



ENVIRONMENT

There are six state agencies responsible for environmental regulations. The major tasks of the environmental regulatory agencies are outlined by the Oklahoma Environmental Quality Act (27A O.S. 1-3-101).

ENVIRONMENTAL AGENCY RESPONSIBILITIES

Oklahoma Conservation Commission

The Conservation Commission's primary responsibilities lie in the preservation and development of Oklahoma's natural resources. The commission has the responsibility for providing assistance to all 88 conservation districts in the areas of erosion prevention and control, prevention of flood and sediment damage, development of water resources, environmental education coordination, administration of the State Cost-Share program, and maintenance of small upstream flood control structures.

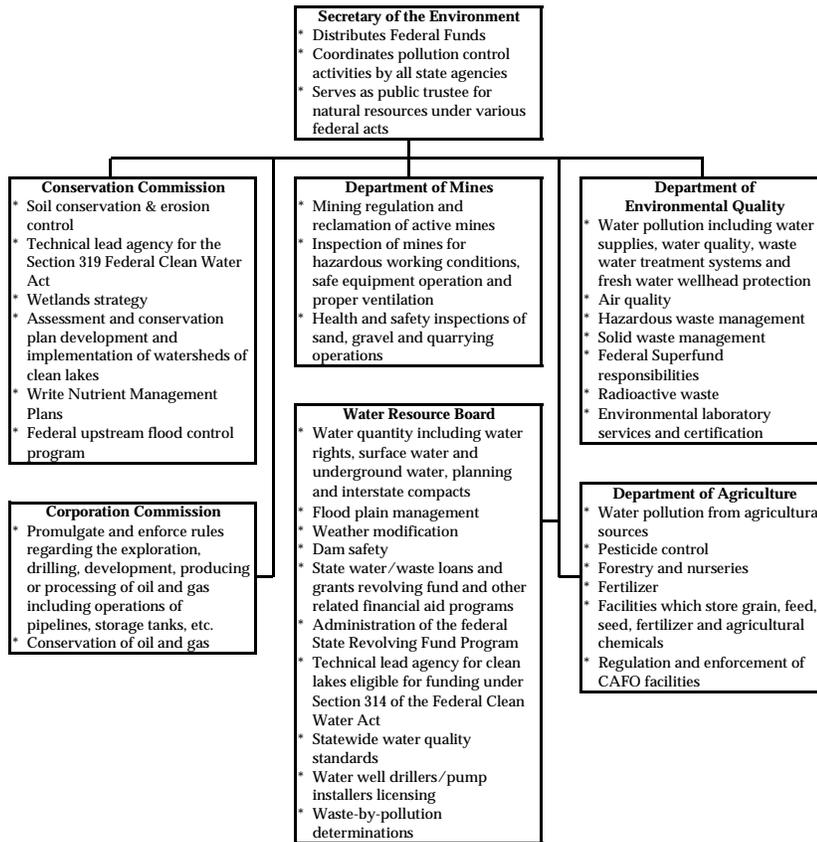
State Department of Agriculture

The State Department of Agriculture was created to protect, improve and develop all of the state's agricultural resources, and to increase the contribution of agriculture to the state's economy. The department forms educational and economic partnerships, encourages value-added processing of Oklahoma's raw agricultural resources, and develops domestic and international markets for the state's agricultural commodities and products. The agency enforces laws and rules pertaining to food safety, water quality, and agricultural-related product or service quality.

Department of Environmental Quality

The Department of Environmental Quality (DEQ) provides comprehensive environmental protection and program management.

DEQ is responsible for the principal environmental regulatory functions of air quality, water quality, solid waste and hazardous waste management.



Water Resources Board

The Oklahoma Water Resources Board (OWRB) manages the waters of the state and plans for Oklahoma’s long-range water needs to ensure an adequate supply of quality water. The primary function of the agency has been to administer the state’s water rights program, both from ground water and stream water. The OWRB also administers the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF), which provide loans to qualified entities needing financial assistance to construct water and sewer projects.

Corporation Commission

Established in 1907 by the Oklahoma Constitution, the mission of the Corporation Commission is to regulate the activities of public utilities; oil and gas drilling, production and waste disposal; motor carriers; the storage, quality and dispensing of petroleum products; and other hazardous liquid handlers. The commission also monitors Oklahoma compliance with a number of federal programs.

The Commission is comprised of three statewide elected officials. They serve six-year terms that are staggered so that a vacancy occurs every two years.

Department of Mines

The Oklahoma Department of Mines protects the environment through the enforcement of state and federal laws related to surface and sub-surface mining. Additionally, the department inspects mines for hazardous conditions, directs special consideration towards working conditions, verifies the safety of equipment operation, ensures proper ventilation and regulates blasting activities.

CURRENT ENVIRONMENTAL INITIATIVES

The legislature has supported various programs designed to monitor and remediate the state's natural resources. The following programs highlight the state's commitment to a sound environment.

Water Quality Monitoring (BUMP)

During the 1998 session, the OWRB was authorized and provided funding to implement a coordinated and comprehensive state water quality monitoring effort, known as the Beneficial Use Monitoring Program (BUMP).

Oklahoma's water resources are regulated through the promulgation of water quality standards, required by the federal government and developed by the OWRB. Beneficial uses are assigned to every water segment in Oklahoma. By statute, each state environmental agency is tasked with ensuring the maintenance of these beneficial uses. BUMP is designed to gather scientifically and legally defensible baseline water quality trend data. The data will be used to assess and identify sources of water quality impairment, detect water quality trends, provide needed information for the development of water quality standards, and facilitate the prioritization of pollution control activities.

BUMP is composed of five key elements or tasks, two of which have not been implemented due to funding constraints:

- **River and Stream Monitoring:** Almost 200 sites are sampled monthly for water quality. These sites are segregated into two distinct types of monitoring activities: fixed sites and rotating sites.
- **Fixed Station Load Monitoring:** Collection of water quantity flow data is used to track long-term trends.
- **Fixed Station Lakes Monitoring:** Currently 35 lakes are being sampled. The effort involves the sampling of about three stations per reservoir.
- **Fixed Station Groundwater Monitoring:** Focusing on groundwater will involve monitoring existing wells. Implementation of this facet of BUMP is being delayed due to lack of funding.
- **Intensive Investigation Sampling:** This element, which also is pending implementation, attempts to document the source of water impairment and recommend restorative actions.

Superfund Remediation

The Superfund Program is administered by DEQ in partnership with the U.S. Environmental Protection Agency (EPA), which provides almost all the funding. Superfund is the federal program to monitor and remediate the nation's uncontrolled hazardous waste sites as well as the sites that pose the greatest threat to human health and the environment. Nationwide, EPA has identified 1,194 sites on the National Priorities List (NPL). In Oklahoma, there are 12 permanent NPL sites and one proposed site:

- Compass Industry-Avery Drive (Tulsa County);
- Double Eagle Refinery Company (Oklahoma County);
- Fourth Street Abandoned Refinery (Oklahoma County);
- Hardage/Criner (McClain County);
- Mosely Road Sanitary Landfill (Oklahoma County);
- National Zinc Company (Washington County);
- Oklahoma Refinery Company (Caddo County);
- Sand Springs Petrochemical Complex (Tulsa County);

- Tar Creek (Ottawa County);
- Tenth Street Dump/Junkyard (Oklahoma County);
- Tinker Air Force Base (Oklahoma County); and
- (proposed) fuel and manufacturing site (Tulsa County).

According to EPA, the Tar Creek site remains one of the country's most dangerous Superfund sites in terms of human health and the environment. Lead and zinc mining in the northeastern region of Oklahoma from 1891 through 1970 left behind hundreds of miles of underground tunnels and millions of tons of hazardous debris, known as "chat." In 1993, the Indian Health Service demonstrated that 34% of area Native American children exhibited unsafe levels of lead in their blood.

Due to a lack of progress in addressing these human health, safety and environmental dangers at the site, the state Tar Creek Superfund Task Force was created in January 2000. The task force, comprised of legislative members, state and local officials, and Native American tribal leaders, has sought to develop a holistic action plan to remediate the site. The committee is exploring the most cost-effective solution to the site's remediation.

Rural Economic Action Plan (REAP)

The Rural Economic Action Plan (REAP) was established in 1996 to stimulate the economic development of infrastructure in rural Oklahoma. For FY'01, the appropriations to REAP totaled \$20 million. OWRB received \$4.5 million and the Oklahoma Office of the Auditor and Inspector received the balance of \$15.5 million.

The \$15.5 million portion is divided equally among the 10 Sub-state Planning Districts for rural economic development planning and implementation of projects. Provisions of REAP restrict grants to cities or towns with a population of less than 7,000. Also, the selection process gives priority to cities or towns with less than 1,500 population.

The REAP portion administered by the OWRB addresses the need for water/sewer project funding in smaller, financially stressed communities. Projects eligible for REAP grants include storm and sanitary sewer construction or repair, water line construction or repair, water treatment, water acquisition, water distribution or recovery, and other water/wastewater projects.

Weather Modification

The Weather Modification Program is a cloud seeding program administered by OWRB. In response to the severe drought of 1995-1996, the program was initiated with dual purposes of precipitation enhancement and hail suppression. OWRB maintains a contract with Weather Modification Inc. of North Dakota to conduct the seeding.

National studies by climatologists and other scientists on the effectiveness of cloud-seeding have been inconclusive. Proponents of the program estimate that typical weather-modification efforts yield a 20% increase in rainfall and a 40% decrease in property and crop losses due to hail.

Waste by Pollution

The Supreme Court deliberated over the contested issuance of a water use permit for a northwest Oklahoma concentrated animal feeding operation (CAFO). On July 5, 2000, the Supreme Court issued a ruling that no one environmental agency has exclusive environmental jurisdiction over livestock operations requiring water permits. The ruling stated that OWRB must consider whether pollution will occur as a result of all swine-related operations, not just those directly related to water usage. While existing state law requires OWRB to determine that "waste by depletion or waste by pollution" will not occur as a result of proposed groundwater usage, the ruling extends the agency's jurisdiction to include the water's "ultimate" use, such as polluted runoff.

According to law, while ODA maintains primary jurisdiction over the disposal of animal waste, OWRB is responsible for the appropriate beneficial use of water supplies. The Supreme Court, however, ruled that both agencies now have concurrent jurisdiction over potential water pollution by Oklahoma's CAFOs. Administratively, OWRB is attempting to determine whether this ruling applies to all beneficial uses of water, not just those related to CAFOs and related operations. For instance, irrigators, municipalities, and industries who seek water use permits may need to demonstrate that pollution will not occur in its ultimate use or deposition.