Index

General Violations of Environmental Quality Code……………………...p. 3

Solid Waste & Littering statutes……………………………………….…p. 4

Used Tire Recycling Act………………..………………………...……..p. 12

Environmental Crimes Act (hazardous waste)…………………………..p. 16

Oklahoma Pollutant Discharge Elimination System Act…………….….p. 21

Oklahoma Clean Air Act……………………………………………….. p. 25

Wildlife Statutes…………………………………………………...…….p. 34

Agriculture Statutes……………………………………………………...p. 39

Corporation Commission Statutes…………………………………...…..p. 45

Filing Charges Against Corporations…………………………………... p. 48

Rewards for Littering Offenses……………………………………….....p. 50

Miscellaneous Statutes of use to Environmental Crime Investigations....p. 52

Other DEQ Environmental Statutes and Regulations……………..…… p. 67

Procedure for Writing Tickets for Environmental Violations………..….p. 68

Disclaimer:

This booklet is intended as a reference guide only, and not meant to represent an official copy of the Oklahoma Statutes.

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**General Punishment for Violation of Environmental Statutes**

Unless the punishment is specifically mentioned in other sections, the following section details the statutory punishment for all criminal violations of the Environmental Quality Code (Oklahoma Statutes Title 27A). This primarily covers solid waste violations.

**27A O.S. §2-3-504(A)(1)**

A. Except as otherwise specifically provided by law, any person who violates any of the provisions of, or who fails to perform any duty imposed by, the Oklahoma Environmental Quality Code or who violates any order, permit or license issued by the Department of Environmental Quality or rule promulgated by the Environmental Quality Board pursuant to this Code:

1. Shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not less than Two Hundred Dollars ($200.00) for each violation and not more than Ten Thousand Dollars ($10,000.00) for each violation or by imprisonment in the county jail for not more than six (6) months or by both such fine and imprisonment;

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D. For purposes of this section, each day or part of a day upon which such violation occurs shall constitute a separate violation.

**Solid Waste Statutes**

**Littering**

**21 O.S. §1205 (Littering)**

It shall be unlawful for any person to throw or leave or deposit garbage, tin cans, junk, rubbish or refuse and other items and matters commonly referred to as trash within one hundred (100) yards of any state highway or any county road or the occupied dwelling of another, except when the placement of such materials is along a collection route for the specific intent and purpose of scheduled collection and transportation to a recycling or disposal facility serving the area. Provided, however, that any city or town operating or desiring to operate a solid waste disposal site within the distance above prescribed may establish said solid waste disposal site when said solid waste disposal site is approved by the Oklahoma Department of Environmental Quality.

**21 O.S. §1206**

Any person or any officer of any city or town violating any of the provisions of this act shall, upon conviction, be fined not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or be imprisoned in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

**21 O.S. 1753.3 (Littering)**

A. The operator of a vehicle, unless any other person in the vehicle admits to or is identified as having committed the act, shall be liable pursuant to subsection B of this section for any act of throwing, dropping, depositing, or otherwise placing any litter from a vehicle upon highways, roads, or public property.

B. Any person convicted of violating the provisions of subsection A of this section shall be subject to a state traffic offense punishable by a fine of not more than One Thousand Dollars ($1,000.00) and upon conviction shall be sentenced to perform not less than five (5) nor more than twenty (20) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes.

C. Any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, or any substance which may cause a fire shall be subject to a state traffic offense punishable by a fine of not more than Two Thousand Dollars ($2,000.00) and, upon conviction, shall be sentenced to perform not less than ten (10) nor more than forty (40) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

D. During a declared burn ban by the Governor, any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, or any substance which may cause a fire shall be subject to a state traffic offense punishable by a fine of not more than Four Thousand Dollars ($4,000.00) and, upon conviction, shall be sentenced to perform not less than twenty (20) nor more than eighty (80) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

E. As used in this section, "litter" means any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, any substance which may cause a fire, any bottles, cans, trash, garbage, or debris of any kind. As used in this section, "litter" shall not include trash, garbage, or debris placed beside a public road for collection by a garbage or collection agency, or deposited upon or within public property designated by the state or by any of its agencies or political subdivisions as an appropriate place for such deposits if the person making the deposit is authorized to use the property for such purpose.

**21 O.S. §1761.1 (Littering)**

A. Any person who deliberately places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance on any public property or on any private property of another without consent of the property owner or on his or her own private property in violation of any county or state zoning or public health regulations shall, upon conviction, be deemed guilty of a misdemeanor.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

C. Any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substance, or any substance which may cause a fire shall be punished by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded. Any person violating the provisions of this subsection shall be liable for all damages caused by the violation. Damages shall be recoverable in any court of competent jurisdiction.

D. During a burn ban declared by the Governor, any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances, or any substance which may cause a fire shall be punished by a fine of not less than Four Thousand Dollars ($4,000.00) nor more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the county jail for not more than one hundred twenty (120) days, or by both such fine and imprisonment. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded. Any person violating the provisions of this subsection shall be liable for all damages caused by the violation. Damages shall be recoverable in any court of competent jurisdiction.

E. Any person convicted of violating the provisions of subsection A of this section with any item of furniture, or item that exceeds fifty (50) pounds, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Six Thousand Five Hundred Dollars ($6,500.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment.

F. In addition to the penalty prescribed by subsection B of this section, the court shall direct the person to make restitution to the property owner affected; to remove and properly dispose of the garbage, trash, waste, rubbish, refuse, or debris from the property; to pick up, remove, and properly dispose of garbage, trash, waste, rubbish, refuse, debris, and other nonhazardous deleterious substances from public property; or perform community service or any combination of the foregoing which the court, in its discretion, deems appropriate. The dates, times, and locations of such activities shall be scheduled by the sheriff pursuant to the order of the court in such a manner as not to interfere with the employment or family responsibilities of the person.

G. In addition to the penalty prescribed in subsection B of this section and the restitution prescribed in subsection F of this section, the court may order the defendant to pay into the reward fund as prescribed in Section 1334 of Title 22 of the Oklahoma Statutes an amount not to exceed Two Thousand Dollars ($2,000.00).

H. The discovery of two or more items which have been dropped, dumped, deposited, discarded, placed, or thrown at one location and which bear a common address in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that any competent person residing at such address committed the unlawful act. The discovery or use of such evidence shall not be sufficient to qualify for the reward provided in Section 1334 of Title 22 of the Oklahoma Statutes.

I. Any person may report a violation of this section, if committed in his or her presence, to an officer of the State Highway Patrol, a county sheriff or deputy, a municipal law enforcement officer or any other peace officer in this state. The peace officer shall then conduct an investigation into the allegations, if warranted. If a violation of this section has in fact been committed, and the peace officer has reasonable cause to believe a particular person or persons have committed the violation, a report shall be filed with the district attorney for prosecution.

J. Notwithstanding the provisions of subsection I of this section, any peace officer of this state or of any political subdivision of this state may issue a state traffic citation to any person committing a violation of subsection A of this section. Such state traffic citation shall be in an amount of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00). The penalties collected from the payment of such citations shall not include court costs and shall be divided as follows:

1. One-half (1/2) shall be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes; provided that if the citation is issued by a peace officer of a county of this state, the funds allocated by this paragraph shall be transferred to the general fund of the county of the law enforcement officer issuing the citation; and

2. One-half (1/2) shall be paid into the sheriff's service fee account for that county to be used for enforcing provisions of this section.

J. The amount of bail for littering offenses specified in Section 1753.3 of this title and for trash dumping offenses specified in this section shall be the amount of fine specified in each statute plus costs including any penalty assessment, as well as costs incurred in Section 1313.3 of Title 20 of the Oklahoma Statutes.

**Solid Waste Statutes**

**Carcass Disposal**

#### 21 O.S. §1223

A. It shall be unlawful for any person to leave or deposit, or cause to be deposited or left, the carcass of any animal, chicken or other fowl in any well, spring, pond or stream of water; or leave or deposit the same within one-fourth (1/4) mile of any occupied dwelling or of any public highway, without burying or disposing of the carcass in accordance with the recommendations and requirements of the Oklahoma Department of Agriculture, Food, and Forestry.

B. It shall be the duty of the owner of any domestic animal in the State of Oklahoma to dispose of any carcass within twenty-four (24) hours after notice of the knowledge of the death. Disposal shall be in accordance with the recommendations and requirements of the Oklahoma Department of Agriculture, Food, and Forestry. It shall be unlawful to bury any carcass in any land along any stream or ravine where it may become exposed through erosion of the soil, or where the land is at any time subject to overflow.

C. "Owner" shall mean and include any person having possession of domestic animals either by reason of ownership, rent, hire, loan, or otherwise.

D. Any person who violates this section shall be guilty of a misdemeanor.

**Solid Waste Statutes**

#### 27A O.S. §2-10-301

A. Except as otherwise specified in this section:

1. No person shall dispose of solid waste at any site or facility other than a site or facility for which a permit for solid or hazardous waste disposal has been issued by the Department of Environmental Quality;

2. No person shall own or operate a site or facility at which solid waste is disposed other than a site or facility for which a permit for solid or hazardous waste disposal has been issued by the Department;

3. No person shall knowingly transport solid waste to an unpermitted site or facility; and

4. The Department shall not bring an enforcement action against any unit of local government which undertakes any remediation of an illegal dump which the local government had no role in creating provided that the unit of local government first consults with and follows the remediation advice of the Department. The Department is authorized to recommend remediation of illegal dumps by burial of the material on location, when such burial appears to pose less risk than failure to remediate.

B. No provision of the Oklahoma Solid Waste Management Act shall be construed to prevent a person from disposing of solid waste from his or her household upon his or her property provided such disposal does not create a nuisance or a hazard to the public health or environment or does not violate a local government ordinance.

#### Unlawful to Pollute – Public Nuisance

#### 27A O.S. §2-6-105(A)

It shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance.

**Solid Waste Statutes**

**Medical Waste**

#### 27A O.S. §2-10-308.1

No person, firm, association, corporation or cooperative shall dispose of untreated, potentially infectious medical waste in either a municipal solid waste landfill or in any receptacle or system designed to collect and transport solid waste to a municipal solid waste landfill. This prohibition shall include all quantities of untreated sharps but shall not apply to other untreated, potentially infectious medical waste generated in quantities less than sixty (60) pounds (27.2 kilograms) per month from one physical location.

**Solid Waste Statutes**

**Waste Tires**

#### 27A O.S. §2-11-401.1

#### As used in the Oklahoma Used Tire Recycling Act:

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10. "Reusable tire" means a tire that has been previously used on a vehicle, not currently mounted on a vehicle, but can be legally placed into service for vehicle use in Oklahoma;

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18. "Used tire" means an unprocessed whole tire or tire part that can no longer be used for its originally intended purpose but can be beneficially reused as approved by the Department [of Environmental Quality]. Any used tire collected in accordance with the requirements of the Oklahoma Used Tire Recycling Act is not considered to be discarded. A tire that can be used, reused or legally modified to be reused for its original intended purpose shall not be a used tire;

#### 27A O.S. §2-11-401.7

A. Except as otherwise provided by this section, it shall be unlawful for any person to:

1. Own or operate a site used for the storage, collection or disposal of more than fifty used tires except at a site or facility permitted or approved by the Department of Environmental Quality to accept used tires. The provisions of this paragraph shall not apply to tire manufacturers, retailers, wholesalers and retreaders who store a total of no more than two thousand five hundred used tires at their place of business or an ancillary off-premises storage site approved by the Department, and who are currently in compliance with applicable Oklahoma Tax Commission requirements;

2. Dispose of used tires at any site or facility other than a site or facility for which a permit has been issued, or which has been otherwise authorized by the Department;

3. Knowingly transport or knowingly allow used tires under the control or in the possession of the person to be transported to an unpermitted or unapproved site or facility; or

4. Remove more than ten used tires or reusable tires from the possession of the dealer unless the dealer provides a manifest form, approved by the Department, which documents the removal and approved disposition or sale of the tires and which accompanies the tires in transport, or to transport used or reusable tires in violation of rules promulgated by the Department. Dealers, haulers, and used tire recycling facilities shall keep copies of manifests available for inspection for five (5) years; or

5. Sell any tire without collecting and remitting appropriate fees to the Tax Commission in accordance with Section 2-11-401.2 of this title.

B. The provisions of subsection A of this section shall not apply to the use of used tires for agricultural purposes as recognized by the Oklahoma Department of Agriculture, Food, and Forestry.

C. The provisions of paragraphs 2 and 3 of subsection A of this section shall not be construed to prevent an individual from disposing of used tires previously used by the individual as vehicle or equipment tires if the disposal is upon property owned by the individual and the disposal does not create a nuisance or pose a hazard to the public health or environment.

D. The provisions of paragraphs 2 and 3 of subsection A of this section shall not be construed to prevent a used tire recycling facility or tire-derived fuel or TDF facility from transporting and delivering used tires to an out-of-state used tire recycling facility or TDF facility.

E.

1. Except as otherwise ordered by the court, if the administrative enforcement process for a violation of an order issued by the Department for remediation, corrective action or cleanup of an illegal tire dump has been exhausted, or criminal proceedings for paragraph 1 or 2 of subsection A of this section have resulted in a conviction, guilty plea or nolo contendere plea, the Department or a representative of the Department, upon notice to the landowner and an opportunity for the landowner to be heard on the issue, may enter the property to clean up the tire dump.

2. The Department may initiate a court action to recover the actual cost of cleanup, attorney fees, court costs, and all other monies expended in connection with the cleanup.

3. The Department shall deposit any excess funds recovered through such action into the Used Tire Recycling Indemnity Fund.

F. Notwithstanding the provisions of Section 2-3-504 of this title or any other remedy authorized by law, any peace officer of this state or of any political subdivision of this state may issue a citation to any person committing a violation of paragraph 1, 2, 3 or 4 of subsection A of this section. Such citation shall be in an amount not to exceed One Hundred Dollars ($100.00) for the first offense, not to exceed Two Hundred Dollars ($200.00) for the second offense and not to exceed Five Hundred Dollars ($500.00) for the third or subsequent offense. The penalties collected from the payment of such citations shall not include court costs and shall be divided as follows:

1. One-half (1/2) shall be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes; and

2. One-half (1/2) shall be paid into the Sheriff’s Service Fee Account for that county to be used for environmental enforcement and cleanup programs.

**OAC 252:515-21-51. Used tire manifests**

(a) Manifest required. Any person who transports more than 10 used or reusable tires over Oklahoma roads to or from destinations within the state must have a manifest documenting the proper disposition of the tires. All parties must fully complete and sign the manifest. Designated copies must be given to each used tire generator, transporter, and receiving facility reflected on the manifest.

(1) Used tire reimbursement manifest. A Used Tire Reimbursement Manifest must be used for transportation of used tires to a used tire facility entitled to receive compensation from the fund. A manifest, numbered in sequence so that each has a unique identifying number, shall be provided by the used tire facility.

(2) Used tire tracking manifest. A Used Tire Tracking Manifest must be used for transportation of used and reusable tires to any location other than a used tire facility. A manifest, numbered in sequence so that each has a unique identifying number, shall be provided by the used tire generator or transporter.

### Oklahoma Environmental Crimes Act

**(Hazardous Waste)**

## 21 O.S. §1230.2

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.

**21 O.S. §1230.3**

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.

**21 O.S. §1230.4**

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.

**21 O.S. §1230.5**

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.

#### 21 O.S. §1230.6

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.

**21 O.S. §1230.7**

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.

**21 O.S. §1230.8**

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).

**21 O.S. §1230.9**

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.

## 21 O.S. §1230.10

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.

**Oklahoma Pollutant Discharge Elimination System Act (OPDES)**

# 27A O.S. §2-6-205

A. Except as otherwise provided in subsection B of this section, it shall be unlawful for any facility, activity or entity regulated by the Department pursuant to the Oklahoma Pollutant Discharge Elimination System Act to discharge any pollutant into waters of the state or elsewhere without first obtaining a permit from the Executive Director.

B. The Board shall promulgate rules which prescribe permit requirements applicable to discharges composed entirely of stormwater. Such rules may require permits on a case-by-case basis, exempt categories of discharges, or provide a schedule for obtaining such permit, provided however, that no later than the date that the Department is to receive authorization to administer a state National Pollutant Discharge Elimination Systems program, the Board shall have promulgated rules for stormwater discharges which comply with Environmental Protection Agency requirements for approval of the state National Pollutant Discharge Elimination Systems program.

**27A O.S. §2-6-206(G)**

1. Any person who:

a. negligently violates any provision of the Oklahoma Pollutant Discharge Elimination System Act, or any order issued by the Executive Director hereunder, or any permit condition or limitation in a permit issued or any requirement imposed in a pretreatment program authorized pursuant to the Oklahoma Pollutant Discharge Elimination System Act, or

b. negligently introduces into the waters of the state or a treatment works discharging into the waters of the state any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state or local requirements or permits, which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works pursuant to the Oklahoma Pollutant Discharge Elimination System Act,

shall be punished by a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Twenty-five Thousand Dollars ($25,000.00) per day of violation, or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be a fine of not more than Fifty Thousand Dollars ($50,000.00) per day of violation, or by imprisonment in the State Penitentiary for not more than two (2) years, or by both.

2. Any person who:

a. knowingly violates any provision of the Oklahoma Pollutant Discharge Elimination System Act, or any order issued by the Executive Director hereunder, or any permit condition or limitation in a permit issued or any requirement imposed in a pretreatment program authorized pursuant to the Oklahoma Pollutant Discharge Elimination System Act, or

b. knowingly introduces into the waters of the state or a treatment works discharging into the waters of the state any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state or local requirements or permits, which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works under the Oklahoma Pollutant Discharge Elimination System Act,

shall be punished by a fine of not less than Five Thousand Dollars ($5,000.00) nor more than Fifty Thousand Dollars ($50,000.00) per day of violation, or by imprisonment in the county jail for not more than one (1) year or in the State Penitentiary for not more than three (3) years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be a fine of not more than One Hundred Thousand Dollars ($100,000.00) per day of violation, or by imprisonment in the State Penitentiary for not more than six (6) years, or by both.

3. a. Any person who knowingly violates any provision of the Oklahoma Pollutant Discharge Elimination System Act, or any permit condition or limitation in a permit issued hereunder by the Executive Director, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall upon conviction be subject to a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00) or imprisonment in the State Penitentiary for not more than fifteen (15) years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than One Million Dollars ($1,000,000.00). If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

 b. For the purpose of subparagraph a of this paragraph:

 (1) in determining whether a defendant who is an individual knew that his conduct placed another person in imminent danger of death or serious bodily injury, a person shall be responsible only for actual awareness or actual belief that he possessed, and knowledge possessed by a person other than the defendant but not by the defendant himself may not be attributed to the defendant; provided however that in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself from relevant information,

 (2) it is an affirmative defense to prosecution under this subsection that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of an occupation, business, profession or of a medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent, and such defense may be established under this subparagraph by a preponderance of the evidence.

4. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Oklahoma Pollutant Discharge Elimination System Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Oklahoma Pollutant Discharge Elimination System Act, shall upon conviction be punished by a fine of not more than Ten Thousand Dollars ($10,000.00), or by imprisonment for not more than two (2) years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than Twenty Thousand Dollars ($20,000.00) per day of violation, or by imprisonment for not more than four (4) years, or by both.

**27A O.S. §1-1-201**

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9. "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste;

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20. “Waters of the state” means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof. Provided, waste treatment systems, including treatment ponds or lagoons designed to meet federal and state requirements other than cooling ponds as defined in the Clean Water Act or rules promulgated thereto and prior converted cropland are not waters of the state;

**Oklahoma Clean Air Act**

**27A O.S. §2-5-116**

A. Any person who knowingly and willfully:

1. Violates any applicable provision of the Oklahoma Clean Air Act or any rule or standard promulgated thereunder;

2. Violates any order issued or permit condition prescribed pursuant to the Oklahoma Clean Air Act;

3. Violates any emission limitation or any substantive provision or condition of any permit;

4. Makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals, or fails to file or maintain any notice, application, record, report, plan or other document, except for monitoring data, required pursuant to the Oklahoma Clean Air Act to be either filed or maintained;

5. Fails to notify or report as required by the Oklahoma Clean Air Act, rules promulgated thereunder or orders or permits issued pursuant thereto; or

6. Fails to install any monitoring device or method required to be maintained or followed pursuant to the Oklahoma Clean Air Act;

shall, upon conviction, be guilty of a misdemeanor and be punished by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00) per day of violation or for not more than one (1) year imprisonment in the county jail, or both such fine and imprisonment.

B. Any person who knowingly and willfully:

1. Violates any applicable provision of the Oklahoma Clean Air Act or any rule promulgated thereunder, or any order of the Department or any emission limitation or substantive provision or condition of any permit, and who knows at the time that he thereby places another in danger of death or serious bodily injury;

2. Tampers with or renders inaccurate any monitoring device; or

3. Falsifies any monitoring information required to be maintained or submitted to the Department pursuant to the Oklahoma Clean Air Act;

shall, upon conviction, be guilty of a felony and subject to a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00) or for not more than ten (10) years imprisonment, or both such fine and imprisonment.

**Open Burning Regulations**

**(Oklahoma Administrative Code)**

(Violations of these regulations may be prosecuted as violations of O.S. 27A §2-5-116)

252:100-13-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Air curtain incinerator," "air curtain destructor," or "open pit incinerator" means an incineration unit operating by forcefully projecting a curtain of air across an open, integrated combustion chamber (fire box) or open pit or trench (trench burner) in which combustion occurs.

"Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote, or manufactured wood products that contain adhesives or resins (e.g., plywood, particle board, flake board, and oriented strand board).

"Clean wood waste" or "wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

(A) Grass, grass clippings, bushes, shrubs and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
(B) Construction, renovation, or demolition wastes.

(C) Clean lumber.

(D) Treated wood and treated wood products, including wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote, or manufactured wood products that contain adhesives or resins
(e.g., plywood, particle board, flake board, and oriented strand board).

"Combustible materials" means any substance which will readily burn and shall include those substances which, although generally considered incombustible, are or may be included in the mass of the material burned or to be burned.

"Domestic refuse" means combustible materials or refuse that normally result from the function of life at a residence, such as kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. It does not include such things as tires,
non-wood construction debris, furniture, carpet, electrical wire, and appliances.

"Fire training" means a fire purposely set as part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment, which is part of a recognized training program.

"Human-made structure" means any structure constructed with the intent of providing shelter to persons or property. It does not include structures constructed specifically for liveburn fire training purposes.

"Land clearing operation" means the uprooting, cutting, or clearing of vegetation in preparation for the construction of buildings, the development of residential, commercial, agricultural, or industrial properties, and for the construction and maintenance of right-of-ways. It does not include the clearing of vegetation such as trimmings, fallen limbs, branches, or
leaves, or other wastes from routine property maintenance activities, or the removal or destruction of human-made structures.

"Metropolitan Statistical Area" or "MSA" means a core area containing a substantial population nucleus, together with adjacent communities having a high degree of economic and social integration with that core, as defined by the federal Office of Management and Budget.

"Open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

"Ozone Alert" means an announcement by the DEQ that the ozone concentrations in the alert area are forecasted to exceed the National Ambient Air Quality Standard. The Ozone Alert applies to the day following the announcement.

"Particulate Matter Alert," or "PM Alert" means an announcement by the DEQ that the particulate matter concentrations in the alert area are forecasted to exceed the National Ambient Air Quality Standard. The PM Alert applies to the day following the announcement.

"Products of combustion" means all particulate and gaseous air contaminants emitted as a result of the burning of refuse and combustible materials.

"Refuse" means garbage, rubbish, domestic refuse and all other wastes generated by a trade, business, industry, building operation, or household.

"Yard brush" means cut or broken branches, leaves, limbs, shrubbery, or tree trimmings. It does not include refuse, grass clippings, in-ground tree stumps, or any non-vegetative material.

252:100-13-5. Open burning prohibited

The open burning of refuse and combustible materials is prohibited unless conducted in strict accordance with the conditions and requirements contained in OAC 252:100-13-7, 252:100-13-8, 252:100-13-8.1, and 252:100-13-9. Under no circumstances shall the open burning of tires be
allowed.

252:100-13-7. Allowed open burning

When not prohibited by law or ordinance, the following types of burning are allowed, provided the conditions and requirements in OAC 252:100-13-9 have been met:

**(1)** Fire training. Open burning of human-made structures for the purpose of municipal fire department training is allowed as provided for in the Oklahoma Clean Air Act, 27A O.S. Section 2-5-106.1. For any human-made structure, the entire structure, including, but not limited to, insulation, roofing, flooring, painted surfaces and plumbing, shall be examined for the presence of asphalt, asbestos, and lead-containing materials. All asphalt, asbestos, and lead-containing materials shall be removed from the structure prior to the fire training. Asbestos inspection and removal shall be conducted according to the requirements of federal law. Federal law requires a certified asbestos inspector, and notification of any activity that would breakup or dislodge asbestos, such as stripping or removal work, at least 10 working days prior to activity commencement, as specified in 40 CFR 61.145. Industrial and commercial facilities and fire training schools may conduct on-site live burn fire training.

**(2)** Elimination of hazards. Provided prior authorization is obtained from the local fire chief, open burning is allowed for the elimination of:

(A) A fire hazard that cannot be abated by any other means.

(B) A dangerous or hazardous material when there is no other practical or lawful method of abatement or disposal, if authorization is also received from the DEQ prior to such burning.

**(3)** Recreational and ceremonial fires. Open burning is allowed for camp fires and other fires used solely for recreational purposes, ceremonial occasions, or non-commercial preparation of food.

**(4)** Land management and land clearing operations. Open burning is allowed for the following land management and land clearing operations:

(A) Fires purposely set to forest, crop or range lands for a specific reason in the management of forests, crops, or game, in accordance with practices recommended by the Oklahoma Department of Wildlife Conservation, the Oklahoma Department of Agriculture, Food, and Forestry, and the United States Forest Service.

(B) Fires purposely set for land clearing operations if conducted at least 500 feet from any occupied residence other than those located on the property on which the burning is conducted. Such burning shall be conducted using an air curtain incinerator in counties or areas that are or have been designated nonattainment, or in MSAs with a population of greater than nine hundred thousand people according to the latest federal decennial census.

**(5)** Burning of domestic refuse. Where no collection and disposal service is reasonably available, domestic refuse may be burned on the property where the waste is generated.

**(6)** Hydrocarbon burning. Open burning of hydrocarbons is allowed for:

(A) The disposal of spilled hydrocarbons or the waste products of oil exploration, development, refining, or processing operations which cannot be feasibly recovered or otherwise disposed of in a legal manner. Notice must be given to the DEQ prior to such burning.

(B) The disposal of waste hydrocarbons through a flare. The owner or operator shall be required to use a smokeless flare if a condition of air pollution is determined to exist by the DEQ.

**(7)** Yard brush. Yard brush may be burned.

**(8)** Certain medical marijuana plant refuse. Commercial licensees, medical marijuana research facilities, and medical marijuana educational facilities, as those terms are defined in the Oklahoma Statutes at Section 428 of Title 63 titled, the Oklahoma Medical Marijuana Waste Management Act (Act), are allowed to open burn the parts of the marijuana plant grown to produce medical marijuana (as prescribed in Section 429 of Title 63 of the Act) that are exempted from the term "Medical marijuana waste" as defined in the Oklahoma Statutes at Section 428 of Title 63 of the Act.

252:100-13-8. Use of air curtain incinerators

(a) Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Chapter may be burned in an air curtain incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of an air curtain incinerator located in an MSA with a population of greater than nine hundred thousand people or in counties or areas that are or have been designated nonattainment shall not accept any material owned by other persons and shall not transport any material to the property where the air curtain incinerator is located in order to burn the material, except as provided in OAC 252:100-13-8(a)(1).

(1) The owner or operator of the air curtain incinerator located in an MSA with a population of greater than nine hundred thousand people or in counties or areas that are or have been designated nonattainment may accept and/or transport:

(A) 100 percent wood waste,

(B) 100 percent clean lumber, or

(C) 100 percent mixture of wood waste and clean lumber.

(2) In addition to the requirements in this subchapter, the owner or operator of the air curtain incinerator must comply with the requirements of OAC 252:100-17 and 40 CFR Part 60.

(b) For land clearing operations and disposal of clean wood waste and yard brush, an ACI is not required except in counties or areas that are or have been designated nonattainment or in an MSA with a population of greater than nine hundred thousand according to the latest federal decennial census.

252:100-13-8.1. Transported material

(a) Combustible material obtained from land clearing operations, yard brush, and clean wood waste may be transported from where it is generated to another location in order to perform openbburning. Material transported in order to perform open burning must meet the following conditions:

(1) The open burning shall not be conducted in counties or areas that are or have been designated nonattainment, or in MSAs with a population of greater than nine hundred thousand.

(2) The material shall be burned within 90 days of being transported.

(3) The volume of material shall not exceed 10,000 cubic feet.

(b) Except in accordance with OAC 252:100-13-8(a) or 252:100-13-8.1(a) above, no person shall accept any material owned by other persons nor transport combustible material from where it is generated to another location in order to perform open burning.

252:100-13-9. General conditions and requirements for allowed open burning

The open burning of refuse and other combustible material may be conducted only if the following conditions and requirements are met:

(1) No public nuisance is or will be created.

(2) The burning is controlled so that a visibility hazard is not created on any roadway, rail track or air field as a result of the air contaminants being emitted.

(3) The burning is conducted so that the contaminants do not adversely affect the ambient air quality of a city or town.

(4) The initial burning shall begin only between three hours after sunrise and three hours before sunset and additional fuel shall not be intentionally added to the fire at times outside these limits. This requirement does not apply to the open burning allowed under OAC 252:100-13-7(2), (3), (4)(A), (6)(B), and 252:100-13-8.

(5) An Ozone or PM Alert has not been declared for the day of the burn for the MSA or county in which the burn is to be performed. This requirement does not apply to the open burning allowed under 252:100-13-7(2), (3), and (6)(B).

(6) Open burning of waste generated from commercial operations shall be conducted at least 500 feet from any occupied structure other than those located on the property on which the burning is conducted.

252:100-13-10. Disaster relief

Notwithstanding the prohibition in OAC 252:100-13-5, the Executive Director of the DEQ may allow the open burning of debris resulting from a disaster if the Executive Director determines such burning is necessary to protect public health and safety. Such approval, if granted, shall be accompanied by appropriate guidelines for burning the debris.

**27A O.S. §2-6-106.1 Open burning for fire training**

A. For purposes of this section, "open burning" means the burning of combustible materials in such a manner that the products of combustion are emitted directly to the outside atmosphere.

B. A municipal fire department may engage in controlled open burning of a structure for purposes of fire training if the records of the department document the purpose of the open burn and the following conditions are met:

1. The municipal fire chief or designee shall provide notification of the planned open burn to the Department of Environmental Quality at least ten (10) days prior to the burning. The notification shall be on a form developed by the Department, document that the provisions of this section are satisfied and be signed by the municipal fire chief;

2. For any human-made structure, the entire structure, including, but not limited to, insulation, roofing, flooring, painted surfaces and plumbing, shall be examined for the presence of asphalt, asbestos and lead-containing materials. All asphalt, asbestos and lead-containing materials shall be removed from the structure prior to the fire training. Asbestos inspection and removal shall be conducted according to the requirements of federal law;

3. Any human-made structure demolished pursuant to the provisions of this act shall not be demolished prior to the fire training. Demolition shall not include structural deterioration due to natural causes;

4. Prior to conducting any fire training involving a human-made structure located within three hundred (300) feet of another human-made structure, the municipality shall notify in writing the owners of the property located within three hundred (300) feet within ten (10) days prior to a meeting of the governing body of the municipality to provide an opportunity for public comment; and

5. Following the completion of fire training, all debris resulting from the training must be disposed of in the appropriate manner.

C. The Board of Environmental Quality shall have the authority to promulgate rules as may be necessary to implement the purposes of this section.

**Wildlife Statutes**

**29 O.S. §6-302 The Taking of Game Fish; Bag limits**

A. No person may take, kill or catch from any river, creek, lake, state pond or privately owned pond which is stocked by state or federal fish hatchery any game fish except by means of hook and line attached to a pole or rod, throwline, trotline or with speargun used by divers equipped with self-contained underwater breathing apparatus, except for white bass which may be taken by the use of a gig and blue and channel catfish which may be taken by noodling; nor may any person sell, offer to sell or have in possession for the purpose of selling any game fish. Game species open to taking by speargun include all except black bass, crappie, striped bass, walleye, northern pike and trout. Upon receiving information that damage to the fish population is occurring in any of the waters of this state, the Wildlife Conservation Commission shall give notice and hold a hearing to determine such fact and may, upon good cause shown, regulate the taking of fish to any extent necessary to protect fish in said waters of this state.

B. Fish taken under subsection A of this section shall be in accordance with the method of taking, length limits and bag limits which shall be set by Commission resolution. Except in certain areas specifically designated as less in rules promulgated by the Wildlife Conservation Commission, the Commission shall not promulgate any rule restricting a person from using less than seven rods while fishing.

C. No nonresident may have upon leaving the state more than a two-day bag limit of any species of game fish.

D. It shall be unlawful for any person to use in the waters of this state a speargun having more than three points with more than two barbs on each point.

E.

1. The portions of the Illinois River and its tributaries above the Horseshoe Bend Boat Ramp on Tenkiller Reservoir shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 1 of each year. The portions of the Illinois River and its tributaries above Highway 62 and Highway 51 shall be open for the taking of nongame fish and white bass by gigging from December 1 through March 31 of each year.

2. Nothing shall prohibit motorized boats from being used in the upper Illinois River above the Horseshoe Bend boat ramp except that jet skis, jet boats and similar non-propeller-driven watercraft shall be prohibited in the Illinois River above the confluence with Barren Fork Creek.

F.

1. Except as otherwise provided for in this subsection, any person convicted of violating any of the provisions of this section shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).

2. Any person convicted of violating any provisions of this section by netting, snaglining or selling game fish shall be punished by imposition of a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of the provisions of this section by netting, snaglining or selling game fish when said violation occurred within two (2) years of a previous conviction for violating said provisions, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.

#### 29 O.S. §6-303 Taking of Nongame Fish

A. No person may take, kill, or catch or attempt to take, kill, or catch any nongame fish from the waters of this state or assist in any such endeavor in any manner except as follows:

1. By all legal hook and line methods in state waters legally open to these methods; and

2. By nets or seines used to take nongame fish only in such waters as are declared open to such nets or seines by the Commission. Such nets or seines shall:

a. be hoop nets with a mesh size no smaller than three-inch square mesh, or gill nets, trammel nets, or seines with a mesh size no smaller than four-inch square mesh, and

b. have the name and address of the owner attached thereto if the net is to be left unattended, and

c. be attended once every twenty-four (24) hours.

Each license holder shall be limited to a maximum of three hundred (300) feet of net or a total of four hoop nets in the water at any time.

No fish taken pursuant to this noncommercial netting provision can be sold or transported from the state.

Noncommercial netting shall be prohibited statewide during April and May annually; and

3. By arrows, gigs, ropes, grab hooks, spears, and spearguns used by divers equipped with self-contained underwater breathing apparatus. Such gigs or spears may have no more than three points with not more than two barbs on each point; and

4. By noodling; and

5. By cast nets and handheld dip nets used to take only nongame fish as bait for personal use in all waters of the state except those closed by the Commission. The cast nets shall have a mesh size no greater than three-eighths-inch square mesh; and

6. By trawl nets pulled by motor-driven boats. Such nets may be used to take only nongame fish as bait for personal use in all waters of the state except those closed by the Commission. Trawl nets may not exceed three (3) feet in diameter with no greater than three-eighths-inch square mesh.

B. The Commission shall have authority to designate by regulation areas, waters of this state, or parts thereof for the taking, catching, or killing of nongame fish by noodling or by the use of arrows, gigs, cast nets, dip nets, spears, ropes, grab hooks, and spearguns used by divers equipped with self-contained underwater breathing apparatus, and to also designate the times such may be used.

C. 1. Except as otherwise provided in this subsection, any person convicted of violating the provisions of this section shall be punished by the imposition of a fine not less than One Hundred Dollars ($100.00).

2. Any person convicted of violating the provisions of this section by netting, snaglining or selling nongame fish shall be punished by imposition of a fine of not less than One Hundred Dollars ($100.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days, or by both such fine and imprisonment. Any person, upon conviction of a second or subsequent violation of the provisions of this section by netting, snaglining or selling nongame fish when said violation occurred within two (2) years of a previous conviction for violating said provisions, shall be punished by imposition of a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. In addition, all fishing licenses and all fishing privileges within the state of such person shall be revoked for a period of one (1) year from the date of such conviction.

D. Nothing in this section shall prohibit the taking of nongame fish by licensed commercial fishing and commercial minnow seining as provided for in Sections 6-201, 6-202 and 6-401 of this title.

**29 O.S. §7-401 Deleterious, Noxious or Toxic Substances**

A. Except as otherwise provided in this section, no person may deposit, place, throw, or permit to be deposited, placed or thrown, any lime, dynamite or other explosive, poison, drug, sawdust, salt water, crude oil or any other deleterious, noxious or toxic substance in any waters of this state, or in any place where such substances may run or be washed into such waters.

B. Those persons exempt from subsection A of this section shall be:

1. The Department's authorized agents and employees when they shall use drugs, chemicals and other substances in connection with any fish count, scientific test or for improvement; and

2. Those holders of a scientific purposes license which specifically authorizes taking wildlife in such manner.

C. Any person, firm or corporation violating the provisions of this section shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), and each day or part of day during which such action is continued or repeated shall be a separate offense. Provided, that the party responsible for the control of any salt water, crude oil or other deleterious substances causing a violation of this section and resulting from drilling, production, transmission, storage or other operation of the petroleum industry shall be reported to the Oklahoma Corporation Commission and if corrective action is not taken immediately then criminal proceedings shall be had as herein provided. The Corporation Commission is also given the express power to order whatever corrective action is necessary to abate the pollution and is given the authority to enforce the order by any action against the lease or well. Such action shall be reported by the Wildlife Department to the appropriate agency.

## 29 O.S. §7-401a

A. Any person, firm or corporation who violates any provision of or fails to perform any duty imposed by a state environmental regulatory agency pursuant to the Oklahoma Statutes or rules promulgated thereto, which violation causes the death of fish or other wildlife, shall in addition to the penalties provided by law be liable to pay the state an amount equal to the sum of money reasonably necessary to restock such waters. Such liability shall include replacement cost of fish killed, based on the most recent fish values as officially published by the American Fishery Society, Southern Division, all other costs required for such restocking, including but not limited to shipment and handling, or replenish such wildlife and all cost incurred in investigating, locating or establishing the responsible person, firm or corporation as determined by the Oklahoma Wildlife Conservation Commission.

B. Such amount may be recovered by a state environmental regulatory agency on behalf of the state in a civil action brought in the district court with all such monies being provided to the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission shall reimburse the state environmental regulatory agency issuing the violation for all expenses incurred.

C. For purposes of this section, a "state environmental regulatory agency" is defined as the State Department of Agriculture, the Oklahoma Corporation Commission, the Department of Environmental Quality, the Department of Mines and the Department of Public Safety.

**Agriculture Statutes**

**2 O.S. §16-26 Drought Conditions - Burning Prohibited**

A.

1. It is unlawful for any person to set fire to any forest, grass, range, crop, or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county, counties or area within a county where, because of emergency drought conditions, there is gubernatorially proclaimed extraordinary danger from fire, unless the setting of any backfire during the drought emergency is necessary to afford protection as determined by a representative of the Division of Forestry, or unless it can be established that the setting of the backfire was necessary for the purpose of saving life or property. The burden of proving the necessity shall rest on the person claiming a defense.

2. The Division of Forestry shall advise the Governor when the lands described in paragraph 1 of this subsection in any county, counties or area within a county of this state because of emergency drought conditions are in extraordinary danger from fire. The Governor may by proclamation declare a drought emergency to exist and describe the general boundaries of the area affected.

3. Any proclamation promulgated by the Governor under authority of this subsection shall be effective immediately upon the Governor's signed approval of the emergency proclamation and shall supersede any resolution passed by a board of county commissioners pursuant to subsection B of this section. Notice of the proclamation shall occur through posting on the Oklahoma Department of Agriculture, Food, and Forestry's website and informing local news media. Evidence of publication or posting as herein provided shall be maintained by the Forestry Division.

4. When conditions warrant, due notice of the termination of the emergency shall be promptly made by proclamation, which shall be published or posted in like manner as when officially declared.

5. Any person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), by imprisonment for not more than one (1) year, or both.

B.

1. It is unlawful for any person to set fire to any forest, grass, range, crop or other wildlands, or to build a campfire or bonfire, or to burn trash or other material that may cause a forest, grass, range, crop or other wildlands fire in any county of this state in which the board of county commissioners of the county has passed a resolution declaring a period of extreme fire danger. As used in this subsection, "extreme fire danger" means:

a. severe, extreme, or exceptional drought conditions exist as determined by the National Oceanic and Atmospheric Administration (NOAA) pursuant to its criteria,

b. no more than one-half (1/2) inch of precipitation is forecast for the next three (3) days, and

c. either of the following:

(1) fire occurrence is significantly greater than normal for the season and/or initial attack on a significant number of wildland fires has been unsuccessful due to extreme fire behavior, or

(2) where data is available, more than twenty percent (20%) of the wildfires in the county have been caused by escaped debris or controlled burning.

2. A majority of the board of county commissioners may call an emergency meeting at any time to pass or revoke a resolution declaring a period of extreme fire danger in accordance with this section.

3. A board of county commissioners shall have the documented concurrence of a majority of the chiefs, or their designees, of the municipal and certified rural fire departments located in the county that a period of extreme fire danger exists prior to passage of a resolution declaring a period of extreme fire danger in the county. The resolution shall be effective for a period not to exceed thirty (30) days from the date of passage by the board of county commissioners, unless the burn ban is removed earlier by the same method by which it was approved. If extreme fire danger conditions persist, subsequent resolutions may be passed by the board of county commissioners in the same manner as provided in this paragraph. The board of county commissioners, in the resolution, may grant exceptions to the fire prohibition based on appropriate precautionary measures.

4. Any resolution passed by a board of county commissioners under authority of this subsection shall be effective immediately upon passage of the resolution. Notice of the resolution shall be submitted to the Forestry Division of the Oklahoma Department of Agriculture, Food, and Forestry, all local news media, local law enforcement officials, and the state headquarters of the Department of Public Safety, the Oklahoma Tourism and Recreation Department and the Department of Wildlife Conservation on the day of passage of the resolution. Evidence of publication or posting as provided in this paragraph shall be maintained by the county.

5. The provisions of this subsection may be enforced by any law enforcement officer of this state.

6. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars ($500.00), to imprisonment for not more than one (1) year, or to both such fine and imprisonment.

7. The selling of fireworks shall not be considered an act in violation of this subsection.

**2 O.S. §20-26 Concentrated Animal Feeding Operations**

A. Any person violating the provisions of the Oklahoma Swine Feeding Operations Act or any rule of the State Board of Agriculture promulgated pursuant thereto shall, upon conviction, be deemed guilty of a misdemeanor and upon conviction thereof may be punished by a fine not exceeding Two Hundred Dollars ($200.00).

B. Any owner or operator who fails to take such action as may be reasonable and necessary to avoid pollution of any stream, lake, river or creek, except as otherwise provided by law, or who violates any rule of the Board adopted to prevent water pollution from swine feeding operations pursuant to this act shall, upon conviction, be deemed guilty of a misdemeanor, and upon conviction thereof may be punished by a fine of Five Hundred Dollars ($500.00) to Ten Thousand Dollars ($10,000.00) for each violation, by imprisonment in the county jail for not more than six (6) months for each violation, or by the assessment of a civil penalty up to Ten Thousand Dollars ($10,000.00) for each violation or by any of such fine, imprisonment, and civil penalty.

C.

1. In addition to the criminal and civil penalties specified by this section, the Oklahoma Department of Agriculture, Food, and Forestry may:

a. assess an administrative penalty of not more than Ten Thousand Dollars ($10,000.00) per day of noncompliance, or

b. bring an action for injunctive relief granted by a district court.

2. A district court may grant injunctive relief to prevent a violation of, or to compel compliance with, any of the provisions of the Oklahoma Swine Feeding Operations Act or any rule promulgated thereunder or order, license or permit issued pursuant to the Oklahoma Swine Feeding Operations Act.

3. Nothing in this section shall preclude the Department from seeking penalties in district court in the maximum amount allowed by law. The assessment of penalties in an administrative enforcement proceeding shall not prevent the subsequent assessment by a court of the maximum civil or criminal penalties for violations of the Oklahoma Swine Feeding Operations Act.

D. Any person assessed an administrative or civil penalty may be required to pay, in addition to such penalty amount and interest thereon, attorneys fees and costs associated with the collection of such penalties.

E. The Attorney General or the district attorney of the appropriate district court of Oklahoma may bring an action in a court of competent jurisdiction for the prosecution of a violation by any person of a provision of the Oklahoma Swine Feeding Operations Act or any rule promulgated thereunder, or order, license or permit issued pursuant thereto.

F.

1. Any action for injunctive relief to redress or restrain a violation by any person of the Oklahoma Swine Feeding Operations Act or for any rule promulgated thereunder, or order, license, or permit issued pursuant thereto or recovery of any administrative or civil penalty assessed pursuant to the Oklahoma Swine Feeding Operations Act may be brought by:

a. the district attorney of the appropriate district court of the State of Oklahoma,

b. the Attorney General on behalf of the State of Oklahoma, or

c. the Department on behalf of the State of Oklahoma.

2. The court shall have jurisdiction to determine said action, and to grant the necessary or appropriate relief, including but not limited to mandatory or prohibitive injunctive relief, interim equitable relief, and punitive damages.

3. It shall be the duty of the Attorney General and district attorney if requested by the Commissioner of Agriculture to bring such actions.

G. Except as otherwise provided by law, administrative and civil penalties shall be paid into the State Department of Agriculture Revolving Fund.

H. In determining the amount of a civil penalty or administrative penalty, the court or the Department, as the case may be, shall consider such factors as the nature, circumstances and gravity of the violation or violations, the economic benefit, if any, resulting to the defendant from the violation, the history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the defendant, the defendant's degree of culpability, and such other matters as justice may require.

I. For the purposes of this section, each day upon which a violation is committed or is permitted to continue shall be deemed a separate offense.

J. In addition to other penalties as may be imposed by law, any person who knowingly makes any false statement, representation or certification in any water pollution form, notice or report, or who knowingly renders inaccurate any monitoring device or method required to be maintained by any water pollution rules promulgated by the Board, shall, upon conviction, be guilty of a misdemeanor and may be subject to a fine of not more than Five Thousand Dollars ($5,000.00) for each violation.

**2 O.S. §10-9.11 Registered Poultry Feeding Operations**

A. 1. Any person violating the provisions of the Oklahoma Registered Poultry Feeding Operations Act shall, upon conviction, be guilty of a misdemeanor and may be punished by a fine not to exceed Two Hundred Dollars ($200.00).

2. The Attorney General or the district attorney of the appropriate district court of Oklahoma may bring an action in a court of competent jurisdiction for the prosecution of a violation by any person of a provision of the Oklahoma Registered Poultry Feeding Operations Act or any rule promulgated thereunder.

**Corporation Commission Statutes**

## 47 O.S. §172

A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand, or regulation shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars ($1,000.00).

B. The Corporation Commission shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 or any rule of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the Corporation Commission, the Attorney General or any district attorney, to comply with the provisions of this section, shall be deemed official misconduct. The Corporation Commission shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

## 47 O.S. §177.2 Motor Carriers

A. No motor carrier shall engage in the business of transporting any salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever, or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance transport permit to be issued by the Commission. Provided, transportation of such substances by private carrier of property by motor vehicle shall require a deleterious substance transport permit.

B. No carrier shall transport deleterious substances under a carrier license issued by the Commission until such time as the carrier has been issued a deleterious substance transport permit.

C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the carrier has furnished written proof of access to a Class II disposal well or wells. Said written proof of access shall be provided by the owner of such disposal well. Such disposal well must first be approved by the Corporation Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably be expected to transport as a motor carrier or private carrier. Provided that nothing in this section shall be construed as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than the transporter.

D. The Commission shall maintain a current list of such permits. The Commission shall charge such annual deleterious substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of Two Hundred Fifty Dollars ($250.00) for each such deleterious substance transport license. Proceeds from the fees shall be deposited by the Commission in the State Treasury to the credit of the Corporation Commission Revolving Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

## 47 O.S. §177.3 Motor Carriers

A. It shall be unlawful for a motor carrier, whether private, common, or contract, to dump, disperse, or otherwise release substances described in Section 177.2 of this title upon a public highway or elsewhere except on property or in wells, reservoirs, or other receptacles owned, held, leased, or otherwise rightfully and legally available to the motor carrier for such use and purpose.

B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor vehicle.

C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section occurs to file and prosecute the aforementioned misdemeanor charge and advise the Commission of such action and the results thereof.

D. The Oklahoma Corporation Commission may initiate contempt proceedings for any violation concerning disposal by a carrier of a substance described in Section 177.2 of this title. The first violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being warned by the Commission and, upon conviction, fined up to Two Thousand Five Hundred Dollars ($2,500.00). A second violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being placed on probation and fined up to Five Thousand Dollars ($5,000.00) by the Commission. A third violation proven by the Commission in any calendar year shall result in a fine of up to Twenty Thousand Dollars ($20,000.00), and, at the discretion of the Commission, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle used in violation of this section or any of the rules and regulations of the Oklahoma Corporation Commission, shall be adjudicated a codefendant and subject to a fine equal to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars ($500.00).

**Filing Charges against Corporations**

**22 O.S. §1301 Information and Summons against Corporation**

Upon an information against a corporation, the magistrate may issue a summons signed by him, with his name of office, requiring the corporation to appear before him at a specified time and place to answer the charge; the time to be not less than ten (10) days after the issuing of the summons.

**22 O.S. §1302 Summons Form**

The summons must be in substantially the following form:

County of . . . . . . . . . . . . . . . . .

IN THE NAME OF THE STATE OF OKLAHOMA

To the (naming the corporation):

You are hereby summoned to appear before me at (naming the place), on (specifying the day and hour), to answer to the charge made against you, upon the information of A. B., or the presentment of the grand jury of the county of . . . . . . . . for (designating the offense generally.)

Dated at the city, or town, of . . . . . . . . . , the . . . . . . day of . . . . . . . . 191. . .

**22 O.S. §1303 Service of Summons to Corporation**

The summons must be served at least five (5) days before the day of appearance fixed therein, by delivering a copy thereof and showing the original to the president, or other head of the corporation, or to the secretary, cashier or managing agent thereof.

**22 O.S. §1304 Investigation of Corporation as Natural Person**

At the time appointed in the summons, the magistrate must investigate the charge in the same manner as in the case of a natural person brought before him, so far as those proceedings are applicable.

**22 O.S. §1306 Corp. Proceeded against as Natural Person**

If the magistrate return a certificate that there is sufficient cause to believe the corporation guilty of the offense charged, the grand jury or district attorney may proceed thereon, as in the case of a natural person held to answer.

**22 O.S. §1307 Appearance and Entering of Plea**

If an indictment or information be filed, the corporation may appear by counsel to answer the same. If they do not thus appear, a plea of not guilty must be entered, and the same proceedings had thereon as in other cases.

**22 O.S. §1308 Fine of Corporation Collected upon Conviction**

When a fine is imposed upon a corporation, on conviction it may be collected, by virtue of the order imposing it, by the sheriff of the county, out of their real and personal property, in the same manner as upon an execution.

 **22 O.S. §1334 - Rewards for Littering Offenses**

A. The boards of county commissioners of counties and the governing bodies of municipalities may offer and pay a reward, from funds set aside for that purpose, in an amount not to exceed fifty percent (50%) of the fine imposed, for the arrest and conviction or for evidence leading to the arrest and conviction of any person who violates the provisions of Sections 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes.

B. The board of county commissioners or the governing body of the municipality may create and maintain a reward fund in the county or municipal treasury which shall be a revolving fund not subject to fiscal year limitations, from which to pay the rewards provided for in subsection A of this section, and to offset the cost of any special enforcement programs originated by any law enforcement agency responsible for the arrest or prosecution of any person who violates the provisions of Sections 1753.3 or 1761.1 of Title 21 of the Oklahoma Statutes. These costs may include, but not be limited to, the posting of signs along the state's highways advising motorists of the fines for littering or illegal dumping.

C. The board of county commissioners may provide for the publication, advertisement and countywide distribution to the public of information as to the reward program specified by this section.

D. Claims for rewards shall be on forms provided by the county or municipality and shall be submitted to the prosecuting attorney of the county or municipality no later than thirty (30) days after sentencing of the defendant. The prosecuting attorney shall investigate the validity of the claim and make a nonbinding written recommendation to the board of county commissioners or governing body of the municipality.

E. All claims relating to a conviction shall be considered together at the next regular meeting of the board of county commissioners or governing body of the municipality following receipt of the prosecuting attorney's report.

F. In determining the amount of the reward, the board of county commissioners or the governing body of the municipality shall have sole discretion to honor or deny the claim, but shall consider:

1. The severity of the offense;

2. The size of the fine imposed;

3. The number of persons claiming a reward and the degree to which each claimant was responsible for the arrest or conviction;

4. The burden, if any, incurred by the claimant including cost to appear at trial; and

5. Other factors which the board or governing body deems appropriate.

G. No reward shall be authorized and no debt shall accrue to the county or municipality upon the depletion of the reward fund authorized by this section.

H. The reward authorized by this section shall be in lieu of any other county or municipal reward.

I. Full-time peace officers of this state or of any county or municipality within this state shall not be eligible for the reward provided by this section.

J. All courts assessing and receiving reward funds as required by Sections 1753.3 and 1761.1 of Title 21 of the Oklahoma Statutes shall provide appropriate transfer of the reward funds to the proper county or municipal reward fund as prescribed by the provisions of this section.

**Miscellaneous Statutes**

#### 17 O.S. §16 Destroying or Concealing Corporate Records

Any person who shall conceal, destroy, or mutilate or attempt to conceal, destroy, or mutilate, any records, books, or files, of any corporation transacting business in this state for the purpose of defeating, hindering or delaying any investigation, prosecution or suit at law or equity, or any cause of action in any vested rights of any citizen of this state, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years.

**21 O.S. §9 Punishment of Felonies**

Except in cases where a different punishment is prescribed by this title, or by some existing provision of law, every offense declared to be felony is punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

#### 21 O.S. §10 Punishment for misdemeanor

Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding one year or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.

#### 21 O.S. §21 Prohibited act a misdemeanor

Where the performance of an act is prohibited by any statute, and no penalty for the violation of such statute is imposed in any statute, the doing of such act is a misdemeanor.

#### 21 O.S. §42 Punishment for Attempt

Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempt, as follows:

1. If the offense so attempted be punishable by imprisonment in the penitentiary for four (4) years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon conviction for the offense so attempted

2. If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.

3. If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.

4. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and the fine not exceeding one-half the largest fine which may be imposed upon a conviction for the offense so attempted.

**21 O.S. §44 Attempt Defined**

A person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for commission of the crime, he:

(a) purposely engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or,

(b) when causing a particular result in an element of the crime, does anything with the purpose of causing or with the belief that it will cause such result, without further conduct on his part.

#### 21 O.S. §91 Willfully Defined

The term “willfully” when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or the omission referred to. It does not require any intent to violate the law, or to injure another, or to acquire any advantage.

#### 21 O.S. §93 Negligent – Negligence

The terms “neglect,” “negligence,” “negligent,” and “negligently,” when so employed, import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.

#### 21 O.S. §96 Knowingly

The term “knowingly,” when so applied, imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

#### 21 O.S. §358 False Claims Against State

It shall be unlawful for any person, firm, corporation, association or agency to make, present, or cause to be presented to any employee or officer of the State of Oklahoma, or to any department or agency thereof, any false, fictitious or fraudulent claim for payment of public funds upon or against the State of Oklahoma, or any department or agency thereof, knowing such claim to be false, fictitious or fraudulent.

#### 21 O.S. §359

Any person, firm, corporation, association or agency found guilty of violating [Section 358](http://www.oscn.net/applications/oscn/DeliverDocument.asp?citeid=69121) of this title shall be guilty of a felony and is punishable by a fine not exceeding the sum of Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term not exceeding two (2) years, or by both such fine and imprisonment.

**21 O.S. §421 Conspiracy**

A. If two or more persons conspire, either:

1. To commit any crime; or

2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime; or

3. Falsely to move or maintain any suit, action or proceeding; or

4. To cheat and defraud any person of any property by any means which are in themselves criminal, or by any means which, if executed, would amount to a cheat or to obtaining money or property by false pretenses; or,

5. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice or the due administration of the laws, they are guilty of a conspiracy.

B. Except in cases where a different punishment is prescribed by law the punishment for conspiracy shall be a misdemeanor unless the conspiracy is to commit a felony.

C. Conspiracy to commit a felony shall be a felony and is punishable by payment of a fine not exceeding Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a period not exceeding ten (10) years, or by both such fine and imprisonment.

**21 O.S. §423 Conspiracy**

No agreement to commit a felony or to commit a misdemeanor amounts to a conspiracy, unless some act besides such agreement be done to effect the object thereof, by one or more of the parties to such agreement.

**21 O.S. §424 Punishment for Conspiracy Against State**

If two or more persons conspire either to commit any offense against the State of Oklahoma, any county, school district, municipality or subdivision thereof, or to defraud the State of Oklahoma, any county, school district, municipality or subdivision thereof, in any manner or for any purpose, and if one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be guilty of a felony punishable by a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for not more than ten (10) years or both such fine and imprisonment.

**21 O.S. §425 Pattern of Criminal Offenses**

A. Any person who engages in a pattern of criminal offenses in two or more counties in this state or who attempts or conspires with others to engage in a pattern of criminal offenses shall, upon conviction, be punishable by imprisonment in the Department of Corrections for a term not exceeding two (2) years, or imprisonment in the county jail for a term not exceeding one (1) year, or by a fine in an amount not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment. Such punishment shall be in addition to any penalty imposed for any offense involved in the pattern of criminal offenses. Double jeopardy shall attach upon conviction.

B. For purposes of this act, "pattern of criminal offenses" means:

1. Two or more criminal offenses are committed that are part of the same plan, scheme, or adventure; or

2. A sequence of two or more of the same criminal offenses are committed and are not separated by an interval of more than thirty (30) days between the first and second offense, the second and third, and so on; or

3. Two or more criminal offenses are committed, each proceeding from or having as an antecedent element a single prior incident or pattern of fraud, robbery, burglary, theft, identity theft, receipt of stolen property, false personation, false pretenses, obtaining property by trick or deception, taking a credit or debit card without consent, or the making, transferring or receiving of a false or fraudulent identification card.

C. Jurisdiction and venue for a pattern of criminal offenses occurring in multiple counties in this state shall be determined as provided in Section 1 of this act.

**22 O.S. 125.1 Venue for Pattern of Criminal Offenses**

Venue for criminal actions to enforce the provisions of Section 2 of this act, including criminal actions with respect to each of the alleged offenses included within a pattern of criminal offenses, as defined in Section 2 of this act, that have allegedly been committed, attempted or conspired to be committed by a person or persons, shall be in any county in which at least one alleged criminal offense has occurred that constitutes part of the alleged pattern of criminal offenses, it being the intent of this section that one district court may have jurisdiction over all the conduct, persons and property which are part of, or are directly related to, each and all of the alleged criminal offenses forming part of the alleged pattern of criminal offenses. It is discretionary, not mandatory, to bring all criminal actions in one county when an alleged pattern of criminal offenses involves two or more counties.

**21 O.S. §463 Offering False Instrument for Recordation**

Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, shall be guilty of felony.

## 21 O.S. §1541.1 False Pretenses

Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than One Thousand Dollars ($1,000.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the “confidence game”, or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

#### 21 O.S. §1541.2

A. If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is:

1. One Thousand Dollars ($1,000.00) or more but less than Two Thousand Five Hundred Dollars ($2,500.00), the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed two (2) years or in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment;

2. Two Thousand Five Hundred Dollars ($2,500.00) or more but less than Fifteen Thousand Dollars ($15,000.00), the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed five (5) years or in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine; or

3. Fifteen Thousand Dollars ($15,000.00) or more, the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed eight (8) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

B. Any person convicted pursuant to this section shall also be ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

**21 O.S. §1726 Illegal Possession of Mercury**

A. Any person who may be found in this state with more than one (1) pound of mercury in his possession, and who does not have valid written evidence of his title to such mercury, shall be guilty of a felony, upon conviction thereof shall be punishable by imprisonment in the State Penitentiary for a term not less than one (1) year nor more than five (5) years, or by a fine not exceeding ($500.00), or by both such fine and imprisonment.

B. It shall be a defense to any charge under this section that the person so charged (1) is a bona fide miner or processor of mercury or (2) that the mercury possessed by such person is, while in his possession, an integral part of a tool, instrument, or device used for a beneficial purpose. In any complaint, information, or indictment brought under this section, it shall not be necessary to negative any exception, excuse, exemption, or defense provided in this section, and the burden of proof of any such exception, excuse, exemption or defense shall be upon the defendant.

**21 O.S. §1792 Trespass and Damage to Critical Infrastructure Facility**

A. Any person who shall willfully trespass or enter property containing a critical infrastructure facility without permission by the owner of the property or lawful occupant thereof shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not less than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of six (6) months, or by both such fine and imprisonment. If it is determined the intent of the trespasser is to willfully damage, destroy, vandalize, deface, tamper with equipment, or impede or inhibit operations of the facility, the person shall, upon conviction, be guilty of a felony punishable by a fine of not less than Ten Thousand Dollars ($10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of one (1) year, or by both such fine and imprisonment.

B. Any person who shall willfully damage, destroy, vandalize, deface or tamper with equipment in a critical infrastructure facility shall, upon conviction, be guilty of a felony punishable by a fine of One Hundred Thousand Dollars ($100,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, or by both such fine and imprisonment.

C. If an organization is found to be a conspirator with persons who are found to have committed any of the crimes described in subsection A or B of this section, the conspiring organization shall be punished by a fine that is ten times the amount of said fine authorized by the appropriate provision of this section.

D. As used in this section, "critical infrastructure facility" means:

1. One of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization:

a. a petroleum or alumina refinery,

b. an electrical power generating facility, substation, switching station, electrical control center or electric power lines and associated equipment infrastructure,

c. a chemical, polymer or rubber manufacturing facility,

d. a water intake structure, water treatment facility, wastewater treatment plant or pump station,

e. a natural gas compressor station,

f. a liquid natural gas terminal or storage facility,

g. a telecommunications central switching office,

h. wireless telecommunications infrastructure, including cell towers, telephone poles and lines, including fiber optic lines,

i. a port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility,

j. a gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas or natural gas liquids,

k. a transmission facility used by a federally licensed radio or television station,

l. a steelmaking facility that uses an electric arc furnace to make steel,

m. a facility identified and regulated by the United States Department of Homeland Security Chemical Facility Anti-Terrorism Standards (CFATS) program,

n. a dam that is regulated by the state or federal government,

o. a natural gas distribution utility facility including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, aboveground piping, a regulator station and a natural gas storage facility, or

p. a crude oil or refined products storage and distribution facility including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, below or aboveground pipeline or piping and truck loading or offloading facility; or

2. Any aboveground portion of an oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or other storage facility that is enclosed by a fence, other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

**21 O.S. §2001 Unlawful Proceeds (money laundering)**

A. It is unlawful for any person knowingly or intentionally to receive or acquire proceeds and to conceal such proceeds, or engage in transactions involving such proceeds, known to be derived from a specified unlawful activity, as defined in subsection F of this section. This subsection does not apply to any transaction between an individual and the counsel of the individual necessary to preserve the right to representation of the individual, as guaranteed by the Oklahoma Constitution and by the Sixth Amendment of the United States Constitution. However, this exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of the Oklahoma Statutes.

B. It is unlawful for any person knowingly or intentionally to give, sell, transfer, trade, invest, conceal, transport, or maintain an interest in or otherwise make available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of a specified unlawful activity, as defined in subsection F of this section.

C. It is unlawful for any person knowingly or intentionally to direct, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds known to be derived from a specified unlawful activity, as defined in subsection F of this section.

D. It is unlawful for any person knowingly or intentionally to conduct a financial transaction involving proceeds derived from a specified unlawful activity, as defined in subsection F of this section, when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds known to be derived from a violation of the Oklahoma Statutes, or to avoid a transaction reporting requirement under state or federal law.

E. Notwithstanding any other provision of this section, it shall be lawful for an organization engaged in the business of banking to receive deposits and payments, to pay checks and other withdrawals, and to process any other financial transaction for its customers in the ordinary course of business if it has no actual knowledge of any violation of the Oklahoma Statutes by that customer. If an organization engaged in the business of banking, acting in good faith and without actual knowledge of any violation of the Oklahoma Statutes by its customer, acquires a security interest or statutory lien with respect to a customer's funds, that customer's funds which are subject to the security interest or lien shall not be subject to forfeiture action, to the extent of the amount of that customer's indebtedness to the banking organization.

F. For purposes of this section, "specified unlawful activity" means an act or omission, including any initiatory, preparatory, or completed offense or omission that is punishable as a misdemeanor or felony under the laws of Oklahoma, or if the act occurred outside Oklahoma would be punishable as a misdemeanor or felony under the laws of the state in which it occurred and under the laws of Oklahoma.

G. Any person convicted of violating any of the provisions of this section is guilty of:

1. A misdemeanor, if the violation involves Two Thousand Five Hundred Dollars ($2,500.00) or less;

2. A felony, punishable by imprisonment for not more than two (2) years if the violation involves more than Two Thousand Five Hundred Dollars ($2,500.00), but not more than Ten Thousand Dollars ($10,000.00);

3. A felony, punishable by imprisonment for not less than two (2) years and not more than ten (10) years if the violation involves more than Ten Thousand Dollars ($10,000.00), but not more than Fifty Thousand Dollars ($50,000.00); or

4. A felony, punishable by imprisonment for not less than five (5) years and not more than twenty (20) years if the violation involves more than Fifty Thousand Dollars ($50,000.00).

H. In addition to any criminal penalty, a person who violates any provision of this section shall be subject to a civil penalty of three (3) times the value of the property involved in the transaction. The civil penalty provided in this subsection shall be split evenly between the prosecuting agency and the investigating law enforcement agency.

**21 O.S. §2002 Seizures**

A. Any commissioned peace officer of this state is authorized to seize any currency, negotiable instrument, monetary instrument, equipment or property used or involved in, used to facilitate, delivered from or traceable to a violation of Section 2001 of this title. The seized item may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney or Attorney General in the proper county of venue as petitioner; provided, in the event the district attorney or Attorney General elects not to file such action, or fails to file such action within ninety (90) days of the date of the seizure of the item, the item shall be returned to the owner.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein the item is seized and shall be given all owners and parties in interest.

C. Notice shall be given according to one of the following methods:

1. Upon each owner, lienholder, or party in interest whose name and address is known, served in the manner of service of process in civil cases prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

2. Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the property by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the item described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the item forfeited to the state, if such fact is proven.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. Proceedings under this section shall be special proceedings.

H. At the hearing the petitioner shall prove by a preponderance of the evidence that property was used in the attempt or commission of an act specified in subsection A of this section with knowledge by the owner of the item.

I. The claimant of any right, title, or interest in the item may prove the lien, mortgage, or conditional sales contract to be bona fide and that the right, title, or interest created by the item was created without any knowledge or reason to believe that the item was being, or was to be, used for the purpose charged.

J. In the event of such proof, the court may order the item released to the bona fide or innocent owner, lienholder, mortgagee, or vendor if the amount due such person is equal to, or in excess of, the value of the item as of the date of the seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser.

K. If the amount due to such person is less than the value of the item, or if no bona fide claim is established, the item may be forfeited to the state and may be sold pursuant to judgment of the court, as on sale upon execution, and as provided in Section 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise provided for by law.

L. A seized item taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the petitioner or in the custody of the law enforcement agency. The petitioner shall release the seized item to the owner of the item if it is determined that the owner had no knowledge of the illegal use of the item or if there is insufficient evidence to sustain the burden of showing illegal use of the item. If the owner of the property stipulates to the forfeiture and waives the hearing, the petitioner may determine if the value of the item is equal to or less than the outstanding lien. If such lien exceeds the value of the item, the item may be released to the lienholder. A seized item which has not been released by the petitioner shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

M. Attorney fees shall not be assessed against the state or the petitioner for any actions or proceeding pursuant to this section.

N. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the item, if any, up to the amount of the interest of that person in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual reasonable expenses of preserving the item;

3. To the victim of the crime to compensate the victim for any loss incurred as a result of the act for which the item was forfeited; and

4. The balance to a revolving fund in the office of the county treasurer of the county wherein the property was seized, to be distributed as follows: one-half (1/2) to the investigating law enforcement agency and one-half (1/2) to the district attorney to be used to defray any lawful expenses of the office of the district attorney. If the petitioner is not the district attorney, then the one-half (1/2) which would have been designated to that office shall be distributed to the petitioner.

O. If the court finds that the item was not used in the attempt or commission of an act specified in subsection A of this section and was not an item subject to forfeiture pursuant to subsection B of this section, the court shall order the item released to the owner as the right, title, or interest as determined by the court.

P. No vehicle, airplane, or vessel used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited pursuant to the provisions of this section unless it shall be proven that the owner or other person in charge of such conveyance was a consenting party or privy to the attempt or commission of an act specified in subsection A or B of this section. No item shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and by any person other than such owner while the item was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

Q. Whenever any item is forfeited pursuant to this section, the district court having jurisdiction of the proceeding may order that the forfeited item may be retained for its official use by the state, county, or municipal law enforcement agency which seized the item.

**47 O.S. §1151 Failure to Pay Taxes Due the State \***

A. It shall be unlawful for any person to commit any of the following acts:

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6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars ($500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) and shall be required to obtain an Oklahoma license plate. Employees of the Corporation Commission may be authorized by the Corporation Commission to issue citations to motor carriers or operators of commercial motor vehicles, pursuant to the jurisdiction of the Corporation Commission, for a violation of this subsection. If a person convicted of violating the provisions of this subsection was issued a citation by a duly authorized employee of the Corporation Commission, the fine herein levied shall be apportioned as provided in Section 1167 of this title.

\* *NOTE: Paragraph 6 cited here directly follows the paragraph that is used to cite someone for operating a motor vehicle with an expired tag (#5). Paragraph 6 covers the possession and/or storage of a vehicle with an expired tag.*

**Other Violations of DEQ Statutes and Regulations**

**27A §2-6-801 – Clean or Pump Septic Tank Without License**

A. All persons before engaging in the cleaning or pumping of septic tanks or holding tanks and disposing of sewage or septage taken therefrom shall first obtain a license which shall be issued by the Department [of Environmental Quality] under such rules as may be promulgated by the [Environmental Quality] Board.

**OAC 252:641-1-2.1. Authorizations and permits for on-site sewage treatment systems**

(a) **Requirement for authorizations and permits.** Before installing a new or modifying an existing on-site sewage treatment system, the installer shall first obtain either:

(1) DEQ authorization to construct an on-site sewage treatment system under the general permit, the terms of which are the rules of this Chapter; or

(2) an individual permit to construct an alternative on-site sewage treatment system.

**OAC 252:641-1-4. Operation, repairs and maintenance**

(a) Proper operation. The owner of an on-site sewage treatment system shall ensure that the system is maintained and operated properly so that:

(1) sewage or effluent from the system is properly treated and does not surface, pool, flow across the ground or discharge to surface waters;

**Writing Tickets on Environmental Violations**

 Any commissioned peace officer in Oklahoma may write a ticket on DEQ misdemeanor violations (illegal dumping, open burning, *etc*.). Oftentimes though the specific elements of the violation are listed in a second statute, or in the Oklahoma Administrative Code (OAC). This second statute or rule should be cited at the bottom of the ticket. When two statutes are used the first will either be the general DEQ violation statute (see p. 3) or the Clean Air Act statute (see p. 22). The violations to be listed on tickets, as well as the underlying statutes or rules, are listed in the table below. Note that some DA’s offices may also want a probable cause affidavit and/or report accompanying some of these charges instead of simply a citation..

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| --- | --- | --- | --- |
| Violation | Statute to Cite | Secondary Statute or Rule | Ref. Page Number |
| Littering | 21 O.S. §1205 | n/a | 4 |
| Litter from a vehicle | 21 O.S. §1753.3 | n/a | 4 |
| Illegal dumping | 21 O.S. §1761.1 | n/a | 5 |
| Dispose of waste at unpermitted site | 27A O.S. §2-3-504(A)(1) | 27A O.S. §2-10-301(A)(1) | 10 |
| Own/operate unpermitted solid waste disposal site | 27A O.S. §2-3-504(A)(1) | 27A O.S. §2-10-301(A)(2) | 10 |
| Transport solid waste to unpermitted site | 27A O.S. §2-3-504(A)(1) | 27A O.S. §2-10-301(A)(3) | 10 |
| Operate unpermitted used tire storage site | 27A O.S. §2-11-401.7(A)(1) | n/a | 12 |
| Dispose of tires at unpermitted site | 27A O.S. §2-11-401.7(A)(2) | n/a | 13 |
| Transport used tires to unpermitted site | 27A O.S. §2-11-401.7(A)(3) | n/a | 13 |
| Haul >10 used or reusable tires from without a manifest | 27A O.S. §2-11-401.7(A)(4) | n/a | 13/14 |
| Unlawful open burning | 27A O.S. §2-5-116(A) | OAC 252:100-13-5 | 25, 28 |
| Pump Septic Tank Without License | 27A O.S. §2-6-901(A) | 27A O.S. §2-6-801(A) | 67 |
| Install septic system without a permit | 27A O.S. §2-3-504(A)(1) | OAC 252:641-1-2.1(a) | 67 |
| Improper operation of sewage disposal system | 27A O.S. §2-3-504(A)(1) | OAC 252:641-1-4(a)(1) | 67 |

**NOTES**

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