

US EPA ARCHIVE DOCUMENT

§21-1230.1. Environmental Crimes Act - Short title.

Sections 339 through 347 of this act shall be known and may be cited as the "Environmental Crimes Act".

[1]Added by Laws 1992, c. 363, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 338, eff. July 1, 1993.

[2]

§21-1230.2. Definitions.

A. As used in the Environmental Crimes Act:

1. "Waste" means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded or abandoned materials and by-products including but not limited to trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious substances, oil field wastes, commercial and industrial waste and chemical waste; and

2. "Hazardous waste" means:

- a. waste that is subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act, Title 42 U.S.C., Section 6901 et seq., and regulations adopted pursuant thereto,
- b. waste that is subject to regulation as a hazardous waste under the Oklahoma Hazardous Waste Management Act, or
- c. waste that is ignitable, corrosive, reactive or toxic as determined by testing for the characteristics of ignitability, corrosivity, reactivity or toxicity as provided in 40 Code of Federal Regulations, Sections 261.21 through 261.24.

B. The minimum quantity requirements in paragraph 1 of subsection A of this section shall not apply to chemical wastes used or intended for use in the manufacture of controlled substances in violation of the Uniform Controlled Dangerous Substances Act and shall not apply to hazardous wastes in circumstances involving unlawful disposal or concealment of hazardous waste as prohibited in Sections 1230.6 and 1230.7 of this title.

C. The term hazardous waste shall not include the handling, hauling, storage and disposition of salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and processing of oil and gas, including reclaiming of oil from tank bottoms located on leases and tank farms located outside the boundaries of a refinery.

[3]Added by Laws 1992, c. 363, § 2, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 339, eff. July 1, 1993; Laws 2001, c. 386, § 3, eff. July 1, 2001.

[4]

§21-1230.3. Unlawful hazardous waste transportation.

Any person who knowingly and willfully transports or causes the transportation of hazardous waste within the State of Oklahoma without a proper manifest, as prescribed in the Oklahoma Hazardous Waste Management Act, commits the offense of unlawful hazardous waste transportation.

[5]Added by Laws 1992, c. 363, § 3, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 340, eff. July 1, 1993.

[6]

§21-1230.4. Unlawful waste management.

Any person required by law to have a permit or authorization from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma

Department of Agriculture to receive, store, treat, process, recycle or dispose of waste, who without such permit or authorization knowingly and willfully receives, stores, treats, processes, recycles or disposes of waste, commits the offense of unlawful waste management.

[7]Added by Laws 1992, c. 363, § 4, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 341, eff. July 1, 1993.

[8]

§21-1230.5. Unlawful misrepresentation of waste.

A. It shall be unlawful to knowingly and willfully:

1. Make false statements, include false data or omit material information in an application for a waste permit, or for a waste authorization, from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture;

2. Make false statements, include false data or omit material information in a waste manifest, waste label, or other waste compliance document, record or plan required by law to be created, maintained or submitted to any state agency;

3. Submit a false sample of waste for laboratory analysis;

4. Make false statements or include false data in, or omit material information from, a laboratory analysis of waste;

5. Tamper with an environmental monitoring device to compromise or impair the accuracy of the device; or

6. Provide hazardous waste to another person for transportation without providing a proper manifest as prescribed in the Oklahoma Hazardous Waste Management Act.

B. Any person who violates the provisions of this section commits the offense of unlawful misrepresentation of waste.

[9]Added by Laws 1992, c. 363, § 5, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 342, eff. July 1, 1993.

[10]

§21-1230.6. Unlawful disposal of hazardous waste.

Any person who knowingly and willfully fails to secure a permit required by or pursuant to law, and who, without lawful permit or authorization, knowingly and willfully disposes, directs the disposal or aids and abets the disposal of hazardous waste into a sanitary sewer system without appropriate pretreatment, or at a solid waste landfill, transfer station or processing facility, or at any unpermitted disposal place commits the offense of unlawful disposal of hazardous waste.

[11]Added by Laws 1992, c. 363, § 6, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 343, eff. July 1, 1993.

[12]

§21-1230.7. Unlawful concealment of hazardous waste.

Any person commits the offense of unlawful concealment of hazardous waste who knowingly and willfully subjects any other person, including but not limited to peace officers, emergency responders or clean-up crews, to the potential for immediate or long-term risk to their health or safety by exposure to chemical wastes, by knowingly and willfully:

1. Concealing or causing other persons to conceal the unlawful abandonment or disposal of hazardous waste;

2. Concealing or causing other persons to conceal that hazardous waste is being transported; or

3. Misrepresenting or causing other persons to misrepresent the type of hazardous waste being transported.

[13]Added by Laws 1992, c. 363, § 7, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 344, eff. July 1, 1993.

[14]

§21-1230.8. Penalties.

Any person convicted of the offense of:

1. Unlawful hazardous waste transportation shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment;

2. Unlawful waste management with respect to:

- a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Ten Thousand Dollars (\$10,000.00), and
- b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Fifty Thousand Dollars (\$50,000.00) or both such fine and imprisonment;

3. Unlawful waste misrepresentation with respect to:

- a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00), and
- b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment;

4. Unlawful disposal of hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00) or both such fine and imprisonment; and

5. Unlawful concealment of hazardous waste shall be guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years and a fine of not more than One Hundred Thousand Dollars (\$100,000.00).

[15]Added by Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 345, eff. July 1, 1993; Laws 1997, c. 133, § 313, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 211, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 313 from July 1, 1998, to July 1, 1999.

[16]

§21-1230.9. Penalty enhancements.

The fines provided for in Section 1230.8 of this title shall be doubled for any person convicted of any violation of the provisions of the Environmental Crimes Act if:

1. The conviction is for a second or subsequent violation of the same or another provision of the Environmental Crimes Act; or

2. The convicted person profited from or received any remuneration for the actions leading to the conviction.

[17]Added by Laws 1992, c. 363, § 9, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 346, eff. July 1, 1993.

[18]

§21-1230.10. Laws saved from repeal - Penalties not in lieu of civil or administrative penalties.

Nothing in Sections 1230.1 through 1230.10 of this title is intended to repeal any existing law. Any penalty imposed under Section 1230.8 of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

[19]Added by Laws 1992, c. 363, § 10, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 347, eff. July 1, 1993.

[20]