Board through rulemaking pursuant to the Oklahoma Uniform Environmental Permitting Act and any legislative amendments determined by the Department to be necessary to accomplish the objectives of such act.

SECTION 13. AMENDATORY 63 O.S. 1991, Section 1-2014, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 29, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-111), is amended to read as follows:

Section 2-7-111. A. The practice of plowing hazardous waste into the soil surface for the purpose of disposal is hereby prohibited except pursuant to a plan approved by the Department of Environmental Quality for biodegradable or inert material. In addition, the site used for such disposal shall not be subject to flooding or extensive erosion. The administrative permit hearing provisions of Section 2-7-113 of this title shall not apply to soil farming operations conducted on the generator's plant site or nearby property under the control of the generator.

B. A hazardous waste facility for on-site treatment or storage shall not be sited in or over a principal groundwater resource or recharge area as determined in writing by the Oklahoma Geological Survey, except pursuant to a plan approved by the Department. The plan shall contain such design criteria and groundwater monitoring provisions as deemed necessary by the Department to protect the quality of said principal groundwater resource or recharge area. The

plan shall also provide for the establishment and maintenance of a bond or other financial assurance in a form and amount acceptable to the Department, specifically for the purpose of assuring both immediate response and containment and comprehensive remediation as directed by the Department in the event of a release to soil or water of any hazardous waste or hazardous waste constituent.

C. 1. Except as provided in paragraph 3 of this subsection, a hazardous waste facility for off-site treatment or storage or for on-site or off-site disposal shall not be sited in or over a principal groundwater resource or recharge area as determined in writing by the Oklahoma Geological Survey.

2. a. Except as provided in subparagraph b of this paragraph, a facility for off-site treatment, storage, recycling, or disposal of hazardous waste shall not be sited in any other area of the state without the prior written approval of an emergency and release response plan by the affected property owners as such term is defined in Section 2-7-103 of this title. Such plan shall provide for the minimization of hazards to the health and property of such affected property owners from emergency situations or from sudden or nonsudden releases of hazardous waste or constituents thereof.

After the applicant has made a reasonable effort to negotiate said plan with the affected property owners and has acquired the written approval of a majority of the affected property owners, the applicant may certify to the Department that such reasonable effort has been made and that a minority of the affected property owners would not consent. The Department may then issue the permit if it meets all other requirements.

The Department is expressly authorized to review the reasons of the affected property owners for nonapproval of the plan. If nonapproval is not based solely upon minimization of environmental hazards to the health and property of the affected property owners, the Department shall exclude those affected property owners from a calculation of a majority of affected property owners. The Department shall have the final authority to issue or not to issue any permit to any treatment, storage, or disposal facility.

b. Existing industrial facilities not currently receiving hazardous waste which propose to begin receiving hazardous waste from off-site, including facilities at which the hazardous waste is to be utilized as fuel in a recycling unit and all other existing industrial facilities, shall submit an emergency and release response plan as part of the permit application. The plan shall be subject to public review and comment as part of the permit application pursuant to Section 2-7-113 of this title prior to final approval or disapproval by the Department. Upon submittal of the proposed plan to the Department, the applicant shall be required to mail a copy of said plan to the affected property owners and shall promptly thereafter certify to the Department that such mailing has been made. If a permit is issued, the permittee shall send the final plan by first-class mail to the last-known address of all affected property owners.

C. An emergency and release response plan for a new or existing facility, located or to be located within the city limits or within the emergency response area of any incorporated city or town, which proposes to begin receiving hazardous waste from off-site shall not be approved by the Department until at least sixty (60) days after the city or town has been served with a copy of the plan by the applicant. During said sixty-day period the city or town shall have the opportunity to review the plan and comment to the Department upon the ability of the city to comply with any item in the plan requiring the participation of or assistance by the city or town or any departments or agencies thereof.

3. The Department may grant a variance to an off-site hazardous waste treatment or storage facility to allow the siting of such facility over a principal groundwater resource or recharge area as determined in paragraph 1 of this subsection, upon the following conditions:

a. the request for variance, and a detailed rationale, shall be included in the permit application,

b. the Department shall receive and consider comments on the appropriateness of the proposed variance at any formal public meeting or administrative permit hearing conducted on the draft permit or proposed permit pursuant to the provisions of Section 2-7-113 of this title,

c. the applicant shall bear the burden of establishing clearly and convincingly to the Department that the design, construction and operation of the proposed facility will be such that the risk of a release of hazardous waste or hazardous waste constituents directly or indirectly to groundwater is minimal, and

d. the permit application shall provide for the establishment and maintenance of a bond or other financial assurance as described and for the purposes specified in subsection B of this section.

D. The provisions of this section shall apply to:

1. Applications for future proposed sites;

2. Pending applications for ~~construction~~ new hazardous waste permits; and

3. Applications for ~~construction~~ permits to modify existing storage or treatment facilities which have either a permit or interim status.

E. The provisions of paragraphs 1 and 2 of subsection C of this section shall not apply to applications to increase existing storage, treatment or disposal capacity or to modify existing disposal sites for treatment or disposal. Such modification of existing disposal sites shall include upgrading said facilities to use the best available waste destruction technology such as incineration, detoxification, recycling or neutralization technology.

SECTION 14. AMENDATORY 63 O.S. 1991, Section 1-2006, as last amended by Section 96, Chapter 145, O.S.L. 1993, and as

renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-113), is amended to read as follows:

Section 2-7-113. A. The Department shall issue permits for the construction and for the operation of hazardous waste facilities. A construction permit shall be issued only upon proper application and determination by the Department that the proposed site and facility are physically and technically suitable. Upon submission of an application for a construction permit or for the major modification of an existing hazardous waste permit which involves a fifty percent (50%) or more increase in permitted capacity for storage, treatment or disposal, including incineration, which shall be a public record, the applicant shall notify affected property owners.

B. In addition to the notice required by subsection A of this section, and prior to issuing any construction or operation a new hazardous waste permit or the major modification of an existing hazardous waste permit, the Department shall require the applicant to give notice, by newspapers and radio stations local to the hazardous waste facility proposed for a permit, of the a forty-five-day opportunity to submit written comment on the granting of such permit by requesting, or request a formal public meeting, or both, on the granting of the permit. If within forty-five (45) days after such notice, the Department receives from any person residing or doing business in Oklahoma, written notice of opposition and request for such public meeting, it shall hold the same and allow opportunity for presentation of written and oral views. Whenever possible, the Department shall hold such public meeting at a location convenient to the population center nearest the proposed site, and prior to any related administrative permit hearing conducted pursuant to subsection C of this section. When a public meeting is scheduled, the forty-five-day comment period shall automatically be extended to the close of the meeting.

C. 1. The notice required by subsection B of this section shall also offer an opportunity during the public comment period for persons to request in writing an administrative permit hearing to participate in as a party as follows:

a. For an application for a construction permit which was filed with the Department prior to July 1, 1994, if any of the affected property owners or qualified interest groups may request an administrative permit hearing, such hearing shall be held before a construction permit is issued. All affected property owners and qualified interest groups who request an administrative permit hearing shall be joined as parties to the hearing pursuant to rules promulgated by the Board. At such administrative permit hearing, the Department shall hear testimony and accept evidence pertaining only to the physical and technical suitability of the proposed hazardous waste facility.

b. For an application filed with the Department on or after July 1, 1994, for a new permit or for the major modification of an existing permit which involves a fifty percent (50%) or more increase in permitted capacity for storage, treatment or disposal (including incineration), such opportunity shall be available to any person or qualified interest group who raises one or more issues about the draft permit during the comment period or formal public meeting, and who claims to hold a demonstrable environmental interest and who alleges the construction or operation of the proposed

facility or activity would directly and adversely affect such interest.

c. An applicant who raises one or more issues during the public comment period or formal public meeting may also request a hearing.

2. When an administrative hearing request is pending before the Department, the Department shall complete its review of the application, consider comments received, and either deny the application or prepare a response to comments and a proposed permit for hearing requesters to review.

3. All requests for a hearing on a proposed permit shall be combined in a single hearing. The hearing shall be a quasi-judicial proceeding and shall be conducted by an Administrative Law Judge in accordance with the Administrative Procedures Act, the Code and rules promulgated by the Board.

4. The applicant shall be a party to the hearing.

5. The Department shall schedule a prehearing conference within sixty (60) days after it mails the proposed permit and response to comments to hearing requesters for review and confirmation of their requests. The Department shall move expeditiously to an evidentiary proceeding in which parties shall have the right to present evidence before the Department on whether the proposed permit and the technical data, models and analyses, and information in the application upon which the proposed permit is based are in substantial compliance with applicable provisions of the Code and rules promulgated thereunder and whether the proposed permit should be issued as is, amended and issued, or denied.

6. Failure of any party to participate in the administrative proceeding with good faith and diligence may result in a default judgment with regard to that party; provided, however, that no final permit shall be issued solely on the basis of any such judgment.

D. Upon a finding that a proposed hazardous waste facility is not physically or technically suitable, the Department shall deny the construction permit.

E. A major modification of a hazardous waste permit shall mean a Class III modification as defined in Section 270.42(c) of Title 40 of the Code of Federal Regulations.

F. The Department may, upon determining that public health or safety requires emergency action, issue a temporary permit for treatment or storage of hazardous waste or recyclable material for a period not to exceed ninety (90) days without the prior notices and opportunity to request a public meeting or the administrative permit hearing required by this section. Any person aggrieved by such permit may seek judicial review.

SECTION 15. AMENDATORY 63 O.S. 1991, Section 1-2415, as amended by Section 148, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-303), is amended to read as follows:

Section 2-10-303. A. An applicant for a permit for a new solid waste disposal site, upon the filing of the application with the Department, shall give notice of the a thirty-day opportunity for the public to submit written comments or request a public meeting, or

both, to present views concerning the permit application. Notice shall be given by:

1. One publication in two newspapers local to the proposed disposal site; and
2. Certified mail, return receipt requested, to any person who holds surface title to any real property on the date of application within one-half (1/2) mile of the permitted boundary of the proposed disposal site.

If within thirty (30) calendar days of the publication of such notice the Department receives from any person residing or doing business in Oklahoma a written request for such meeting, it shall hold the same no sooner than forty-five (45) days from the date of publication but not later than ninety (90) days after the expiration of the thirty-calendar-day period, and allow opportunity for representation of written and oral views. The applicant or a representative of the applicant shall be present at the meeting to respond to questions. Such meetings may be held in the offices of the Department or at a location convenient to the proposed disposal site if requested in the written request for such meeting. The Department shall structure such meeting to afford the greatest opportunity for citizen input. Such meeting shall not be a quasi-judicial proceeding. When a public meeting is scheduled, the thirty-day comment period shall automatically be extended to the close of the meeting.

B. Beginning September 1, 1990, and within 1. Within thirty (30) days of after the date the public meeting is held or within ninety (90) days of after the publication of the notice of application if no public meeting is requested, any administrative permit hearing may be requested on an application for a new permit.

- a. For applications filed with the Department prior to July 1, 1994, any person who is a resident or owner of a business or land in the county of the proposed disposal site, or of an adjacent county, who may suffer environmental damage as a result of the construction and operation of the site, shall have the right to request and participate in an administrative hearing as a party. ~~The permit applicant shall also be a party. Parties shall have the right to present evidence to show the Department, and the Department in making its decision will decide, whether the application meets the requirements of the Solid Waste Management Act and the rules of the Board. The proceeding shall be conducted pursuant to the provisions of the Administrative Procedures Act.~~

- b. For applications filed with the Department on or after July 1, 1994, the opportunity to request an administrative hearing shall be available to any person or qualified interest group, as defined by this section, who has raised one or more issues about the proposed site or facility during the public comment period or formal public meeting and who claims to hold a demonstrable environmental interest, and who alleges the construction or operation of the proposed facility or activity would directly and adversely affect such interest.

C. An applicant who raised one or more issues during the public comment period or formal public meeting may also request a hearing.

2. Notice of the opportunity to request an administrative permit hearing shall be given as part of the notice required in subsection A of this section.

3. When an administrative hearing request is pending before the Department, the Department shall complete its review of the application, consider comments received, and either deny the application or prepare a response to comments and a proposed permit for hearing requesters to review.

4. All requests for a hearing shall be combined in a single hearing. The hearing shall be a quasi-judicial proceeding and shall be conducted by an Administrative Law Judge in accordance with the Administrative Procedures Act and rules promulgated by the Board.

5. The applicant shall be a party to the hearing.

6. The Department shall schedule a prehearing conference within sixty (60) days after it mails the proposed permit and response to comments to hearing requesters for review and confirmation of their requests. The Department shall move expeditiously to an evidentiary proceeding in which parties shall have the right to present evidence before the department on whether the proposed permit and the technical data, models and analyses, and information in the application upon which the proposed permit is based are in substantial compliance with applicable provisions of the Code and rules promulgated thereunder and whether the proposed permit should be issued as is, amended and issued, or denied.

7. Failure of any party to participate in the administrative hearing with good faith and diligence may result in a default judgment with regard to that party; provided, however, no final permit shall be issued solely on the basis of any such judgment.

C. The provisions of this section shall not affect any pending applications and any pending litigation related to the procedures by which the Department has issued permits before September 1, 1990.

D. For purposes of this section, the term "qualified interest group" means any organization with twenty-five or more members who are Oklahoma residents.

SECTION 16. AMENDATORY Section 12, Chapter 215, O.S.L. 1992, as amended by Section 49, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-5-112), is amended to read as follows:

Section 2-5-112. A. Upon the effective date of permitting regulations rules promulgated pursuant to the Oklahoma Clean Air Act, it shall be unlawful for any person to construct any new source, or to modify or operate any new or existing source of emission of air contaminants except in compliance with a permit issued by the Department, unless the source has been exempted or deferred or is in compliance, with an applicable deadline for submission of an application for such permit.

B. The Department shall have the authority and the responsibility, in accordance with rules of the Board, to implement a comprehensive permitting program for the State of Oklahoma consistent

with the requirements of the Oklahoma Clean Air Act. Such authority shall include but shall not be limited to the authority to:

1. Expeditiously issue, reissue, modify and reopen for cause, permits for new and existing sources for the emission of air contaminants, and to grant a reasonable measure of priority to the processing of applications for new construction or modifications. The Department may also revoke, suspend, deny, refuse to issue or to reissue a permit upon a determination that any permittee or applicant is in violation of any substantive provisions of the Oklahoma Clean Air Act, or any rule promulgated thereunder or any permit issued pursuant thereto;
2. Refrain from issuing a permit when issuance has been objected to by the Environmental Protection Agency in accordance with Title V of the Federal Clean Air Act;
3. Revise any permit for cause or automatically reopen it to incorporate newly applicable rules or requirements if the remaining permit term is greater than three (3) years; or incorporate insignificant changes into a permit without requiring a revision;
4. Establish and enforce reasonable permit conditions which may include, but not be limited to:
 - a. emission limitations for regulated air contaminants,
 - b. operating procedures when related to emissions,
 - c. performance standards,
 - d. provisions relating to entry and inspections, and
 - e. compliance plans and schedules;
5. Require, if necessary, at the expense of the permittee or applicant:
 - a. installation and utilization of continuous monitoring devices,
 - b. sampling, testing and monitoring of emissions as needed to determine compliance,
 - c. submission of reports and test results, and
 - d. ambient air modeling and monitoring;
6. Issue:
 - a. general permits covering similar sources, and
 - b. permits to sources in violation, when compliance plans, which shall be enforceable by the Department, are incorporated into the permit;
7. Require, at a minimum, that emission control devices on stationary sources be reasonably maintained and properly operated;
8. Require that a permittee certify, no less frequently than annually, that the facility is in compliance with all applicable requirements of the permit and to promptly report any deviations therefrom to the Department;

9. Issue permits for a term not to exceed five (5) years, except that solid waste incinerators may be allowed a term of up to twelve (12) years provided that the permit shall be reviewed no less frequently than every five (5) years;

10. Specify requirements and conditions applicable to the content and submittal of permit applications; set by rule, a reasonable time in which the Department must determine the completeness of such applications; and

11. Determine the form and content of emission inventories and require their submittal by any source or potential source of air contaminant emissions.

C. Rules of the Board may set de minimis limits below which a source of air contaminants may be exempted from the requirement to obtain a permit or to pay any fee, or be subject to public review. Any source so exempted, however, shall remain under jurisdiction of the Department and shall be subject to any applicable rules or general permit requirements.

D. To ensure against unreasonable delay on the part of the Department, the failure of the Department to act in either the issuance, denial or renewal of a permit in a reasonable time, as determined by rule, shall be deemed to be a final permit action solely for purpose of judicial review under the Administrative Procedures Act, with regard to the applicant or any person who participated in the public review process. The Supreme Court or the district court, as the case may be, may require that action be taken by the Department on the application without additional delay. No permit, however, may be issued by default.

E. The Department shall notify, or require that any applicant notify, all states whose air quality may be affected and that are contiguous to the State of Oklahoma, or are within fifty (50) miles of the source of each permit application or proposed permit for those sources requiring permits under Title V of the Federal Clean Air Act, and shall provide an opportunity for such states to submit written recommendations respecting the issuance of the permit and its terms and conditions.

F. A change in ownership of any facility or source subject to permitting requirements under this section shall not necessitate any action by the Department not otherwise required by the Oklahoma Clean Air Act. Any permit applicable to such source at the time of transfer shall be enforceable in its entirety against the transferee in the same manner as it would have been against the transferor, as shall any requirement contained in any rule, or compliance schedule set forth in any variance or order regarding or applicable to such source. Provided, however, no transferee in good faith shall be held liable for penalties for violations of the transferor unless the transferee assumes all assets and liabilities through contract or other means. For the purposes of this subsection, good faith shall be construed to mean neither having actual knowledge of a previous violation or constructive knowledge which would lead a reasonable person to know of the violation. It shall be the responsibility of the transferor to notify the Department in writing within ten (10) days of the change in ownership.

G. Public-review-

1. Public-meetings-

a. ~~Any applicant for a~~ 1. This subsection shall apply to any contested case hearing held on any construction permit for a new

source or for the modification of an existing source, or for the renewal of an operating permit, and in such other instances as shall be specified by the Board by rule. shall upon the preparation of a draft permit by the Department, publish notice of such preparation in at least one newspaper of general circulation in the nearest city or town in which the facility is located or is proposed to be located. The notice must include:

- (1) a description of the facility, its purpose and location or proposed location.
- (2) a statement that any person who may be adversely affected by emissions of air contaminants from the facility may submit written comments to or request a formal public meeting from the Department, or both.
- (3) a description of the manner in which written comments may be submitted, the manner in which a request for a meeting must be made, how the Department may be contacted for further information and where a copy of the draft permit will be available for inspection and copying, and
- (4) any other information which the Board may by rule specify.

b. The applicant shall make available for thirty (30) calendar days from the date of publication of notice in a location to be specified by the Department in the county where the source is located or is proposed to be located, a copy of the draft permit including the complete application, except for portions deleted under trade secret provisions of the Oklahoma Clean Air Act. The Department, in order to facilitate public review, shall prepare and attach proposed operating conditions. Upon the request of any person who may be adversely affected, the Department shall hold a formal public meeting. The person requesting the meeting must state in writing the basis for the request and what adverse effects are alleged. Said request must be made within thirty (30) days of the date of the published notice and must provide to the Department the name of the person or persons making the request and a current mailing address. Upon a determination that a reasonable basis for a meeting has been alleged, the Department shall immediately set a date for the meeting and shall cause to be mailed to all persons who requested the meeting, information concerning the date, time and place. The applicant shall also cause to be published in the manner provided in this paragraph, notice of the date, time and place and the purpose of the formal public meeting. Said notice shall be published at least thirty (30) calendar days prior to the meeting.

c. At the meeting, which shall be attended by both the Department and the applicant, persons may submit oral or written statements concerning the draft permit, provided, however, that the person conducting the meeting, who shall be a representative of the Department, may set reasonable time limits for the presentation of oral comments and for any question and answer session. The purpose of this meeting shall be to inform the public concerning the permit and the

operation of the source. Failure of the applicant to participate in good faith shall constitute grounds for the Department to deny the permit. The presiding officer shall have the discretion to conclude the comment period at the close of the hearing or may extend or reopen the comment period as necessary.

d. 2. No person, including the applicant, shall raise any reasonably ascertainable issue about a permit in a contested case hearing or any future proceeding, unless the same issues shall have been raised during public review at this the formal public meeting or before the close of the public comment period held on the draft permit, and supported in writing, by appropriate argument and evidence as may be available at the time.

e. The Department shall consider all substantive comments which shall have been submitted in writing and prepare a written response thereto when possible within sixty (60) days. The Department shall mail to all persons participating in the public meeting or submitting written comments, who shall have requested notification and provided to the Department a mailing address, the written decision concerning the permit. Said decision shall also advise of the availability of the Director's response to public comments.

f. 3. Any person, including the applicant, adversely affected by the decision of the Department in issuing or denying the permit may, within fifteen (15) days of the Department's decision, request in writing a contested case hearing before the Department. Any permit issued without appeal under this subsection or which shall become a final order pursuant to a contested case hearing as provided for in paragraph (3) of this subsection and pursuant to the Administrative Procedures Act and the Code and rules promulgated thereunder shall be enforceable by the Department.

2. 4. Contested case hearing.

a. At any contested case hearing, the only issue before the Department shall be whether or not the permit, as issued, reissued or denied, shall have been in substantial compliance with the Oklahoma Clean Air Act and the rules of the Board promulgated thereunder. Both the applicant and the Department shall participate in contested case hearings as necessary parties unless and until one shall be released by the Administrative Law Judge.

b. The Department may appoint an Administrative Law Judge who shall have full authority to conduct a contested case hearing. Upon conclusion of the hearing, the Administrative Law Judge shall prepare findings of fact, conclusions of law and recommendations for the Department's consideration. A contested case hearing shall be conducted in accordance with the Oklahoma Administrative Procedures Act and may be appealed thereunder; provided, however, that the final determination of the Department to issue, reissue or deny any permit shall not be subject to challenge in any other proceeding. Standing to appeal the final determination of the Department shall also be limited to parties participating in the contested case hearing.

c. The Department, upon a finding that such permit is not in substantial compliance with the Oklahoma Clean Air

Act or the rules of the Board, shall have the authority to require such remediation as may be appropriate, or deny the permit.

3- H. Operating permits for new sources.

Operating permits may be issued to new sources without public review upon a proper determination by the Department that:

- (1) 1. The construction permit was issued pursuant to the public review requirements of the Code and rules promulgated thereunder, and
- (2) 2. The operating permit, as issued, does not differ from the construction permit in any manner which would otherwise subject the permit to public review.

SECTION 17. AMENDATORY 63 O.S. 1991, Section 1-2004, as last amended by Section 88, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-105), is amended to read as follows:

Section 2-7-105. The Department shall have the power and duty to:

1. Issue permits for the construction, and operation and for the post-closure, maintenance and monitoring of hazardous waste facilities;
2. Provide the owner or operator of a hazardous waste facility a list of all materials which the Department deems acceptable for treatment, recycling, storage, and disposal at the facility;
3. Make periodic inspections of hazardous waste facilities and recycling, transporting, and generating facilities to determine the extent of compliance with the Oklahoma Hazardous Waste Management Act and rules promulgated thereunder, and orders, permits and licenses issued pursuant thereto;
4. Develop, maintain, and monitor public records of the source and amount of hazardous waste generated in Oklahoma and the methods used to dispose of, recycle, or treat said waste or material;
5. Require and prescribe manifest forms to all persons generating and transporting hazardous waste off-site for storage, recycling, treatment, or disposal;
6. Require and approve or disapprove disposal plans from all persons generating hazardous waste or shipping hazardous waste within, from, or into Oklahoma indicating the amount of hazardous waste generated, the handling, storage, treatment, and disposal methods, and the hazardous waste facilities used. The disposal plans shall be kept current by the persons generating or shipping hazardous waste and the Department shall be advised within five (5) working days of any changes in the disposal plans;
7. Require reports from all persons generating hazardous waste, indicating the amount generated, the treatment and disposal methods, and the treatment, disposal, and recycling sites used. Such reports are to be made on at least a quarterly basis;
8. Require periodic reports or manifest certifications regarding such programs and efforts to reduce the volume or quantity and

toxicity of such hazardous waste as may be required by or pursuant to authority of the Oklahoma Hazardous Waste Management Act;

9. Require reports from all operators of hazardous waste facilities who receive hazardous waste for treatment or storage or disposal, listing the amount, transporter, and generator of all hazardous waste received. Such reports are to be made on at least a monthly or quarterly basis, as designated by the Department;
10. Approve or disapprove methods of disposal of hazardous waste, and may prohibit certain specific disposal practices including, but not limited to, any type of land disposal of any form of such waste. Land disposal includes, but is not limited to, landfills, surface impoundments, waste piles, deep injection wells, land treatment facilities, salt dome and bed formations and underground mines or caves;
11. Inform persons generating hazardous waste of available, alternative methods of disposal of such waste and assist the persons in developing satisfactory disposal plans;
12. Develop a system to provide information on recyclable wastes to potential users of such materials. Such information shall not include any information which the Department deems confidential or private in nature;
13. Cooperate and share information with the U.S. Environmental Protection Agency;
14. Prepare an emergency response plan for spills of hazardous waste and for spills of hazardous materials;
15. Make information obtained by the Department regarding hazardous waste facilities and sites available to the public in substantially the same manner, and to the same degree, as would be the case if the hazardous waste program in this state were being carried out by the U.S. Environmental Protection Agency;
16. Develop rules with respect to any existing surface impoundment or landfill or class of surface impoundments or landfills from which the Department determines hazardous waste may migrate into groundwater, impose such requirements, including but not limited to double liners and leachate detection and collection systems, as may be necessary to protect human health and the environment;
17. Prohibit or restrict the use of any specific disposal methods or practices for specific hazardous waste material, substances or classes, as may be necessary to protect human health and the environment;
18. Identify areas within the state which are unsuitable for specific hazardous waste disposal methods, and deny permits for such disposal methods in such areas;
19. Issue a one-year research development and demonstration permit for any treatment facility which proposes an innovative and experimental hazardous waste treatment technology or process not yet regulated. Permits may be renewed no more than three times. No renewal may exceed one (1) year;
20. Waive or modify general permit application and issuance requirements for research and development permits, except for financial responsibility and public participation requirements;

21. Terminate experimental activity if necessary to protect human health and the environment;
22. Require oil recycling facilities using hazardous waste to have a hazardous waste facility permit;
23. Issue permits containing any conditions necessary to protect human health and the environment;
24. Issue permits for the storage of hazardous waste in underground tanks;
25. Require groundwater monitoring for any landfill, surface impoundment, land treatment site or pile;
26. Determine and enforce penalties for violations of the Oklahoma Hazardous Waste Management Act and rules promulgated thereunder;
27. Evaluate the benefit of rules governing labeling practices for any containers used for the disposal, storage, or transportation of hazardous waste which accurately identify such waste, and govern the use of appropriate containers for such waste not otherwise regulated by the federal government;
28. Monitor research and development regarding methods of the handling, storage, use, processing, and disposal of hazardous waste;
29. Cooperate with existing technical reference centers on hazardous waste disposal, recycling practices, and related information for public and private use;
30. Monitor research in the technical and managerial aspects of management and use of hazardous waste and recycling and recovery of resources from hazardous wastes;
31. Determine existing rates of production of hazardous waste;
32. Promote recycling and recovery of resources from hazardous wastes;
33. Encourage the reduction or exchange, or both, of hazardous waste; and
34. Cooperate with an existing information clearinghouse, to develop records of recyclable waste. Every generator of hazardous waste shall supply the Department with information for the clearinghouse. Each generator shall not be required to supply any more information than is required by the manifests. The Department shall make this information available to persons who desire to recycle the wastes. The information shall be made available in such a way that the trade secrets of the producer are protected.

SECTION 18. AMENDATORY Section 3, Chapter 201, O.S.L. 1992, as amended by Section 92, Chapter 145, O.S.L. 1993, and as Renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-109), is amended to read as follows:

Section 2-7-109. A. In order to protect the public health and safety and the environment of this state, the Department, pursuant to the Oklahoma Hazardous Waste Management Act, shall not issue, renew, or transfer a permit for the construction or operation of a hazardous waste facility for treatment, storage, recycling or disposal to any person who:

1. Is not in substantial compliance with a final agency order or any final order or judgment of a court of record secured by any state or federal agency relating to the generation, storage, transportation, treatment, recycling or disposal of "hazardous waste", as such term is defined by the Oklahoma Hazardous Waste Management Act, or by the United States Environmental Protection Agency pursuant to the federal Resource Conservation and Recovery Act;
2. Has evidenced a reckless disregard for the protection of the public and the environment as demonstrated by a history of noncompliance with environmental laws and rules resulting in endangerment of human health or the environment; or
3. Has as an affiliated person any person who is described by paragraph 1 or 2 of this subsection.

B. 1. Except as provided in paragraph 2 of this subsection, all applicants for the issuance, renewal or transfer of any hazardous waste permit, license, certification or operational authority issued by the Department shall file a disclosure statement with their applications.

2. If the applicant is a publicly held company required to file periodic reports under the Securities and Exchange Act of 1934, or a wholly owned subsidiary of a publicly held company, the applicant shall not be required to submit a disclosure statement, but shall submit the most recent annual and quarterly reports required by the Securities and Exchange Commission, which provide information regarding legal proceedings in which the applicant has been involved. The applicant shall submit such other relevant information as the Department may require that relates to the competency, reliability, or responsibility of the applicant and affiliated persons.

C. The Department is authorized to revoke, or to refuse to issue, to renew, or to transfer a permit for the construction or operation of a hazardous waste facility for treatment, storage, recycling or disposal to any person who:

1. Is not, due solely to the actions or inactions of the applicant or affiliated person, in substantial compliance with any final agency order or final order or judgment of a court of record secured by the Department issued pursuant to the provisions of the Oklahoma Hazardous Waste Management Act;

2. Is not, due solely to the actions or inactions of the applicant or affiliated person, in substantial compliance with any final agency order or final order or judgment of a court of record secured by any state or federal agency, as determined by that agency, relating to the generation, storage, transportation, treatment, recycling or disposal of any "hazardous waste", as such term is defined by the Oklahoma Hazardous Waste Management Act, or by the United States Environmental Protection Agency pursuant to the federal Resource Conservation and Recovery Act;

3. Has evidenced a history of a reckless disregard for the protection of the public health and safety or the environment through a history of noncompliance with state or federal environmental laws, including without limitation the rules of the Department or the United States Environmental Protection Agency regarding the generation, storage, transportation, treatment, recycling or disposal of any "hazardous waste", as such term is defined by the Oklahoma Hazardous Waste Management Act, or by the United States Environmental

Protection Agency pursuant to the federal Resource Conservation and Recovery Act; or

4. Has as an affiliated person any person who is described by paragraphs 1, 2 or 3 of this subsection.

D. 1. An application for a permit for the ~~construction or operation of~~ a hazardous waste facility for treatment, storage, recycling or disposal or a renewal thereof shall be signed under oath by the applicant.

2. The Department may refuse to renew, or may suspend or revoke, a permit issued pursuant to the Oklahoma Hazardous Waste Management Act for the ~~construction or operation of~~ a hazardous waste facility for treatment, storage, recycling or disposal to any person who has failed to disclose or states falsely any information required pursuant to the provisions of this section. Any person who willfully fails to disclose or states falsely any such information, upon conviction, shall be guilty of a felony and may be punished by imprisonment for not more than five (5) years or fined not more than One Hundred Thousand Dollars (\$100,000.00) or both such fine and imprisonment.

E. Noncompliance with a final agency order or final order or judgment of a court of record which has been set aside by a court on appeal of such final order or judgment shall not be considered a final order or judgment for the purposes of this section.

F. The Board shall promulgate rules pursuant to the Administrative Procedures Act as may be necessary and appropriate to implement the provisions of this section.

G. The provisions of this section shall apply to:

1. Any pending or future application for a ~~construction permit~~ for land disposal or treatment of hazardous waste, except treatment at a facility accepting hazardous waste exclusively for the purpose of conducting research and design tests; and

2. Any application for a ~~construction or operations permit~~ for hazardous waste treatment, storage, recycling or disposal which is initially submitted to the Department after July 31, 1992, or which has not been determined by the Department to be technically complete by December 31, 1993, regardless of the initial submittal date.

SECTION 19. AMENDATORY 63 O.S. 1991, Section 1-2006.1, as last amended by Section 93, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-110), is amended to read as follows:

Section 2-7-110. A. The Department shall not issue a ~~construction permit~~ for the treatment, disposal or temporary storage of any liquid hazardous waste in a surface impoundment which is not generated by the owners of the surface impoundment.

B. Except as otherwise specifically provided by law, the disposal of any liquid hazardous waste in a landfill or in a surface impoundment is prohibited.

C. The provisions of this section shall not prohibit:

1. The practice of soil farming of hazardous waste authorized by the provisions of the Oklahoma Hazardous Waste Management Act;

2. The construction and operation of surface impoundments solely for the collection of rainfall runoff; or

3. The construction of impoundments solely for the emergency retention of spills of substances which are or may become hazardous waste;

provided all liquids and associated solids are removed for proper treatment or disposal in accordance with the rules promulgated by the Board pursuant to the Oklahoma Hazardous Waste Management Act.

SECTION 20. AMENDATORY 63 O.S. 1991, Section 1-2014.3, as last amended by Section 97, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-114), is amended to read as follows:

Section 2-7-114. A. Except as provided in subsections B and C of this section, no ~~construction or operation~~ permit shall be issued for the off-site disposal of hazardous waste or for the off-site treatment of hazardous waste by incinerator at a new hazardous waste facility proposed to be located within eight (8) miles of the corporate limits of an incorporated city or town. For the purposes of this section the corporate limits of an incorporated city or town shall be the corporate limits in effect on January 1 of the year the application is filed, and a new hazardous waste facility means a hazardous waste facility that was not in operation and actively treating hazardous waste by incineration or disposing of hazardous waste during the year preceding August 30, 1991. Addition of new treatment, storage or disposal units to an existing hazardous waste facility does not constitute a new facility.

B. This section shall not apply to any facility accepting hazardous waste exclusively for the purpose of conducting treatment research and design tests.

C. This section shall not apply to a proposed site located on property owned or operated by a person who also owns or operates a hazardous waste facility on contiguous property on which a hazardous waste facility was operating pursuant to a valid permit on August 30, 1991.

SECTION 21. AMENDATORY 63 O.S. 1991, Section 1-2005.3, as last amended by Section 98, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-115), is amended to read as follows:

Section 2-7-115. A. Regarding a ~~construction permit~~ application for a new hazardous waste facility, the board of county commissioners of the county in which the waste facility is located and the board of county commissioners of any county contiguous to the waste facility, whose roads and bridges are to be used to provide access to the proposed waste facility, shall review the county road classification plans as described in Section 654 of Title 69 of the Oklahoma Statutes and substantiate whether the county roads and bridges to be used to and from such hazardous waste facility in their respective counties may be used without any substantial detriment to said roads and bridges as provided in Section 14-113 of Title 47 of the Oklahoma Statutes. If any board of county commissioners finds that substantial detriment to the roads and bridges in its county would occur, such board shall determine reasonable measures necessary to upgrade the roads and bridges and allow the applicant for a hazardous waste facility to upgrade or pay for the upgrading of such roads and bridges if the applicant receives a ~~construction~~ permit.

B. The Department shall not issue a construction permit for any new hazardous waste facility unless:

1. Each board of county commissioners, as appropriate pursuant to subsection A of this section, has substantiated by resolution that the county roads and bridges as they exist can be used without any substantial detriment to said roads and bridges as provided by the restrictions imposed by Section 14-113 of Title 47 of the Oklahoma Statutes; or

2. The applicant has agreed to upgrade or pay for the upgrading of the roads and bridges to the reasonable measures determined by the appropriate board of county commissioners or to the design standards established by the Oklahoma Department of Transportation for industrial access roads.

~~Am operation permit shall not be granted by the Department to the applicant. The Department shall not authorize the operation of the facility until the necessary upgrades to the roads and bridges have been made.~~

C. The Department shall notify the applicable boards of county commissioners by certified mail, return receipt requested, of the proposed waste site. Said boards of county commissioners shall have forty-five (45) days from receipt of such notice to review the county road classification plan and respond to the Department. The finding of each board of county commissioners shall be sent to the Department by certified mail, return receipt requested. Failure to respond within such forty-five-day response period shall constitute a finding that the roads and bridges can be used without substantial detriment and preclude the board of county commissioners failing to respond from raising the suitability of use of roads and bridges of the county as set out in subsections A and B of this section at a later date.

D. Any applicant for a construction permit or operation permit aggrieved by the action of the board of county commissioners pursuant to this section shall have the right of review by trial de novo in the district court of the county wherein the board of county commissioners took such action.

E. This section shall apply to any construction permit application submitted to the Department on or after May 30, 1985, and to any construction permit application submitted before May 30, 1985, for which a permit has not been issued.

SECTION 22. AMENDATORY 63 O.S. 1991, Section 1-2008, as last amended by Section 99, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-116), is amended to read as follows:

Section 2-7-116. A. ~~The Department shall issue permits for the operation of hazardous waste facilities. No operation Except for emergency permits issued in accordance with subsection C of Section 2-7-113 of this title, no permit shall be issued except upon proper application, proof of sufficient liability insurance and financial responsibility, formal public meeting, if requested, and such other requirements as provided by the Oklahoma Hazardous Waste Management Act and the Environmental Quality Code.~~

B. Liability insurance shall be provided by the applicant and shall apply to sudden and nonsudden bodily injury or property damage on, below or above the surface, as required by the rules of the Board. Additional insurance shall be required as deemed necessary by the Department to protect the property rights of owners or

leaseholders of underground resources such as oil, gas, water or other mineral substances. Such insurance shall be maintained for the period of operation of the facility and shall provide coverage for damages resulting from operation of the facility during operation and after closing. In lieu of liability insurance required by this or any other section of the Oklahoma Hazardous Waste Management Act, an equivalent amount of cash, securities or alternate financial assurance of a type and in an amount acceptable to the Department, may be substituted; provided, that such deposit shall be maintained for a period of five (5) years after the date of last operation of the facility.

C. Prior to the issuance of any permit, the applicant shall post a bond or acceptable alternate financial assurance guaranteeing proper closure and guaranteeing the performance of the maintenance and monitoring functions set out in Section 107 2-7-124 of this act title.

D. The Department shall require additional insurance and security by the permittee upon an application for expansion of the facility. Such increase in insurance and security shall be in a sufficient amount to provide adequate coverage for damages resulting from such expansion during operation of the facility and after closing.

E. Prior to the issuance of any permit, the applicant shall, upon request of the Department, produce evidence of the applicant's financial status indicating that the applicant is financially able to operate and maintain a hazardous waste facility as required by the Hazardous Waste Management Act. If the applicant is not financially able to operate and maintain a hazardous waste facility, as required by the Hazardous Waste Management Act, a permit shall be denied.

F. The operation of a hazardous waste facility shall be under the supervision of a person meeting qualifications set by the Board appropriate to the type of facility.

G. The Department is authorized and shall require the construction of monitoring wells, pond liners, fencing, signs or other equipment deemed necessary by the Department to ensure the suitable operation of the facility.

H. 1. In any case where the owner or operator of a hazardous waste facility is in bankruptcy, reorganization, or arrangement pursuant to the Federal Bankruptcy Code or if jurisdiction in any state court or any federal court cannot be obtained over an owner or operator likely to be solvent at the time of judgment, any claim arising from conduct for which evidence of financial responsibility is required pursuant to the Oklahoma Hazardous Waste Management Act may be asserted directly against the guarantor providing such evidence of financial responsibility. In the case of any action taken pursuant to this section, such guarantor shall be entitled to claim all rights and defenses which would have been available to the owner or operator if any action had been brought against the owner or operator by the claimant and which would have been available to the guarantor if any action had been brought against the guarantor by the owner or operator.

2. The total liability of any guarantor shall be limited to the aggregate amount which the guarantor has provided as evidence of financial responsibility for the owner or operator pursuant to the Oklahoma Hazardous Waste Management Act. Nothing in this subsection shall be construed to limit any other state or federal statutory, contractual or common law liability of a guarantor to its owner or operator including, but not limited to, the liability of such

quarantor for bad faith either in negotiating or failing to negotiate the settlement of any claim. Nothing in this subsection shall be construed to diminish the liability of any person under the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 or other applicable law.

SECTION 23. AMENDATORY 63 O.S. 1991, Section 1-2008.1, as last amended by Section 100, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-117), is amended to read as follows:

Section 2-7-117. A. Two or more persons generating hazardous waste may enter into a compact to construct and operate a multi-user on-site treatment facility for the exclusive use of the members of such compact. Such facility shall not be used as a hazardous waste facility for off-site treatment, storage or disposal of hazardous waste.

B. To be eligible for a permit issued pursuant to the provisions of this section and the Oklahoma Hazardous Waste Management Act, a multi-user on-site treatment facility shall meet the following criteria:

1. The facility may be co-owned by the generators of hazardous waste who are members of the compact;
 2. Each member of the compact shall be identified in the application and permit. In addition, the individual hazardous waste generated by each member shall be separately and distinctly characterized in the application and in the permit and shall meet the compatibility requirements established by the Department;
 3. The facilities generating hazardous waste which is to be treated at the multi-user on-site treatment facility shall be located within the same county as the multi-user on-site treatment facility;
 4. The multi-user on-site treatment facility shall be located upon the property of one of the compact members;
 5. Financial responsibility requirements shall be the responsibility of the compact members and shall be prorated according to the relative amount of hazardous waste of a generator to be treated at the facility; and
 6. The Department may require such other criteria and information in order to determine if the multi-user on-site treatment facility is physically and technically suitable for the hazardous waste to be treated at the facility.
- C. A multi-user on-site treatment facility, located within an industrial park which treats, stores or disposes of wastes that are produced only by the industries located within that industrial park, may be owned or operated by persons other than the generators of the waste.
- D. Upon compliance with the provisions of the Oklahoma Hazardous Waste Management Act, this section and rules promulgated thereunder, the Department shall issue ~~a permit~~ a permit for the construction and operation of a multi-user on-site treatment facility.
- E. The board of county commissioners of the county in which a multi-user on-site treatment facility is proposed to be located shall review all transportation routes between such proposed location and the facilities generating hazardous waste which are operated by members of the compact. The provisions of Section ~~98~~ 2-7-115 of this

act title relating to county roads and bridges shall apply to ~~construction and operation~~ permit applications for multi-user on-site treatment facilities.

SECTION 24. AMENDATORY 63 O.S. 1991, Section 1-2014.2, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 30, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-118), is amended to read as follows:

Section 2-7-118. A. Facilities that recycle hazardous waste shall be exempt from ~~construction permit requirements specified by the Oklahoma Hazardous Waste Management Act subsection C of Section 2-7-113 and Section 2-7-115 of this title with regard to those units exclusively used in the recycling process.~~ Off-site hazardous waste recycling facilities are subject to the requirements specified by the Oklahoma Hazardous Waste Management Act for an operations permit, and shall also meet design standards as promulgated by the Board. Such recycling facilities which were in existence on July 1, 1990, may but shall not be required to file an operations permit application pursuant to the provisions of the Oklahoma Hazardous Waste Management Act. A permit modification is not required for a permitted recycling facility to use new, improved, or better methods of recycling if the Department has approved the plans as being environmentally acceptable.

B. No hazardous waste having a heating value less than five thousand (5,000) British Thermal Units per pound shall be burned as fuel in any unit in this state permitted as a hazardous waste recycling unit.

C. No hazardous waste which has a heating value of less than five thousand (5,000) British Thermal Units per pound when blended with other materials or wastes to produce a hazardous waste fuel with a heating value equal to or exceeding five thousand (5,000) British Thermal Units per pound shall be burned as fuel in any unit in this state permitted as a hazardous waste recycling unit.

SECTION 25. AMENDATORY 63 O.S. 1991, Section 1-2012.4, as last amended by Section 115, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-7-132), is amended to read as follows:

Section 2-7-132. The filing of a proceeding appealing the issuance of a permit authorizing ~~the construction or operation of a hazardous waste facility~~ shall stay any time restraints specified in the permit relating to the term or expiration of the permit.

SECTION 26. AMENDATORY 63 O.S. 1991, Section 1-2414.1, as last amended by Section 150, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-305), is amended to read as follows:

Section 2-10-305. A. In considering applications for solid waste disposal site permits which were originally filed with the State Department of Health prior to April 30, 1990, the Department shall require applicants to submit information based on an individual on-site observation for determining the highest seasonal phreatic groundwater table. The original notice and opportunity to request a public meeting regarding such applications shall be deemed to comply with the Oklahoma Solid Waste Management Act and the Oklahoma Uniform Environmental Permitting Act for any ~~submittals~~ by the same applicant for the same site.

B. Where existing soil and groundwater conditions are such that a constructed liner may be required, the Department shall, as an aid

in such consideration, calculate the potential percolation of precipitation into deposited solid waste and the potential for leachate generation using a water-balance method based on rainfall, evapotranspiration, and soils data. The applicant shall provide such site-specific data as is necessary for the Department to evaluate the validity of the water-balance calculation for the specific site.

SECTION 27. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-7-113.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Environmental Quality shall issue permits for hazardous waste facilities. A permit shall be issued only upon proper application and determination by the Department that the proposed site and facility are physically and technically suitable.

B. Upon a finding that a proposed hazardous waste facility is not physically or technically suitable, the Department shall deny the permit.

C. In accordance with the provisions of Section 11 of the Oklahoma Uniform Environmental Permitting Act, an administrative permit hearing shall be available on a proposed permit which is based on a hazardous waste permit application for a new major permit and for the major modification of an existing major permit involving a fifty percent (50%) or more increase in permitted capacity for storage, treatment or disposal (including incineration).

D. A major modification of a major hazardous waste permit shall mean a Class IIR modification as defined in Section 270.42(c) of Title 40 of the Code of Federal Regulations.

E. The Department may, upon determining that public health or safety requires emergency action, issue a temporary permit for treatment or storage of hazardous waste or recyclable material for a period not to exceed ninety (90) days without the prior notices and opportunity to request a public meeting or the administrative permit hearing required by this section or the Oklahoma Uniform Environmental Permitting Act. Any person aggrieved by such permit may seek judicial review.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-10-303.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

In accordance with the provisions of Section 11 of the Oklahoma Uniform Environmental Permitting Act, an administrative permit hearing shall be available on a proposed permit which is based on a solid waste permit application for a new major permit or for the major modification of an existing major permit involving a fifty percent (50%) or more increase in permitted capacity for storage, treatment or disposal (including incineration).

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-205.2 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. 1. In accordance with the provisions of Section 11 of the Oklahoma Uniform Environmental Permitting Act, an administrative permit hearing shall be available on a proposed permit, prepared by the Department of Environmental Quality for a new water quality discharge permit or the renewal or major modification of an existing water quality discharge permit.

2. Parties to the administrative hearing shall have the right to present evidence before the Department on whether the proposed permit and the technical data, models and analyses, and information in the application upon which the proposed permit is based are in substantial compliance with the Oklahoma Pollution Discharge Elimination System Act and rules promulgated thereunder, the Oklahoma Water Quality Management Plan, other applicable rules of the Department, and the Oklahoma Water Quality Standards.

B. The provisions of this section shall not apply to applications filed with the Department for authorization to discharge pursuant to a general discharge permit.

C. This section shall apply to administrative hearing requests related to individual discharge permit applications filed with the Department on or after July 1, 1996, or the effective date the Department of Environmental Quality is granted state authorization under the Clean Water Act for a National Pollutant Discharge Elimination System Program, if later.

SECTION 30. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-5-112.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any applicant for an air quality construction permit for a new source or for the modification of an existing source, or for the renewal of an operating permit, and in such other instances as shall be specified by the Environmental Quality Board by rule, shall, upon the preparation of a draft permit by the Department of Environmental Quality, publish notice of such preparation in at least one newspaper of general circulation in the nearest city or town in which the facility is located or is proposed to be located. The notice shall include:

1. A description of the facility, its purpose and location or proposed location;

2. A statement that any person who may be adversely affected by emissions of air contaminants from the facility may submit written comments to, or request a formal public meeting from, the Department, or both;

3. A description of the manner in which written comments may be submitted, the manner in which any request for a meeting must be made, how the Department may be contacted for further information and where a copy of the draft permit will be available for inspection and copying; and

4. Any other information which the Board may by rule specify.

B. The applicant shall make available for thirty (30) calendar days from the date of publication of notice, in a location to be specified by the Department in the county where the source is located or is proposed to be located, a copy of the draft permit including the complete application, except for portions deleted under trade secret provisions of the Oklahoma Clean Air Act. The Department, in order to facilitate public review, shall prepare and attach proposed operating conditions. Upon the request of any person who may be adversely affected, the Department shall hold a formal public meeting. The person requesting the meeting shall state in writing the basis for the request and what adverse effects are alleged. Said request must be made within thirty (30) days of the date of the published notice and shall provide to the Department the name of the person or persons making the request and a current mailing address. Upon a determination that a reasonable basis for a meeting has been

alleged, the Department shall immediately set a date for the meeting and shall cause to be mailed to all persons who requested the meeting, information concerning the date, time and place. The applicant shall also cause to be published in the manner provided in this paragraph, notice of the date, time and place and the purpose of the formal public meeting. Said notice shall be published at least thirty (30) calendar days prior to the meeting.

C. At the meeting, which shall be attended by both the Department and the applicant, persons may submit oral or written statements concerning the draft permit; provided, however, that the person conducting the meeting, who shall be a representative of the Department, may set reasonable time limits for the presentation of oral comments and for any question and answer session. The purpose of this meeting shall be to inform the public concerning the permit and the operation of the source. Failure of the applicant to participate in good faith shall constitute grounds for the Department to deny the permit. The presiding officer shall have the discretion to conclude the comment period at the close of the hearing, or may extend or reopen the comment period as necessary.

D. No person, including the applicant, shall raise any reasonably ascertainable issue in any future proceeding, unless the same issues shall have been raised at this meeting or before the close of the public comment period, and supported in writing, by appropriate argument and evidence as may be available at the time.

E. The Department shall consider all substantive comments which shall have been submitted in writing and prepare a written response thereto when possible within sixty (60) days. The Department shall mail to all persons participating in the public meeting or submitting written comments, who shall have requested notification and provided to the Department a mailing address, the written decision concerning the permit. Said decision shall also advise of the availability of the Director's response to public comments.

SECTION 31. REPEALER Sections 23 and 26, Chapter 324, O.S.L. 1993, 63 O.S. 1991, Section 1-2006, as last amended by Section 14 of this act, 63 O.S. 1991, Section 1-2415, as last amended by Section 15 of this act (27A O.S. Supp. 1993, Sections 2-6-205.1, 2-6-501.1, 2-7-113 and 2-10-303) and Section 30 of this act shall be repealed.

SECTION 32. Sections 1 through 5, 12 through 25 and 30 of this act shall become effective July 1, 1994.

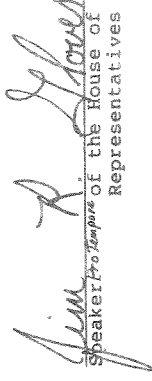
SECTION 33. Sections 6 through 11, 26 through 29 and 31 of this act shall become effective July 1, 1996.

SECTION 34. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 19th day of May, 1994.


ACTING
President
of the Senate

Passed the House of Representatives the 25th day of May, 1994.


Speaker Pro Tempore of the House of
Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 25th
day of May, 1994,
at 8:23 o'clock P.M.

By: Jp Chandler

Approved by the Governor of the State of Oklahoma the 17th day of
June, 1994, at 12:53 o'clock P.M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 10th
day of June, 1994,
at 2:06 o'clock P.M.

By: John Henley