

US EPA ARCHIVE DOCUMENT

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.

E. 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 2-14-302 of this title. 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 2-14-303 of this title.

F. Upon final issuance or denial of a permit for a Tier III application, the Department shall provide public notice of the final permit decision and the availability of the response to comments, if any.

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

H. Any applicant, within ten (10) days after final denial of the application for a new original permit on which no final order was issued, may petition the Department for reconsideration on the grounds stated in subsection A of Section 317 of Title 75 of the Oklahoma Statutes as if the denial was an order. Disposition of the petition shall be by order of the Executive Director according to subsections B and D of Section 317 of Title 75 of the Oklahoma Statutes. Added by Laws 1994, c. 373, § 11, eff. July 1, 1996. Amended by Laws 1995, c. 285, § 19, eff. July 1, 1996.

¹ Title 75, § 250 et seq.

² Title 27A, § 2-1-101 et seq.

§ 2-14-305. General permits

For common and routine permit applications, the Department of Environmental Quality may expedite the permitting process by issuing permits of general applicability, hereafter identified as "general permits". General permits shall be subject to all the Tier II administrative procedures including the public participation requirements. The administrative process for rulemaking shall not be applicable to the issuance of general permits. Individual applicants may obtain authorization through the Tier I process to conduct an activity covered by a general permit. General permits

are limited to activities under the Tier I and Tier II classifications.

Added by Laws 1997, c. 200, § 1, eff. July 1, 1997.

PART 4. MISCELLANEOUS

§ 2-14-401. Report to legislature

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 Act¹ and any legislative amendments determined by the Department to be necessary to accomplish the objectives of such act.

Added by Laws 1994, c. 373, § 12, eff. July 1, 1994.

¹ Title 27A, § 2-14-101 et seq.

ARTICLE XV. OKLAHOMA BROWNFIELDS VOLUNTARY REDEVELOPMENT ACT

§ 2-15-101. Short title

Sections 1 through 10 of this act¹ shall be known and may be cited as the "Oklahoma Brownfields Voluntary Redevelopment Act".

Added by Laws 1996, c. 356, § 1, emerg. eff. June 14, 1996.

¹ Title 27A, §§ 2-15-101 to 2-15-110.

§ 2-15-102. Purpose of act—Construction

A. The Oklahoma Legislature hereby declares that the purpose of the Oklahoma Brownfields Voluntary Redevelopment Act¹ is to:

1. Provide for the establishment of a voluntary program by the Department of Environmental Quality;

2. Foster the voluntary redevelopment and reuse of brownfields by limiting the liability of property owners, lenders, lessees, and successors and assigns from administrative penalties assessed by the Department and civil liability with regard to the remedial actions taken by the applicant for environmental contamination caused by regulated substances, as required by a consent order, if the remedial action is not performed in a reckless or negligent manner; and

3. Provide for a risk-based system for all applicable sites based on the proposed use of the site.

B. The Oklahoma Brownfields Voluntary Redevelopment Act shall not be construed to authorize or encourage any person or other legal entity to cause or increase environmental contamination, to avoid compliance with state and federal laws and regulations concerning environmental contamination or to in any manner escape responsibility for maintaining environmentally sound operations.

Added by Laws 1996, c. 356, § 2, emerg. eff. June 14, 1996.

¹ Title 27A, § 2-15-101 et seq.