

THE FEASIBILITY OF A SINGLE ENVIRONMENTAL
AGENCY FOR OPTIMAL ENVIRONMENTAL
CONTROL IN OKLAHOMA

By

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CONTROL IN OKLAHOMA

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CHAPTER I

INTRODUCTION

An awareness that a better environment is needed has surfaced within the last few years.¹ Although an awareness for such a need is commendable, the only means by which this goal can be reached is by the efforts and works of knowledgeable and dedicated individuals.

Unfortunately, individual expertise and accomplishment cannot always solve many of the complex environmental problems confronting the world today. Therefore, special groups comprised of these individuals have been formed and delegated the responsibility for protecting and optimizing the environmental realm. These special groups are the various environmentally related "agencies" which can be found on the local, county, state, and/or federal level.

It can be conceded that all levels of governmental agencies are necessary in order to effectively carry to completion the goal of a safe and clean environment. While it might be debated as to which level could most effectively accomplish environmental control and optimization, it is this author's opinion that if organized and

¹All environmental areas (social, economic, political, etc.) have come under increased study during the last decade. Although environmental control has a connotation of relating to all phases of the environment, this paper is concerned with the realm of the physical environment. There is also an underlying connotation upon pollution detection, abatement, and control.

managed competently, the state level could be the most effective. It is the state-level agencies that this thesis will emphasize.

The ultimate objective of this study is to determine whether a proposed single state environmental agency should replace the environmental/pollutional activities of the individual state agencies which presently divide this responsibility of environmental control in Oklahoma.

Some individuals are of the misconception that a new single agency would completely replace the seven state agencies which presently constitute the agency members of the Pollution Coordinating Board. This would not be the case. As mentioned above, only the environmental/pollutional responsibilities are to be considered for transfer to a single agency.

CHAPTER II

LITERATURE REVIEW

A. General

The idea of a single agency to head and coordinate all environmentally related fields is relatively new. At the Federal level the Environmental Protection Agency is probably the most familiar. At the state level, however, very few states have attempted such coordination.¹

In the State of Oklahoma there currently exists an administrative institution which is responsible for the coordination of all state agencies which are pollution oriented. In 1968, the Oklahoma Legislature enacted House Bill 905 which created the Department of Pollution Control. This department is administered by a Pollution Coordinating Board which was originally composed of the heads of five state agencies,² each of which had statutory authority in the prevention, control, and abatement of water pollution (Figure 1) (2). The board is presently composed of seven agency heads and two individuals who are

¹As of this writing, the only states which have adopted or are in the process of formulating such agencies are: Arkansas, Illinois, New Mexico, New York, Oklahoma, and possibly Louisiana (1). See Appendix B.

²The original five member agencies were: State Department of Agriculture, State Corporation Commission, State Department of Health, State Water Resources Board, and State Department of Wildlife Conservation.

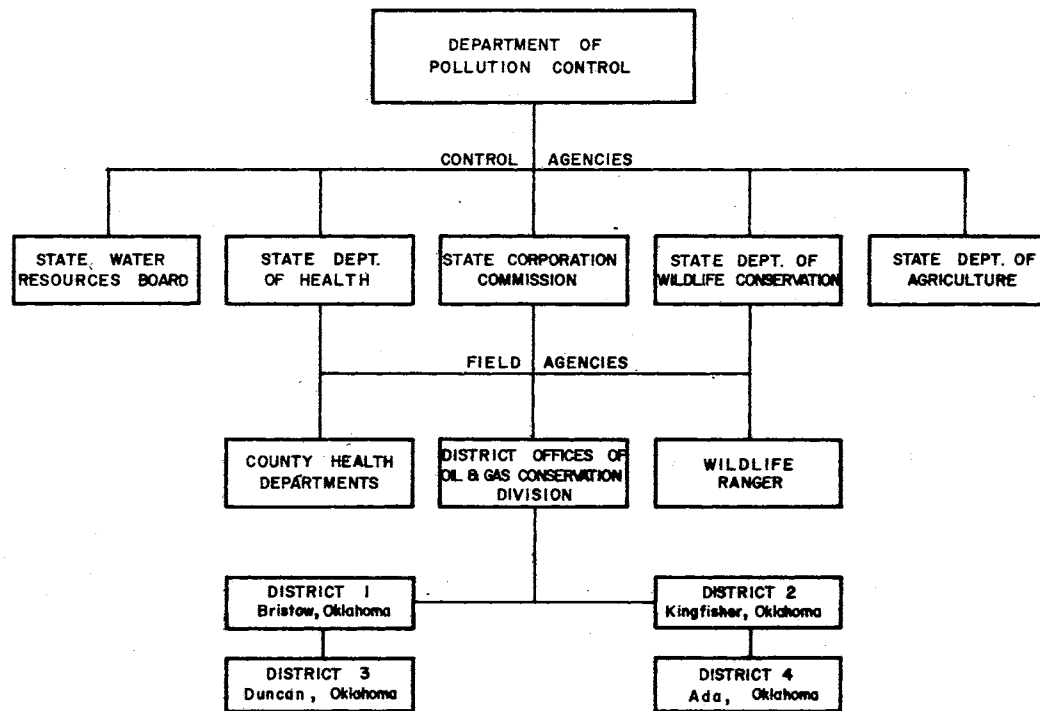


Figure 1. Organizational Chart Illustrating the Original Departmental Hierarchy of Oklahoma's Environmental Administration

gubernatorial appointees (Figure 2). Those agencies presently represented on the Pollution Coordinating Board are: Oklahoma State Department of Agriculture, Oklahoma Conservation Commission, Oklahoma State Corporation Commission, Oklahoma State Department of Health, Oklahoma State Industrial Development Commission, Oklahoma State Water Resources Board, and Oklahoma State Department of Wildlife Conservation. The two individual members are Mrs. Colleen Bland of Enid, Oklahoma, and Mr. Lewis Gatti of Oklahoma City, Oklahoma.

In order to further understand the history and background of environmentally related agencies in Oklahoma, a description of present agency responsibilities should be stated.

B. Agency Responsibilities

Department of Pollution Control

The Department of Pollution Control is responsible for establishing a coordinated water pollution program, utilizing the existing resources and facilities in the seven state agencies having water pollution control responsibilities and authority under existing statutes.

- Among the power and duties of the board are:
- (a) To coordinate and eliminate duplication of effort by the state agencies having statutory authority in water pollution.
 - (b) To request member agencies to investigate and file a report on suspected or potential pollution with the Pollution Coordinating Board.
 - (c) To conduct studies, investigations, research, and demonstrations for the prevention and control of pollution.
 - (d) To assume jurisdiction in a pollution problem if the agency having statutory jurisdiction fails to meet its responsibility in regard to that problem.
 - (e) To establish, amend, or repeal standards for water quality of the waters of the state.
 - (f) The Board may hold hearings, issue notices, and issue subpoenas for the attendance of witnesses and the production of documents in the enforcement and administration of the Water Pollution Act. (2)

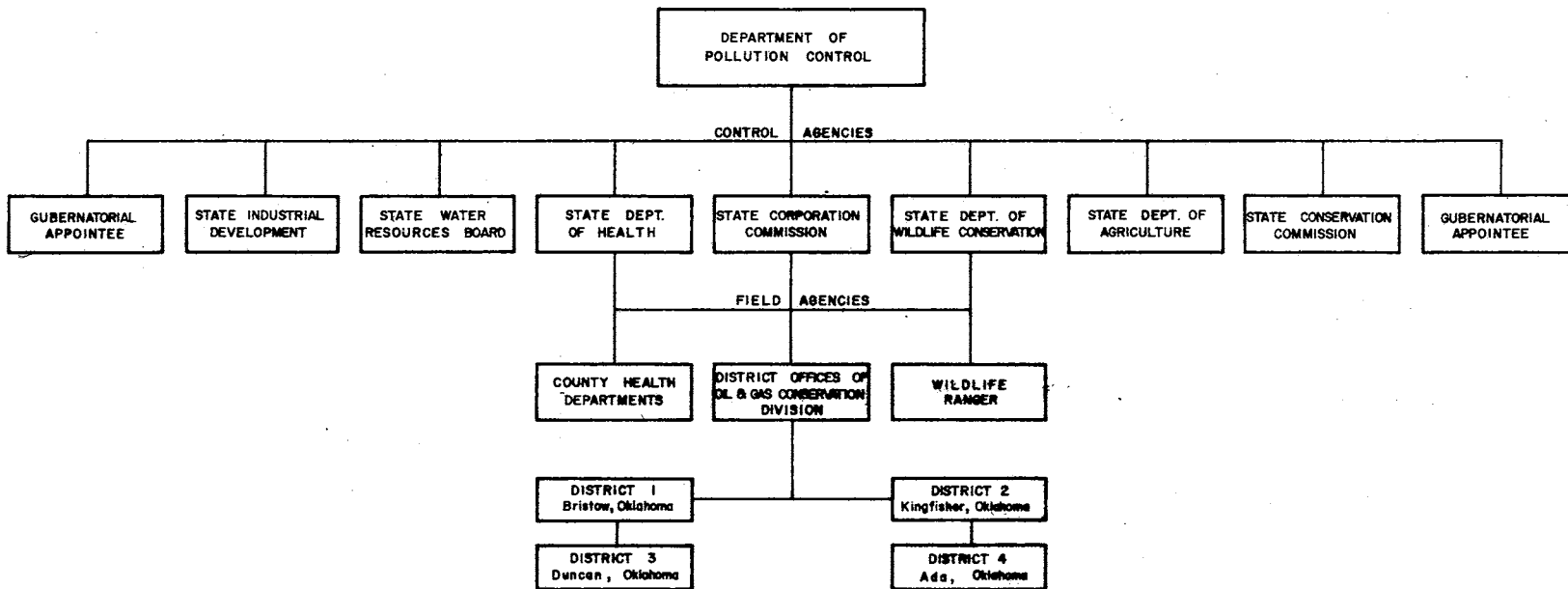


Figure 2. Organizational Chart Illustrating the Present Departmental Hierarchy of Oklahoma's Environmental Administration.

The various member agencies of the Pollution Control Board also are delegated specific duties and responsibilities. The following is a departmental listing of general agency responsibilities:

State Department of Agriculture

Responsible for enforcing Pesticide Applicator Laws to prevent water pollution by pesticides. Commercial applicators are required to be licensed, bonded, and responsible for any damages caused by their operations. Safe use of pesticides according to registered labels is emphasized. Owners of livestock feed yards are licensed and are required to provide such facilities and to take such action as may be necessary to avoid pollution of any water which might result from their operations. (2)

Oklahoma Conservation Commission

In recognition of the ever-increasing demands on the renewable natural resources of the state and of the need to preserve, protect, and develop such resources at such a rate and at such levels of quality as will meet the needs of the people of the state, it is hereby declared to be the policy of the State of Oklahoma to provide for the conservation of the renewable natural resources of this state, and for the control and prevention of soil erosion, and for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization and disposal of water, and thereby to preserve and develop natural resources, control floods, conserve and develop water resources and water quality, prevent impairment of dams and reservoirs, preserve wildlife, preserve natural beauty, promote recreational development, protect the tax base, protect public lands and protect and promote the health, safety, and general welfare of the people of the state. (8)

State Corporation Commission

Makes and enforces rules governing and regulating the handling, storage, and disposition of salt water, mineral brines, waste oil, and other deleterious substances related to the drilling, development, production, refining, and processing of oil and gas products. (2)

Pollution of surface or sub-surface freshwater by deleterious substances used in connection with the exploration, drilling, producing, refining, transporting or processing of oil and gas is hereby prohibited. (3)

The Commission upon application of any municipality or other governmental subdivision, may enter an order establishing special field rules within a defined area to protect and preserve fresh water and fresh water supplies. (4)

State Department of Health

Responsible for the prevention, control, and abatement of water pollution associated with the discharge of municipal and other domestic wastes and related public health and nuisance problems. The State Department of Health is also responsible for reservoir sanitation and the sanitation and healthfulness of public water supplies and public bathing places. (2)

The State Department of Health has also been delegated authority in most areas dealing with air pollution, solid waste, consumer protection (food and drink), occupational and radiological health, general sanitation, and milk sanitation (5).

State Industrial Development Commission

The primary duty of this agency as a member of the Pollution Coordinating Board is to listen and keep up with changes in pollution oriented legislation, laws, etc. From this information the Commission acts as a liaison to inform potential industrial prospects of existing rules and statutes which pertain to their area of interest. The Commission also acts as a coordinator in order to minimize possible conflicts in board activity. Although the Commission has no enforcement powers delegated to it, complaints will be taken and passed on to an appropriate agency (9).

State Water Resources Board

Responsible for pollution control as it applies to industry, the exceptions being waste water discharging to sanitary sewers and waste discharges from the oil and gas industry. All other industries are subject to the rules and regulations of the Water Resources Board regarding pollution control. (2)

The Board also develops comprehensive programs for the prevention, control, and abatement of pollution in the state; adopts, modifies, and promulgates standards of quality; and monitors industrial discharges into waters of the state. Ongoing programs include: (1) Water Quality Planning, (2) Pollution Control Facility Review, (3) Industrial surveillance and monitoring, and (4) Basic data processing. (6)

The following are OWRB duties (O. S. 82, Sections 1071-1079):

- (1) Recording and administering all water rights.
- (2) Approving the design and engineering of all water works, except those built by the federal government or any of its agencies which are exempt from such approval.
- (3) Making hydrographic surveys and investigations of each stream system and source of water supply in Oklahoma.
- (4) Administering the pollution laws of the State in order to safeguard streams and groundwater supplies, cooperating with all other agencies which have responsibilities for pollution control under the law.
- (5) Compiling and indexing all available data concerning the water resources of the State.
- (6) Negotiating contracts and agreements with the federal government for the development of water resources and for the storage and distribution for beneficial purposes, and negotiating compacts concerning interstate streams.
- (7) Developing statewide and local plans to assure the best and most effective use and control of water to meet both current and long-range needs of the people of Oklahoma, and cooperating in such planning with any public or private agency, entity, or person interested in water development.
- (8) Coordinating its activities with all other agencies--local, state, or federal--in the use and development of water resources.
- (9) Adopting, modifying or repealing, and promulgating standards of quality of the waters of the state and classifying such water according to best uses in the

interest of the public under such conditions the board may prescribe for the prevention, control, and abatement of pollution. (7)

State Department of Wildlife Conservation

Charged with the conservation of all wildlife resources in the state. Any time that lime, sawdust, saltwater, crude oil (oil pollution must first be reported to the Corporation Commission), explosives, or drugs or other deleterious substances pollute water to the extent that wildlife suffers, the State Department of Wildlife Conservation acts to correct the problem. (2)

This department also determines monetary costs to the state for any wildlife losses. The state can then recover damages plus the cost of the investigation.

Individual Members

As stated earlier, the two individual members are gubernatorial appointees. The purpose of these lay members is to represent the public on the board. Although one individual is the director of a private concern, the individual represents himself and not the concern.

While the foregoing discussion may seem to have a somewhat indirect bearing on the single agency theory, the discussion of those duties and responsibilities are in order to better understand and evaluate the existing administrative (and political) situation of the present member agencies.

It is from these responsibilities and duties that a later analysis will be partially based as to whether a single environmental agency or the present multiagency is the most feasible.

CHAPTER III

METHODS OF INVESTIGATION

A. General

The role of state governmental control in the environmental/pollutional area was selected for a number of reasons. It is the writer's opinion that the only way to secure a clean and safe environment is by the passage of the best possible legislation and to establish an agency or agencies to both rigidly monitor and enforce such legislation.

The feasibility of a single environmental agency to control and coordinate all (or most) related realms is relatively new. Therefore, there is no smooth path to follow in ascertaining a final conclusion either for or against such an agency. In fact, many disciplines could "answer the call" to research the feasibility of such a plan.

This brings us to a point of deciding upon which approach or approaches could best determine this feasibility. An economist could attempt to base the feasibility on the costs of the existing program versus the cost of the proposed program. A benefit/cost ratio might even be attempted. This, however, is not a reasonable approach upon which to base such a decision. There are expenditures of both time and money throughout the present multiagency system that are not specifically allocated for environmental/pollutional purposes. Many field personnel check and investigate reported problems even when their

"job-titles" do not call for such responsibility (10). Also, many employees involved in pollution control have primary responsibilities in other areas (11). Examples exist in all agencies, but the main ones are to be found in the Oklahoma Corporation Commission and Oklahoma Department of Agriculture. Therefore, the possibility exists that funding of a single agency could possibly cost more in monetary terms. On the other hand costs could possibly equal or fall below the existing arrangement due to less duplication, better coordination, increased efficiency, etc. This area should be left to individuals with expertise in the economic and management disciplines. The economics of such an agency definitely need to be determined in order for the public, who must financially support such legislation, to understand why, how, when, and where their tax dollars are being expended. At the risk of injecting personal bias, the writer questions how the public can expect to clean up approximately 75 years of "problems" (pollution) without considerable monetary outlay.

Another method of investigation which has been suggested is to study this feasibility from a "public administration" approach (12). There is at the present time an individual, Miss Nancy Hale,¹ who is working on this aspect of the single environmental agency concept.

The approach that the writer is interested in could possibly be considered somewhat vague, for many combinations of factors are involved. These factors encompass economics and public administration,

¹Miss Nancy Hale is currently employed as a "Senate environmental research intern" for the State of Oklahoma, and is investigating the feasibility of and introduction of the single agency concept into the next session of the Oklahoma Legislature.

but also considered are the technological and academic achievements of the environmentally related disciplines. It is the end result that must be considered; for once it has been decided that a job is to be done (cleaning up the environment), the end result of accomplishment must be achieved by the utilization of applicable and efficient variables. In other words, can a single environmental agency at the state level satisfy and efficiently complete the tasks and requirements of such individuals and/or groups as: bio-environmental engineers, public health administrators, ecologists, municipal officials, and that portion of the public interested in such matters?

B. Methods of Investigation

The method selected in order to best solve the single agency question was a combination of personal and telephone interviews with members of the various involved agencies, correspondence with academic and professional individuals (the public), research into state records of committee and related discussion meetings, pertinent literature, and press coverage. This approach was taken due to the opinion that the present member agencies should have a voice not only in whether such an agency should be organized, but if organized to submit any structural or organizational ideas which could benefit the single agency. A question does arise as to the possibility of member agencies introducing biased ideas and opinions due to inter-agency jealousies and power struggles, i.e., politics.

Interviews with staff members of the Bio-environmental Engineering

group of the School of Civil Engineering² were used, along with the opinions of other individuals of expertise whose disciplines were closely aligned to the present member agencies of the Pollution Coordinating Board. These individuals were contacted in order to obtain ideas and suggestions not biased by political or agency prejudices.

It is from the collections of data obtained utilizing the aforementioned techniques that an effort will be made to adequately answer the question of the feasibility of a single environmental agency in the State of Oklahoma.

²Those faculty interviewed were: Dr. Richard N. DeVries, Dr. Anthony F. Gaudy, and Dr. Don F. Kincannon.

CHAPTER IV

RESULTS

A. Legislative Considerations

There has been a move initiated within the State of Oklahoma to determine if the overall physical quality of the environment can possibly be improved. The approach undertaken was of a political nature. A state legislative committee was formed in order to investigate the feasibility of creating a single agency to control and coordinate all environmentally related areas. The creation of such an agency should replace and supersede the present delegated environmental/pollutional duties of the various state agencies with environmental jurisdiction. Of course, with such supersedence a single agency should also be delegated the environmental/pollutional powers and responsibilities of the previous state agencies.

The committee formed for the aforementioned purpose is known as the "Committee on Environmental Quality." The chairman of the committee is State Senator Gene C. Howard (D-Tulsa), with State Representative Thomas A. Bamberger (D-Oklahoma City) acting in the position of Vice-Chairman. The remainder of the committee is comprised of eleven members of the Oklahoma House of Representatives and eight members of the Oklahoma Senate.

The committee itself has before it a number of proposals which

pertain to environmental issues. The proposal which this thesis is interested in is "Proposal No. 25."

Proposal No. 25, assigned to our committee pursuant to Executive Committee action on SR 87 adopted during the last session, directs preparation of a report of findings and recommendations to be presented to the Executive Committee for referral to the next session of the Legislature. The resolution states that pollution control in Oklahoma is "presently fragmented among five state agencies, and while the Department of Pollution Control serves in a coordinating capacity, this fragmentation often results in overlapping, duplicated, and inconsistent allocations of money and manpower. . . ." (13)

B. Agency Assessments

Various individuals representing the member agencies of the Pollution Coordinating Board were very responsive to questions pertaining to the "single agency" concept in Oklahoma. While the majority of opinions obtained echo or are representative of that particular agency's stand on the subject, there were some individuals who stressed that the expressed beliefs were personal, and may or may not represent agency policy. The following discussions summarize agency and/or individual positions.

Oklahoma State Department of Agriculture

The Oklahoma State Department of Agriculture is strongly opposed to the single agency proposal. Representing the Department of Agriculture at Environmental Committee meetings is Mr. Clyde Bower, Director of Regulatory Services. The Department of Agriculture

is satisfied with the multiagency approach to pollution control. He said each of the agencies presently authorized to control some particular form of pollution knows the operation of the other agencies and can quickly refer a problem to the proper agency. He noted the present system offers a more rapid solution for the person with

a complaint than a single agency would. He observed his Department believes the multiagency approach keeps problems more closely associated with the people who have expertise in a particular field. (14)

Mr. Bower related that the Department of Agriculture's opposition to a single agency approach is based on its dealings with the Federal Environmental Protection Agency because it has become extremely powerful and "it's just about killing us." He stressed that a single state agency would also become too powerful. (14)

Representative Boren asked why a single agency would be so much more powerful if the single agency would only have the same personnel and the same powers that the already existing pollution control agencies have under law. Mr. Bower replied he had not anticipated a single agency would have as many employees as are now involved in pollution control because many of these people have primary responsibilities in other areas. He added the multiagency approach to pollution control allows for competition between the agencies. (14)

Mr. Bower stated that if a single agency were created it would be a "little EPA" and voiced concern that it could become the most powerful agency within Oklahoma State government. Mr. Bower continued that "standards they (a single agency) set will determine where any and everybody goes, and what he does with what he's got" (11). Mr. Bower believes that control over land and water use could be acquired by a single agency through acts of zoning. The creation of zoning privileges over any industry could also occur by the establishment of effluent or stream standards (11). He postulated that a single agency could develop into a monolithic type of decision maker with no input from the executive, judicial, or legislative bodies of state government. Mr. Bower believes that the current multiagency approach acts as a system of checks and balances on each agency, and that a single agency would not have these to deter it from possibly becoming too powerful. Insofar as funding and economics are concerned, Mr. Bower believes that a single agency will cost more to maintain due to much

work presently being done which is not charged or credited to pollutional or environmental areas, i.e., intangible costs.

Oklahoma Conservation Commission

The Oklahoma Conservation Commission favours the single agency concept. As one of the later additions to the Pollution Coordinating Board, little information was obtained as to this agency's views on the subject. Contact was made with Mr. Clifford Legate of this agency, and Mr. Legate related his opinions on the topic. Mr. Legate believes that the single agency concept would be good due to less duplication of effort. He stated that there are certain functions of the environmental realm which the individual agencies cannot control. The point was made, however, that there probably are some functions which should remain within the individual agencies. An example given was that of sedimentation legislation as pertaining to the Conservation Commission. Mr. Legate commented as to the possibility of a lack of expertise within a single agency (15).

Oklahoma State Corporation Commission

The Oklahoma State Corporation Commission is very strongly opposed to the single agency proposal. Representing the Corporation Commission at the Pollution Coordinating Board and Environmental Committee meetings is Mr. Sam F. Shakeley, Manager of Pollution Abatement.

Mr. Shakeley emphasized that the Corporation Commission can act more quickly than other agencies because they have their own legal staff and the Commission is a court of record. Mr. Shakeley observed the responsibilities of the Corporation Commission in the area of pollution control should not be transformed to a single agency for two primary reasons:

- (1) It would be difficult to separate the duties involving

pollution control from the other duties of personnel especially the field personnel.

- (2) The single agency would need a duplicate of all the files on oil and gas the Commission has.

Chairman Howard asked what Mr. Shakeley's opinion would be if a single environmental agency only assumed responsibility for refineries. Mr. Shakeley replied that he would not object. (16)

Mr. Shakeley feels that a single agency would be a "complete duplication." He did grant that there was some duplication of effort (primarily fish kills), but stated that the Corporation Commission is doing a fine job. Mr. Shakeley stated that the Commission is the only state agency with executive, judicial, and legislative powers, and that it (the Commission) has "more power than any other agency in the state of Oklahoma." The Commission cannot levy fines against operators, but it can compel that a detrimental situation be corrected or a "shut-down" order will be issued. If this order is not complied with, a "contempt of court" order is issued. Once a decision has been made during hearings held, it can then be appealed only to the Supreme Court of the State of Oklahoma. The Corporation Commission has no jurisdiction on damages incurred. These must be filed in civil court. To conclude the discussion on judicial powers, Mr. Shakeley does not believe that a single agency can accomplish the enforcement that the Corporation Commission has, due to a lack of judicial potency (10).

On the issue of funding and economics, Mr. Shakeley stated that adequate funds are presently available for all environmental areas within the Corporation Commission with the exception of the "plugging" of old or abandoned wells.

Mr. Shakeley explained that the Oil and Gas Conservation Division is funded by means of earmarked funds (a gross production tax on oil and gas) although it is necessary for the legislature to appropriate this money. (16)

These earmarked funds (7/32 of 1¢ per barrel of oil and 4/100 of 1¢ per 1000 cubic feet of gas) pay the overhead, salaries, etc., of the pollutional/environmental division of the Corporation Commission. Mr. Shakeley believes that a single agency would have difficulty in obtaining adequate funding (10).

Oklahoma State Department of Health

The position which the Oklahoma State Department of Health takes on the single agency proposal is somewhat vague. There have been numerous sources of information as to the actual position taken by the Health Department. The primary documented source is an article authored by Loyd F. Pummill, Deputy Commissioner for Environmental Services, and can be located in a pamphlet edited by the Oklahoma Society of Professional Sanitarians. Their recommendations and summary follow.

That there should be a primary agency for environmental control. This agency should be Environmental Health Services of the Oklahoma State Department of Health.

It is also recommended that the name of the State Department of Health be changed to the State Department of Health and Environmental Services.

- The recommendations are based on the following facts:
 - (1) For more than fifty years the Oklahoma State Health system has been largely responsible for the quality of our environment and is experienced and qualified as a state environmental agency.
 - A. System composed of state and county health departments with 233 technically trained personnel in 59 county health departments and 81 central office personnel supervising and serving all of the 77 counties.
 - B. System has administered practically all of the environmental regulatory programs throughout the years, and a comparison of the quality environment in Oklahoma with other states demonstrates the capability of the agency in preventing environmental quality deterioration.
 - (2) The educational standards and job qualifications of the Oklahoma State Health system are among the highest of any agency in the state.
 - A. Personnel staff is composed of biologists, chemists,

sanitarians, geologists, entomologists, industrial hygienists, ecologists, microbiologists, audiologists, sanitary, chemical, civil, and radiological engineers, and water and air pollution control specialists.

- (3) The Oklahoma State Health System has vested in it all environmental control functions with the exception of water pollution control (see page 8) and offers the organizational framework and facilities from which the necessary expansion under consideration could be realized in broadening and consolidating the scope of pollution control within the state.
 - A. Administrative staff, field staff, office space, and laboratory facilities are already in existence and distributed throughout the state and are currently engaged in pollution control activities (see page 9).
- (4) Approximately 50% of the total funds being spent on pollution control by the State Health System comes from local financial participation (city funds and county millage, and such funds by constitutional levy for public health could not be utilized by the establishment of a single agency other than the Department of Health (see page 7).
- (5) Health being a state of social, mental, and physical well-being cannot be separated from the physical environment, and the State Health System is engaged in delivering both health and environmental services.

In summary, the Environmental Health Services of the Oklahoma State Health Department and Environmental Services should be designated primary agency for all environmental quality regulatory programs. A high quality environment is not merely a matter of air, water, and solid waste control--but a total environment contributing toward the total well-being of man. The Oklahoma State Health System presently has the administrative, laboratory facilities and trained personnel distributed throughout the state engaged in all facets of environmental control. This with the present method of funding provides the necessary framework from which pollution control activities can be expanded as needed with a minimum amount of duplication and reorganization. (17)

All environmental control activities should be placed in one agency. This primary agency should be the Environmental Health Services of the Oklahoma Department of Health.

The name of the Department of Health should be changed to the Department of Health and Environmental Services.

These recommendations are being made for the following reasons:

1. The State Health System has the qualified expertise, facilities, and administrative framework necessary for the expansion of environmental control activities.

2. Over 90% of the environmental control authority and personnel exist within the State Health Department.
3. Administrative and laboratory facilities, and personnel are distributed throughout the state at the local level--where pollution problems are prevented and abated.
4. Local funds already being provided for environmental control would serve as an important factor in minimizing the need for additional revenue programs.
5. The fact that Oklahoma ranks among the top states throughout the nation in the quality of environment maintained can be largely contributed to the Environmental Services of the Oklahoma State Health Department. (18)

Another source of information was Mr. Ted Williamson, Senior Engineer of the Water Quality Division, with the State Health Department. Mr. Williamson granted that the single agency theory does have its merits. He mentioned, however, that even though he had heard the arguments for a new agency due to duplication of effort and overlapping of responsibilities, he doubted that these existed to any appreciable degree. A shortage of staff or personnel was acknowledged. Problems which Mr. Williamson believed could occur if a single agency were to be created would be the loss of a "vast reservoir" of local people who act as "eyes and ears" for pollutional problems, and the loss of local financing (up to 2.5 mills) of county or regional health departments. Insofar as an official policy on the single agency, Mr. Williamson said that it is his understanding that the Health Department is in favor of the "consolidation of water pollution control activities with the Health Department as the head" (19). A distinction was made between this "consolidation" and a new single agency. The "consolidation of water pollution control activities" would allow a long term establishment of a single environmentally oriented agency. This would allow for a transition in an orderly fashion. A caution cited was the amount of legislation that would be required for such a transition. The

possibility exists that critical areas would not be adequately covered in said legislation (19).

Oklahoma State Industrial Development Commission

As of the date of this writing (1 Nov. 72) the Oklahoma State Industrial Development Commission has not taken an official position on the single agency proposal. The only information obtainable as to opinions on this subject came from an individual within the department who desired to remain anonymous. The writer wishes to caution that the following information represents the personal opinions of the individual interviewed, and does not either support or deny any views which the Commission might profess.

The "individual" was generally not in favor of the single agency proposal. He was, however, in favor of an agency headed and directed by the Oklahoma State Health Department. This opinion was held due to the existing equipment and staff of the State Health Department which could be readily adopted into a new agency. Disadvantages to the proposal included: less effectiveness, more cumbersome, and more expensive. The additional expense would occur from the necessary acquisition of additional labs, investigative teams, and technical people (9).

Oklahoma State Water Resources Board

The Oklahoma State Water Resources Board favors the creation of a single environmental agency. Mr. Glenn Sullivan, Assistant Director of the Water Resources Board, "advised that the Legislature should proceed to adopt legislation to establish a single environmental agency responsible for water quality control. He admitted that financing, in the

beginning, would be a problem" (20).

Mr. Duane Motsenbocker, Planning Engineer of the Water Quality Division of the Oklahoma Water Resources Board, is also in favor of a single agency. Mr. Motsenbocker stated that to his knowledge the Water Resources Board would not want all the responsibilities associated with heading and directing a new single agency. He believes that a single agency could generate additional funds that are needed in order to achieve effective control. It is his belief also that a legal staff would be very necessary in order to handle cease and desist orders, shut-down orders, etc. When questioned as to whether any inter-agency friction and/or duplication of effort has occurred, Mr. Motsenbocker acknowledged that it has existed to some degree (21).

Oklahoma State Department of Wildlife Conservation

The Oklahoma State Department of Wildlife Conservation has not yet officially decided whether to support or not support Proposal No. 25, or any single agency concept. Representing the Wildlife Department at the Environmental Committee meetings is Mr. Byron B. Moser, Environmental Quality Coordinator for the Department of Wildlife Conservation.¹ Mr. Moser is personally in favor of the creation of such an agency. He feels that the state needs a single "environmental proponent," as the existing responsibilities are separated among the various agencies. Under the present system there is simply too much of a work load for

¹The Wildlife Department currently has only one individual, Mr. Moser, with environmental expertise. Needless to say, this area is understaffed. There are, however, 97 State Rangers who also act as field investigators when needed. There are no lab facilities within the agency, but the rangers do have access to 60 field sets capable of determining pH, O₂, Cl, and alkalinity.

adequate coordination. He feels that the current system is "holding its own" for the present time. Insofar as a new agency is concerned, Mr. Moser had some definite opinions and ideas of the enforcement and judicial implications involved. A question as to the adequacy of existing statutes, rules, etc., was voiced. He believes that a single agency should have the power to stop a polluttional incident in a very short time, rather than relying upon the longer, drawnout administrative processes of the present system. Administrative law and enforcement in the area is too slow. Mr. Moser mentioned that the current agencies, or a new agency, should be "harder nosed" in order to make any progress. A suggested means of achieving this policy is a system of "stiff fines." A point was made as to the difficulty in defining in monetary terms many of the damages incurred. Also, along these lines, Mr. Moser believes that the burden of proof is on the wrong person in many instances, and that a property owner or the state should not always have this responsibility. The civil courts are the only recourse a landowner has in the restoration or reimbursement of damaged property.

In conclusion, Mr. Moser believes that a single agency would negate any possibility of "passing the buck," and that when a violation is brought to the agency's attention, "they've had it" (22).

Individual (Gubernatorial) Appointees

As previously mentioned there are two individual members on the Pollution Coordinating Board who were appointed by the present governor of Oklahoma, David Hall.

Mrs. Colleen Bland of Enid, Oklahoma, is in favor of the creation of a single agency. Her reasoning for this conclusion stems from her

belief that a single agency would create: "better coordination, better working conditions, and better enforcement." Mrs. Bland continued that better enforcement was necessary in order to do an adequate job (23).

Mr. Lewis Gatti of Oklahoma City, Oklahoma, is the Director of the Oklahoma Malt Beverage Association, but does not represent this organization as a member of the Pollution Coordinating Board. Mr. Gatti is very interested in ecology and the betterment of our environment. Mr. Gatti favours the creation of a single environmental agency. His reasons were that a better inter-agency and public coordination could be brought about, and that there would be less duplication of effort than under the existing system. Mr. Gatti concluded by stating that "It's better to have adequate state controls in order to keep EPA out" (of state administrative and enforcement policies) (24).

Oklahoma State Department of Pollution Control

The Oklahoma State Department of Pollution Control as such does not have an opinion on Proposal No. 25 (the single agency proposal). However, Mr. Fred F. Storer, Jr., Director of the Pollution Control Board, was interviewed as to his opinions and ideas on this topic. Mr. Storer conceded that the proposal is probably a good idea, but cautioned that he would first need to see the actual legislation or bill before a definite conclusion could be reached. He stated that existing responsibilities are primarily dealt with by the Oklahoma State Water Resources Board, the Oklahoma State Department of Health, and the Oklahoma State Corporation Commission.

Mr. Storer believes that "politics" should enter into environmental programs and that there has never been any state political interference

with the Board's decisions or duties. Mr. Storer is a very strong advocate of administrative organization and law in the environmental realm. He stated that "administrative law" should be used rather than strict law enforcement, and that one of the most inefficient means of solving a pollutional problem is by taking the defendant to court. Mr. Storer believes that "pollution is too complicated for the courts" and that the burden of proof is very difficult. Finally, Mr. Storer stated that if pollution-related problems are not solved by Oklahoma, the federal government will solve them for us, and that he was opposed to this possibility.

As to the economics and funding of a single agency, Mr. Storer conceded that environmental agencies are under-funded, but that money is not a real issue because no one really knows exactly what is needed (12).

C. Assessments by Committee on Environmental Quality

Miss Nancy Hales, Senate environmental research intern, has been investigating the feasibility of a single environmental agency. At an Environmental Quality Committee meeting:

Miss Hales told the group that a total of \$880,716 is currently spent annually on pollution control activities. The money, she said, is the general level of funding we could expect to be available to operate an environmental quality management agency. She stated that Oklahoma could profit by consolidation of the "diffuse responsibilities" of the several state agencies concerned with pollution control "by the creation of an environmental quality management agency if legislation can be developed which will make a smooth transition from existing programs."

"The present Pollution Coordinating Board," Miss Hales continued, "is not an environmental quality advocate, as seven of its nine members have primary responsibilities in other areas such as water resources, agriculture, or public health." She noted that the Board's structure "tends to preserve the status quo" and fails to fulfill

its primary responsibility of coordination and elimination of duplication. "Fulfillment of its responsibilities," she said, "is hampered if a staff reduction is indicated or a fellow board member would be embarrassed." (25)

Miss Hales indicated that she had continued research on the concept of a single agency with responsibility for environmental quality. She stated that she had discussed the problem with various personnel involved in pollution control activities, and indicated the "individuals are keeping open minds in regard to reorganization." (26)

Her report says control is now fragmented among agencies which relegate it to secondary consideration or at best to share priorities with other departmental functions.

The committee on environmental quality voted to recommend creation of such an agency to the executive committee of the legislative council when it meets Friday in Tulsa. (27)

State Senator Gene Howard (D-Tulsa) stated that:

under the present set up, there are "gray areas" of responsibility. "The new department would step into the vacuum and establish regulations dealing with environmental quality." The new agency would coordinate the activities of all agencies involved, to draw the fragments together for a systematic approach to pollution control.

If we don't shoulder the responsibility, the federal government will take over and if this happens local pollution control needs and standards will become part of national needs and averages without regard for their local effect. (28)

Senator Howard endorsed the single agency plan for Oklahoma's pollution control programs and expenditures. He concluded the single agency plan would be more efficient and better able to focus on the state's pollution problems than the present system. "It is obvious a single agency would work much better and could remove many of the conflicts of authority we have along the way now," he said. (29)

As a result of the evidence presented at these meetings, the committee concluded that:

- (1) Water quality is so fragmented that resource allocations are not consistent;
- (2) Progress toward better quality is impaired by dependence on water quality standards for enforcement;
- (3) Pollution control activities are relegated to a secondary role or at best share priorities with other functions of the departments in this area.

The committee recommends that a single environmental management system be created and this agency would have the responsibility for administration of a permit system for the disposal of wastes in the water, in the air and on land. (30)

D. Academic/Public Assessments

In order to obtain some insight into the academic and public opinions on the feasibility of a single environmental agency, opinions were sought from individuals with expertise and concern in areas closely aligned to the member agencies of the Pollution Coordinating Board. The following data represent these opinions.

Approximately 88 percent of the individuals contacted voiced the opinion that a single agency should be created. Advantages and disadvantages cited for the formation of such an agency can be found in Table I. In order to become a listing in Table I, the individual advantage or disadvantage had to be cited at least three times.

TABLE I
ADVANTAGES AND DISADVANTAGES OF A SINGLE
ENVIRONMENTAL AGENCY

Advantages	Disadvantages
Reduced Duplication	Too Complicated
Improved Efficiency	Difficulty in Transferring Functions
Improved Coordination	Misuse of Power and Authority
Improved Enforcement	Influence or Pressure from
Centralized Administration	"Higher Ups"
Unified Decision Making	Politically Dangerous
Improved Planning	Less Expertise Available
Quicker Action	Loss of Jobs in Existing Agencies
Reduced "Buck-passing"	
Reduced Agency Bias	
Improved Research and Technology	

In order to sample the academic/public opinion on the efficiency in the enforcement area, questions were asked as to the enforcement process as currently administered. Also, questions were posed as to the need for "enforcement" and "judicial" sections within a single environmental agency. Criticism was voiced by a few individuals claiming that the enforcement questions were biased. If attempting to acquire "real-world" (versus theoretic and idealistic) answers on a specific area of interest (law enforcement) by voicing questions that the writer has heard brought to light before is biasing, the writer concedes to this criticism. One reason why this was done is due to the writer's belief that that portion of environmental effectiveness with which the public is most aware is enforcement, or the lack of it. Table II summarizes the results of these related questions.

A few of the comments received with some regularity on the enforcement related questions were that the agencies are not doing an adequate job because of political influences and intervention and/or vested interests. Also, the statement was made on occasions that if a stronger enforcement policy and section was not adopted, that there would be no need to create a new single agency. One individual concluded by saying "hit the pollutor where it hurts."

Various suggestions were also accumulated as to the academic/public opinions on the administrative organization of a single environmental agency. Table III is a partial listing of these recommendations.

The two assessments (agency and academic/public) were considered in order to view "both sides of the coin." A reader of this paper can determine for himself which ideas and opinions he associates with. While there are prejudices and fallacies in both points of view, the

TABLE II

TABULATION OF RESPONSES ON RELATED ENFORCEMENT/JUDICIAL QUESTIONS

Question	% Yes	% No
Do you believe that existing statutes, laws, etc., are adequate for a clean and safe environment?	64%	36%
Do you believe that the agencies charged with environmental responsibilities are doing an adequate job?	14%	86%
Do you believe that the agencies are "living up" to their entrusted responsibility of enforcement of existing statutes, laws, etc.?	11%	89%
Do you believe that a single environmental agency should have an "enforcement section" with stronger enforcement powers?	83%	17%
Do you believe that a special "judicial section" with actual court and legal powers would benefit the state from a pollutional/ environmental standpoint?	43%	57%

TABLE III

SUGGESTED ORGANIZATIONAL CONSIDERATIONS

1. Constitutional agency rather than statutory agency of state government.
2. Director should have autonomous authority. Sections which are representative of environmental issues.
3. Agency with one head and several sub-heads. Sections dealing with groundwater, surface water, solidwaste, petroleum, etc.
4. Agency to be run by commissioners with long terms (9-10 yrs.). These commissioners would hire a strong director.
5. A small board with no more than three members. Director should be hired along with adequate enforcement personnel.
6. An agency comprised of original conservationists: sportsmen, farmers, etc.
7. An agency to educate the public and maintain legal expertise.
8. Agency head should be a technologist with considerable knowledge in the environmental area.
9. Agency head should report directly to governor.
10. A single department head without any of the present state agency heads.

writer believes that by each side examining the other's opinions and sentiments, a better understanding of this complex situation can be accomplished.

CHAPTER V

DISCUSSION

A. Author's Philosophy

This investigation and paper were brought about by a dedicated and sincere desire to maximize environmental well-being. While this aspiration extends to the global scale, the writer is deeply concerned with environmental conditions within the United States, and especially Oklahoma.

The feasibility of a single environmental agency is of great importance in order to achieve environmental well-being. The method of approach is purely personal, and the writer makes no claim to expertise in such fields as public administration, political science, economics, etc. Readers with expertise in these areas are apt to question some of the ideas and proposals within this paper, and some criticism is bound to occur. But can these same individuals undertake such an evaluation from the physical science and engineering standpoint? This writer sincerely doubts it! Idealistically, some type of "environmental impact statement" with appraisals and feasibilities from all disciplines could be the approach. Thus, this paper is simply an attempt to objectively evaluate the existing situation and propose ideas which this writer believes are sound enough to accomplish the difficult task ahead.

B. Appraisal of Agency Views

One journalist has described the existing multiagency system as follows:

Oklahoma's fragmented pollution control activities are guided by what some officials jokingly describe as "a seven-headed monster."

One head seldom knows what the other is doing, but all seven are aware that, like Hercules in search of the Hydra, the nine-headed serpent of Greek mythology, the environment-oriented members of the state legislature will be armed for battle. (28)

In attempting to appraise agency opinions, beliefs, etc., this writer has strived to maintain an open mind on agency and/or individual comments. However, after carefully considering many of the statements made, this writer cannot help but understand why an attempt is being made to replace the present multiagency system with a single agency. The following opinions and comments within this chapter are strictly those of the writer. If a slight bias against those agencies opposed to the single agency concept is detected, this detection is correct. There are three state agencies which this discussion will focus on: the Department of Agriculture, the Corporation Commission, and the Department of Health.

Department of Agriculture

Many statements emerging from the Department of Agriculture were, for this writer, difficult to understand. The opinion that the present system offers a more rapid solution to complaints is somewhat erroneous. With the seven member agencies distributed throughout the Oklahoma City area, there is no way to quickly communicate and coordinate. There is no centralization of administration, personnel, lab facilities,

etc. With a centralized, homogeneous location, the single agency would offer a much quicker and more efficient solution to any problem.

The statement that expertise should remain within a particular agency is also susceptible to question. How many environmental/pollutional questions or problems can be adequately solved by the expertise of one individual or agency? Many "environmentalists" are of the opinion that these type problems can best be solved through inter-disciplinary coordination. The very fact and importance of "environmental impact statements" should exemplify this position. Even individuals with related expertise, but in different agencies, could more efficiently coordinate and maximize results if they worked together. Examples would be the various individuals with groundwater and surface water experience. They could all work together within a single agency in a "Groundwater Section" and a "Surface Water Section."

Mr. Bower (Department of Agriculture) readily admits to problems between the Department of Agriculture and the Environmental Protection Agency. The primary concern is with the power which the Environmental Protection Agency possesses and the potential power which a single state agency might acquire. Mr. Bower elaborated at an Environmental Quality Committee meeting on a "run-in" over pesticides that his department had with the Environmental Protection Agency.

Representative Boron questioned why the federal government has had to move into the field of pesticides if the present system is working so well. Mr. Bower replied that if every state had done as well as Oklahoma this problem would not exist. (31)

It is perfectly obvious why the Environmental Protection Agency has been delegated strong powers. The states have not been willing to abide by and cooperate on national or state environmental/pollutional

problems. The "Big Brother" concept is no more supported by this author than by any rationally thinking American. But, common sense and an earnest desire for optimal environmental/pollutional control leads one to face the fact that if no cooperation is obtained at the state level, then the federal authorities are the only remaining administrators. Of course, the incentive of significant monetary contributions on projects has had a lot to do with EPA participation, too.

As to a single agency being a very powerful agency in Oklahoma State Government, this writer can see little wrong with this concept. Many people (including Mr. Sam Shakeley) consider the Corporation Commission the most powerful agency in the state now. Yet they (the Corporation Commission) do not deal primarily with environmental issues. If the legislators, administrators, and public sincerely want to keep the Environmental Protection Agency from taking over the entire environmental/pollutional realm, then a powerful agency is needed at the state level. When dealing with pollution, power and enforcement are necessary in order to effectively carry out the "letter of the law." The opinion that such an agency would become a monolithic decision maker with no input from the executive, legislative, or judicial branches of government must also be questioned. It is up to the legislature to formulate and pass legislation with adequate checks and balances, and at the same time insure adequate powers for the single agency. Caution should be taken so as not to overly restrict or inhibit the effectiveness of a new agency.

Finally, the time is at hand to comment on one of the most questionable statements encountered during the entire investigative period of this paper. Quoting from the minutes of the fifth meeting of the

Committee on Environmental Quality: "He (Mr. Clyde Bower) added the multiagency approach to pollution control allows for competition between agencies" (14). As a dedicated bio-environmental engineer who has worked with other disciplines on environmental/pollutional projects, this writer finds such a statement unbelievable! All environmental/pollutional disciplines are pulling and working (or should be) toward the goal of a clean and safe environment. To quote a current television commercial, "We're all in this together." Competition is capable of strengthening individual components, but it can also create a lack of cooperation, jealousy, and even overt or covert hostility. This is no means of effectively solving any environmental/pollutional problems.

Corporation Commission

The Oklahoma State Corporation Commission as previously mentioned is considered by many to be one of, if not the, most powerful agencies within Oklahoma State government. It was this power and judicial structure with which this writer was most impressed. The fact that the Corporation Commission maintains executive, legislative, and judicial powers is also impressive. The ability to formulate, enact, and enforce is essential for optimal environmental control. Any new agency must have included within its framework these essential criteria.

The two primary reasons (pages 18, 19) given by Mr. Shakeley for opposing a single agency do have some merit. The first as to separation of environmentally related duties among field personnel could possibly be solved by the creation of a "Field Section" within the new single agency. The "Field Section" could be broken into divisions with

each division being comprised of field personnel with expertise and experience in that division's discipline.

The second point observed was the duplication of all files. It is doubtful that all files would have to be duplicated. The writer concedes that the duplication of many files would be necessary, but that this would be a problem which would be encountered with most of the agencies. The possible exceptions would be those agencies which have no other jurisdiction and responsibilities than in the environmental/pollutional realm. For example, records and files from the Oklahoma Water Resources Board and Oklahoma State Health Department could probably be transferred directly to a "Central Files and Records Section" of a single agency. These reasons can be applied to the other six agencies, however, and should not be a critical determining factor in whether or not a single agency is created. These are the areas in which review is necessary.

As to the funds contributed to the Oil and Gas Conservation Division by existing earmarked funds, the original legislation could be amended to transfer these funds to a single agency. This could be done with any funds currently earmarked for environmental duties of the seven agencies.

Department of Health

The recommendations enunciated by Mr. Loyd Pummill (as presented in a pamphlet edited by the Oklahoma Society of Professional Sanitarians) exemplify a great deal of thought and a tremendous amount of work on the single agency question. Most, if not all, of these recommendations (pages 20-22) are based on sound administrative and economic

considerations. The writer has no objections to the State Health Department assuming total responsibility for the environmental/pollutional realm. It is a single environmental agency which needs to be created. The name of that agency is incidental. If this situation were to occur, the organizational framework would need to be restructured in order to incorporate personnel from the other environmentally related agencies. The question has been raised as to which personnel would be transferred. All personnel from the Pollution Control Board and the Water Resources Board could be transferred, and thus these two agencies could be completely dissolved. As to staffing from the other agencies with environmental duties, there would be little shifting of personnel, as the remaining agencies have very few individuals with primary environmental/pollutional responsibilities. While the possibility exists that some inter-agency frictions could carry over under a single agency plan, adequate planning and structuring could substantially reduce or eliminate this possibility.

Mr. Fred Storer

The question arises as to the feasibility of maintaining "administrative law" (as proposed by Mr. Storer) as the sole means of enforcement. While this is an area for those with expertise in the fields of public administration and administrative law, the public (as well as this author) take exception to this approach. Results indicate that the public, which after all are those which pollution affects, want the environmental/pollutional realms more rigidly enforced. Tables I, II, and III (pages 29 and 31) support this appraisal.

Miscellaneous observations conclude that those agencies which most

strongly oppose the single agency question are the ones who are also the most powerful agencies, i.e., Department of Agriculture and the Corporation Commission. The agencies which have a shortage of staff and funds are generally in favor of the single agency question. Is the "ole political game" once again rearing its ugly head? Could it be that no one wants to lose his little niche of power or "piece of the action"?

Committee on Environmental Quality

The findings and conclusions of the environmental quality committee reflect an honest assessment of the existing situation. There is complete agreement as to fragmented control, diffuse responsibilities, and failure of adequate coordination and elimination of duplication. As to the agencies relegating environmental responsibilities to a secondary consideration, the writer doubts that this is completely true. A lack of adequate funding and staffing does deter efficiency, but those individuals with environmental/pollutional responsibilities offer a dedicated input into their work.

The amount of funds currently available, and to be available for a new agency, are grossly inadequate. The figure of \$880,716 is the lowest expenditure for a single environmental agency by any of the states responding as having a single agency system.

The aspect with which this writer is most concerned, and highly questions, is the format of single agency legislation. Numerous references are made to an "environmental quality management agency" or a "single environmental management system." The question arises as to whether a genuine single environmental agency is to be created, or

rather some type of management agency to replace the current Pollution Control Board. If the latter is the case, a step in the negative direction has been taken. The same types of problems and disadvantages that presently plague the existing multiagency system would also continue in any management type setup. The possibility exists that a new management type system would be even more bureaucratically and politically oriented than the existing system. This would set environmental/pollutional advancement back, not forward.

C. Appraisal of Academic/Public Views

It was very informative to note the various advantages and disadvantages of the single agency concept. Those advantages noted in almost every response were: improved coordination, reduced duplication of effort, improved enforcement, and surprisingly reduced "buck passing." The disadvantages cited with regularity were primarily of a political nature. These included: misuse of power and authority and too administratively complicated. It was very disturbing that the academic/public opinions and attitudes did not correlate with the agency assessments but in a few areas. There was almost a "180 degree" difference between the two "groups."

The majority of the individual agencies currently charged with environmental responsibilities claim to have very few, if any, enforcement and/or related problems. However, an overwhelming majority of the academic/public that were queried indicated a definite question as to the proficiency and efficiency in the carrying out of enforcement duties. It is also the writer's opinion that laxity does indeed exist.

The question arises as to why many of the agencies deny having

enforcement problems, lack of adequate coordination, duplication of effort, etc. In most cases this is not due to deliberate, covert disrespect of delegated responsibilities. Rather, it is the lack of both sufficient manpower and funding. An excellent example is to be found within the Oklahoma State Water Resources Board. Economic conditions are vividly illustrated by the following:

Funding for FY-73 (Fiscal year 73) includes funds for personal services of 5.84 man-years, a reduction from 7.69 man-years in FY-72. With funding in FY-74 of 90% FY-73, personal services will be reduced to 5.00 man-years; a reduction of 2.69 man-years or 35% in the two years. This reduction will be reflected in the planning and surveillance programs.

Agency needs for personal services in FY-74 are 9.38 man-years. (6)

As can be seen, there will be a 4.38 man-year deficit ($9.38 - 5.00 = 4.38$) in FY-74. This is only approximately 50% of the manpower needed to do an adequate job. And this is just an example within the one agency. A single agency would probably reduce competition for funds and thus more efficiently complete the tasks at hand. Also, the Water Resources Board has the responsibility for monitoring approximately 4000 discharges, and only two field personnel to do this.

The shortage of funds and personnel were conceded, and in a few instances were cited as the basis for mediocre efficiency. Other possible factors are the loss of power and political influence (either good or bad). "Reduced buck-passing" cropped up numerous times and emphasized the "credibility gap" between state government and the public it purports to represent. Table II (page 31) is supportive of this "credibility gap."

Insofar as an "enforcement section" within a single agency, 83% replied that they were in favor of such a section. What was surprising

was the fact that only 43% favored some type of "Judicial Section" with legal and court powers. Many respondents voiced confidence in the present court system and stated that judicial powers should remain here. The writer concedes lack of expertise in political science; however, it seems questionable as to how adequate and strong enforcement can be accomplished without judicial potency. While it can be argued that the existing court procedure is adequate, there is a doubt as to the court's familiarity with and expertise in environmental/pollutional areas. The courts (and even many lawyers) lack sufficient technological and scientific expertise to judge environmental/pollutional problems fairly or accurately.

Another drawback to the present system is the length of time before a case comes to trial. This is true in all larger criminal and civil courts due to the overloaded dockets presently encountered. An example should suffice as to why a single agency needs some type of judicial hearings and powers. The example is the Skull Creek-Cimarron River fish kill of July, 1970. As of this date, this case has yet to be tried.

Organizational and hierarchical considerations will be reviewed and expanded upon in the following chapter.

D. Legislative Cautions

When this proposal to create a single agency is introduced into the next session of the legislature, it is of the utmost importance that this legislation be based on sound environmental practices and theory. This will be no easy task, as the transformation and transition needed will be comprised of very complex executive, legislative,

and judicial considerations. If the new agency is too weak, a step in the negative direction will have been taken. There is little chance or concern in this writer's mind that the agency could be given too much power.

Extreme care should be taken in the formulating stages to eliminate even the slightest possibility of political "back-scratching," as the environment is an area relevant and critical to everyone, not just politicians and/or special interest groups. If there was ever an agency of state government which should be devoid of political influences and/or intervention, an environmental agency is that agency.

At the present time state funding priorities have been placed on education by Governor Hall. While legislative funding of environmental/pollutional bills have had a tendency to be on the "lean" side, it is of top priority that a single agency be adequately constructed, staffed, and maintained. To approach a proposal of such importance and magnitude without adequate economic considerations would be one of the most disastrous setbacks in the environmental realm.

Though the writer is not a lawyer or politician, much knowledge and insight has been gained into the "politics" of state agencies. As a sincere and dedicated environmentalist and engineer, one can only hope and pray that "partisan politics" or "political chicanery" will not enter into any single agency, or environmental legislation.

CHAPTER VI

CONCLUSIONS

Based upon the results of the investigations previously presented, the following conclusions have been ascertained as to the feasibility of a single environmental agency for optimal environmental control in the State of Oklahoma:

- A. The present multiagency system is not completely effective in the monitoring and control of environmental/pollutional problems due to:
 - 1. Inadequate funding and staffing
 - 2. Duplication of effort
 - 3. Inadequate coordination
 - 4. Inefficient enforcement
 - 5. Fragmented control
- B. A single environmental agency is indeed feasible and needs to be brought into existence to replace the environmental/pollutional responsibilities of the present multiagency system.
- C. A vast chasm in the form of a "credibility gap" exists between the present seven agencies (multiagency system) and the public of the State of Oklahoma.
- D. The organizational structure should include the following:
 - 1. Departmental sectioning
 - a. The geographical location of the central "headquarters"

of the single agency should be within the Oklahoma City, Oklahoma, city limits (preferably within the State Capitol Complex).

- b. The State of Oklahoma should be divided into regions or districts as based on: county boundaries, population, number of communities, type of water and waste treatment facilities, industry, etc.
 - (1) Each region or district should have an administrative "headquarters" building.
 - (2) Each region or district should have and maintain adequate laboratory facilities.
- c. The single agency should have as component members the following divisions or sections:
 - (1) "Lab Division" capable of complete pollutional testing.
 - (2) "Central Files and Records Division"
 - (a) Permit section
 - (b) Electronic data processing section
 - (3) "Public Relations Division"
 - (a) "Complaint Section" to handle and forward complaints.
 - (b) "Press Section" for adequate coordination.
 - (c) "Photography Section" and lab for public relations and field investigations.
 - (4) "Enforcement and Field Division" for field work and coordination.

- (5) "Educational Division" for coordination with and through the secondary school system, and collegiate systems.
 - (a) Operator certification section.
- (6) "Legal Division" to establish judicial concepts, to prosecute violators, and to coordinate with the state legislature in the formulation and maintenance of adequate laws, statutes, etc.
- (7) "Judicial Division" capable of holding hearings, issuing cease and desist orders, levy fines, etc.
- (8) "Surface Water Division" comprised of individuals with expertise in geology, geography, ecology, bio-environmental engineering, pesticides, water resource and planning, etc.
- (9) "Ground Water Division" comprised of individuals with expertise in geology, geography, bio-environmental engineering, water resource and planning, etc.
- (10) "Water Quality Division"
- (11) "Air Pollution Division"
- (12) "Industrial Wastes Division"
- (13) "Municipal Wastes Division"
- (14) "Solid Wastes Division"
- (15) "Public Health Division" to include those environmental/pollutional areas presently administered by the State Health Department (to include noise pollution section).

(16) "Planning Division"

(17) "Research and Technology Division"

2. Staffing

- a. A director selected for a term of six years by a specially assembled, nonpartisan panel comprised of individuals with expertise in the environmental/pollutional realm. The selection should be based on expertise, experience, and contributions to the environmental/pollutional realm.
- (1) This selecting panel should be chosen from the state's academic institutions on their merit, achievement, and contributions to their respective fields.
 - (2) No more than two consecutive terms can be held by the appointed director.
 - (3) In the event of the resignation or death of the director, a replacement would be selected from the sub-heads by a simple majority vote of the previous academic panel.
- b. Sub-heads or assistant directors should be chosen at the same time and by the method as a,(1) above. Each would have general expertise and experience in the environmental/pollutional realm.
- (1) Terms would be permanent, subject to dismissal, resignation, or death.
 - (2) In the event of dismissal, resignation or death, a replacement would be selected from existing

personnel on the basis of merit, achievement,
and dedication.

- c. Appropriate supervisory personnel to be selected through the Oklahoma State Merit System.
- d. All remaining personnel would be hired through the Oklahoma State Merit System.

CHAPTER VII

SUGGESTIONS FOR FUTURE WORK

The following are suggestions for future work related to the study presented herein:

1. A study of the economics and funding of a single environmental agency.
2. A study of why there is such a "credibility gap" between the present state agencies (multiagency system) and the public, and what steps must be taken to alleviate this situation.
3. A study of the efficiencies of single environmental agencies in other states so as to possibly predict trouble areas that could occur in an Oklahoma agency.

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- (27) "Environmental Agency Merger Urged." The Daily Oklahoman, September 26, 1972, p. 7.

- (28) Sellars, Jim. "Old Pollution Controls Face Unification, Revision." The Tulsa Tribune, October 24, 1972, p. 21-A.
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- (30) Committee on Environmental Quality, State Legislative Council. Progress Report No. 2, September 29, 1972, p. 3.
- (31) Committee on Environmental Quality, State Legislative Council. Minutes. Fifth Meeting, July 11, 1972, pp. 5-6.
- (32) Interim Committee on Environmental Quality. Final Report on Proposal No. 25, pp. 2-4.

APPENDIX A

POSTSCRIPT: FINAL REPORT ON PROPOSAL NO. 25

It is with extreme regret that this author must inform all readers that initial legislation does indeed provide for the creation of a super management agency, rather than a genuine and complete single environmental agency. The following excerpt describes the final conclusions and legislation as accepted and advanced by the Committee on Environmental Quality.

Findings

Major problems resulting from the existing system include:

1. The water quality management system is so fragmented that resource allocations are not consistent and progress toward water quality is impaired.
2. There is no environmental quality advocate. With the exception of the duties of the Department of Pollution Control which are of a coordinating nature, pollution control activities are relegated as secondary functions to departments with primary mission-orientation in areas such as health, agriculture and water resources development. Therefore, pollution control competes internally with primary program needs for money, manpower, materials and executive leadership.
3. There is no consistent philosophy that governs pollution abatement. The environment must be viewed as a total system. Pollutants are resources out of place--matter can be moved but cannot be destroyed. Indiscriminantly solving an air pollution problem by inappropriately transferring materials from the air to another medium is not necessarily a solution. As long as pollution is handled incrementally and separately, there is no way to guarantee proper disposal of hazardous and misplaced materials. A more coherent organizational format is needed to combat the built-in inadequacies of decentralization and to insure that environmental abuses are dealt with as a closed system. Pollution must be viewed as a whole, not in a piecemeal fashion.

Recommendations

It is the recommendation of this Committee that an Environmental Quality Management Agency be created with regulatory powers over media which receive and transport pollutants, i.e., air, water and land. Benefits of a separate agency would include:

1. Combination of proper programs would create an effective regulatory system.
2. The agency role would be well understood.
3. A single agency would be more effective in requests for appropriations, both at the state and federal levels.
4. Such an agency would generate support among both ecology and industry interest groups because contradictory policies would be abolished and replaced with well-defined and consistent permit programs.

5. It would improve accountability of public programs and officials.

6. A single agency would facilitate coordination and compliance with federal programs.

The following responsibilities would be transferred to the new agency from existing agency programs:

From the State Department of Health

Water quality (sewage treatment, planning and laboratories)

Air pollution

Solid waste

Noise

From the Oklahoma Water Resources Board

Industrial wastes

Water quality standards and monitoring

From the Corporation Commission

Surface water discharges from the oil and gas industry

Accidental spills

From the State Department of Agriculture

Water and air pollution problems resulting from feedlot runoff and discharges

From the Department of Pollution Control

All activities and responsibilities

The accompanying legislation delineates functions and responsibilities of the new agency in detail. (32)

The "Findings" are accurate. It is indeed unfortunate that those individuals responsible for the drafting of the initial legislation did not adhere to the philosophy as set forth in the "Final Report on Proposal No. 25."

If agency responsibilities are reviewed (Chapter II) and compared with the transferred responsibilities as outlined above, it can readily be seen that many areas of the environmental realm have been omitted from this initial legislation.

The author urgently requests that all readers contact their respective state senators and representatives to obtain a copy of the "Final Report on Proposal No. 25--Interim Committee on Environmental Quality," and to voice concern (personally or by letter) over this initial legislation or any legislation not creating a true single environmental

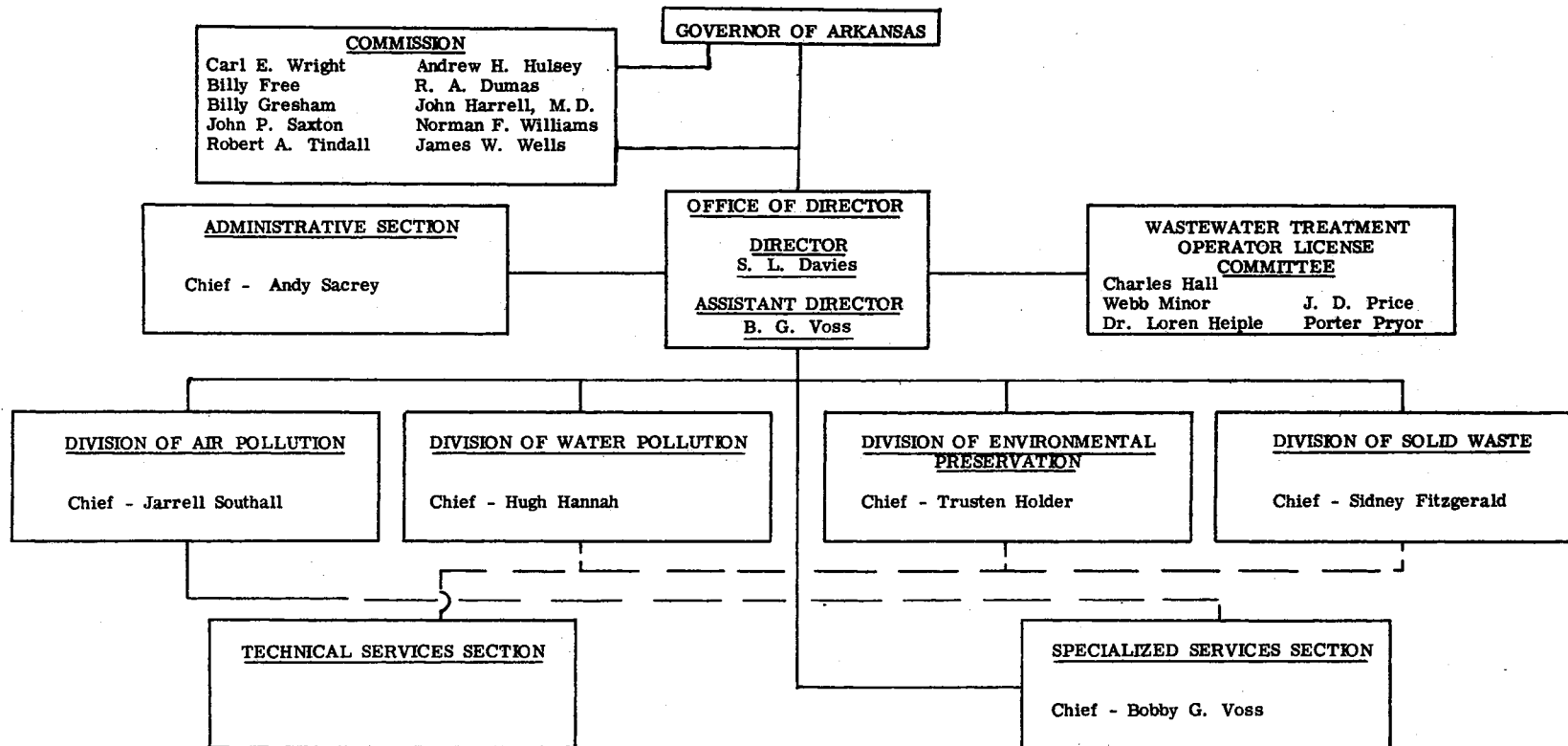
agency. If this proposed management agency is created, there will have been an extreme waste of legislative time and taxpayers' dollars.

APPENDIX B

VARIOUS ORGANIZATIONAL CHARTS FOR STATES WITH
SINGLE ENVIRONMENTAL AGENCIES

STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY
 STAFF ORGANIZATION

1 Jul 1972



S. Ladd Davies
 Approved

STATE OF ARKANSAS
DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

Page 2.
1 Jul 1972

FUNCTIONS CHART

DIVISION OF AIR POLLUTION
Chief - Jarrell Southall

Program Administration & Coordination
Plan, Permit & Registration Reviews
Records and Reports
Consultation Services
Emission Inventories, etc.
Enforcement

DIVISION OF WATER POLLUTION
Chief - Hugh Hannah

Program Administration & Coordination
Plan, Permit & Registration Reviews
Records and Reports
Consultation Services
Enforcement

DIVISION OF SOLID WASTE
Chief - Sidney Fitzgerald

Program Administration & Coordination
Plan, Permit & Registration Reviews
Records and Reports
Consultation Services
Enforcement

DIVISION OF ENVIRONMENTAL PRESERVATION
Chief - Truaten Holder

Program Administration & Coordination
Plan, Permit & Registration Reviews
Reports and Records
Consultation Services
Coordinate Planning with other Agencies
Open Cut Mining Reclamation
Enforcement

ADMINISTRATION SECTION
Chief - Andy Sacrey

Business Office
Project (Grant) Consultant
Secretarial Assignments
Property Control

SPECIALIZED SERVICES SECTION
Chief - Bobby G. Voss

Legal - James M. McHaney
Chris Barrier
Data Processing - R. C. Wilson
Drafting - Roy Cannon
Training - Joe Shaw
Public Information - Roger Morris
Instrument Servicing -

TECHNICAL SERVICES SECTION

LABORATORY SERVICES	FIELD SERVICES
Chemical Analyses	Monitoring of Air and Water Quality
Physical Analyses	Basic Data & Abatement Surveys
Biological Analyses & Identification	Complaint Investigation
Consultation on Laboratory Procedures, etc.	Compliance Investigations
Records and Reports	Construction Inspection
	Special Problem Studies (Survey or Investigation)
	Site and Location Studies
	Problem Inventory

APPROVED:

Jarrell E. Southall

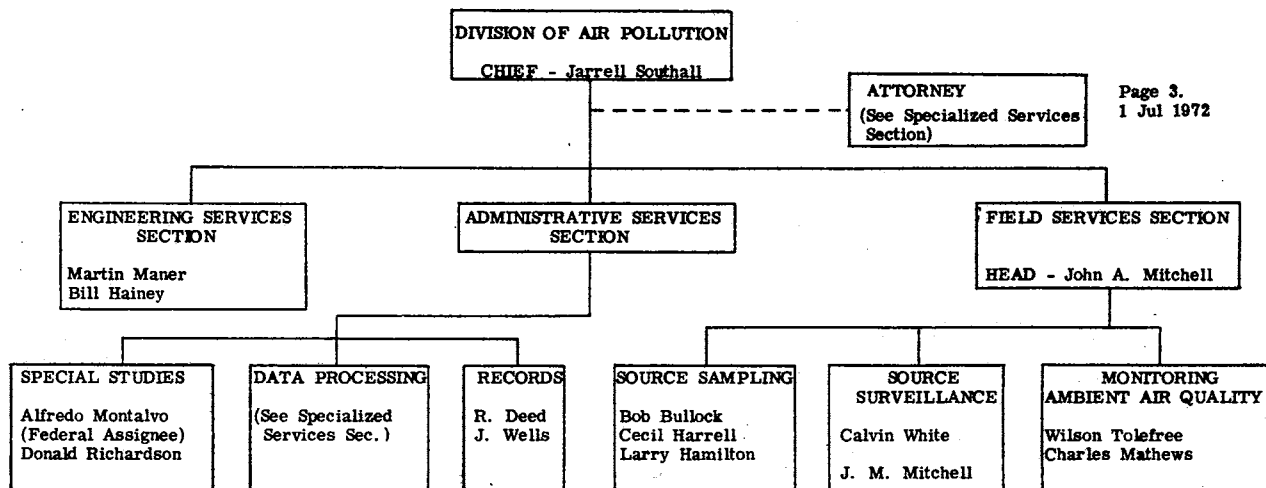
H. G. Hannah

Sidney S. Fitzgerald

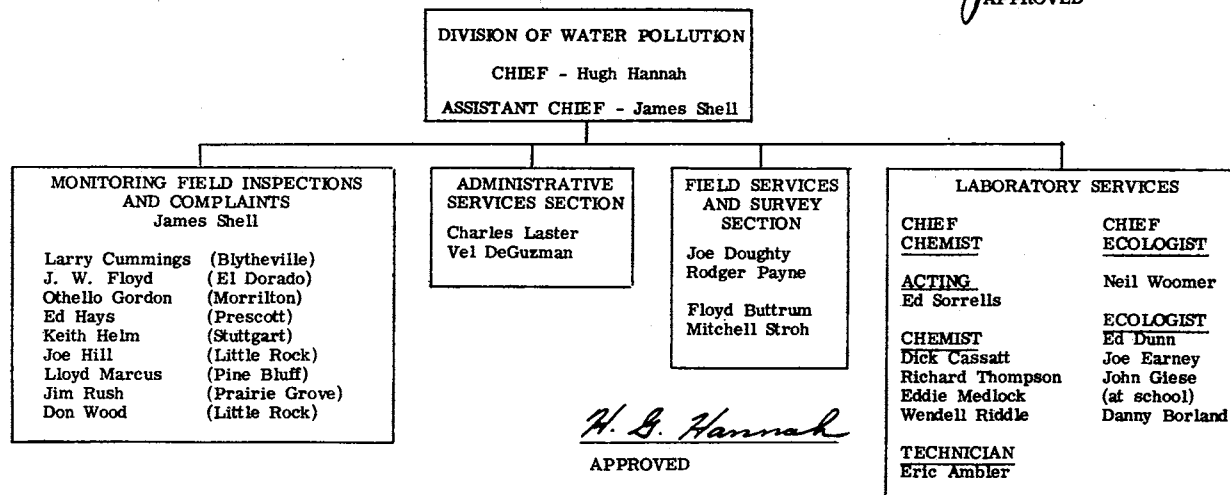
Truaten H. Holder

A. Sacrey Jr

Bobby G. Voss

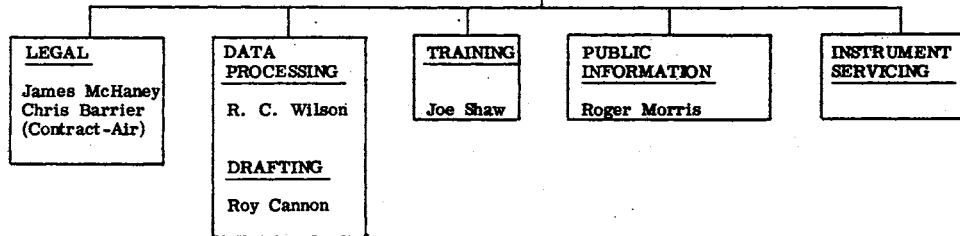


Jarrell E. Southall
APPROVED



SPECIALIZED SERVICES SECTION
Bobby G. Voss

Page 4.
1 Jul 1972



DIVISION OF SOLID WASTE
Chief - Sidney Fitzgerald

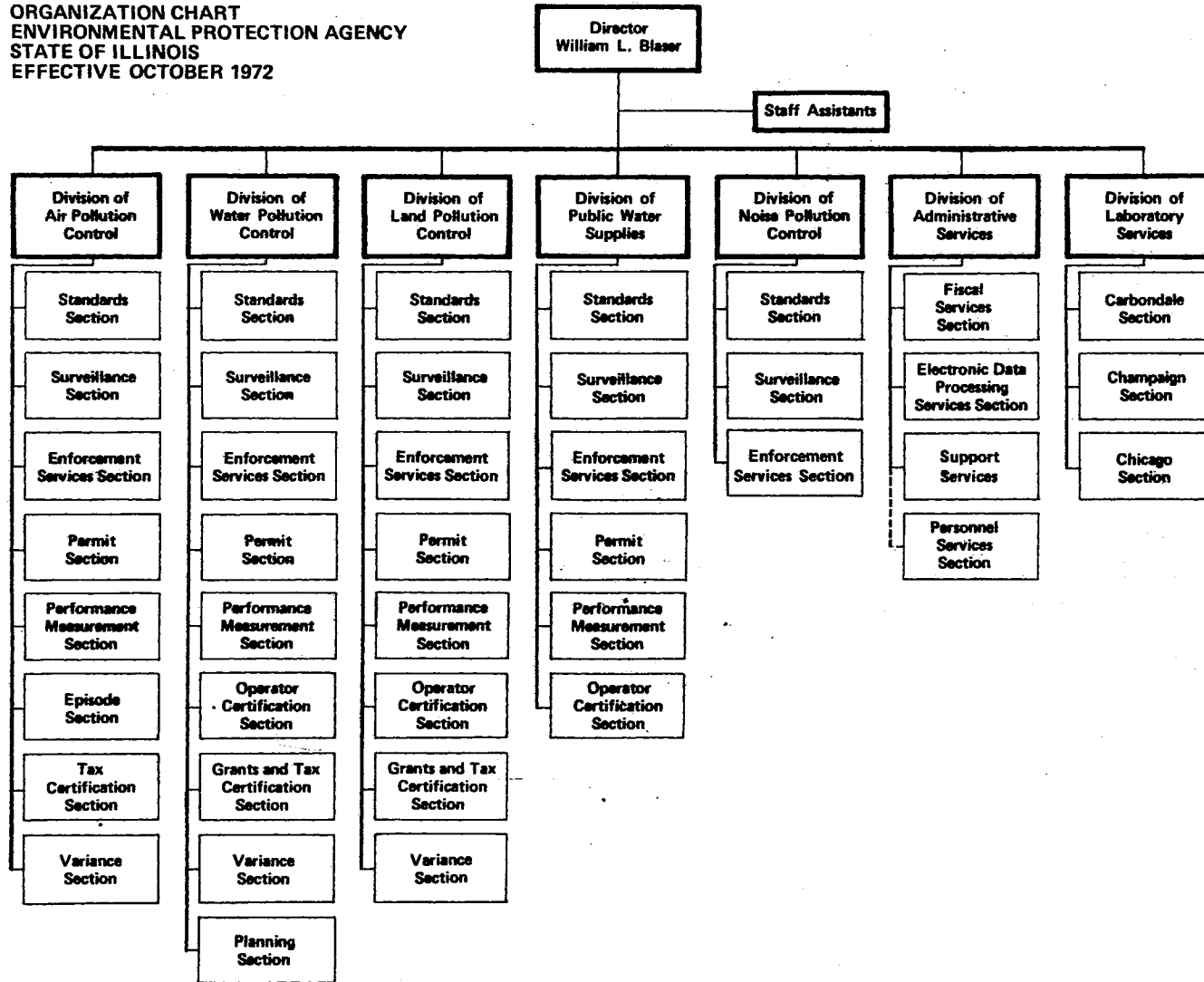
ADMINISTRATIVE SECTION
HEAD - Andy Sacrey

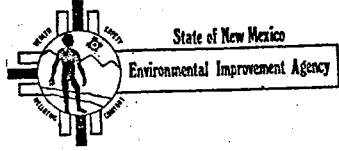
SECRETARIAL AND/OR CLERK TYPIST ASSIGNMENTS
Ann Bull
Julia Bull
Mary Dreher
Donna Harrell
Pamela Klippert (El Dorado)
Margaret Russell
Patsy Williams

DIVISION OF ENVIRONMENTAL PRESERVATION
CHIEF - Trusten Holder
GEOLOGIST - Open Cut Mine Reclamation
Charles Crowson
PLANNER - Acting, Everett Perrien

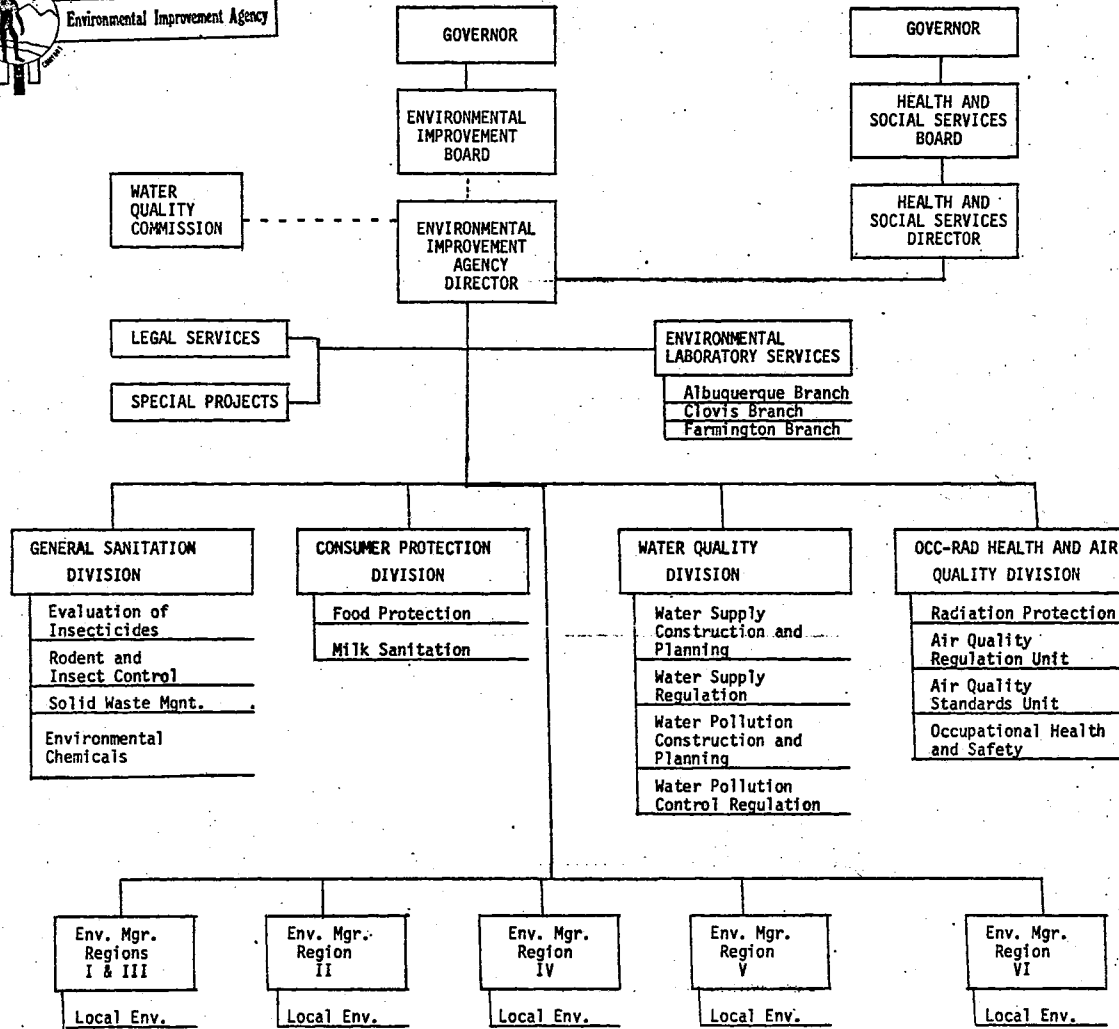
Bobby G. Voss
APPROVED

**ORGANIZATION CHART
 ENVIRONMENTAL PROTECTION AGENCY
 STATE OF ILLINOIS
 EFFECTIVE OCTOBER 1972**





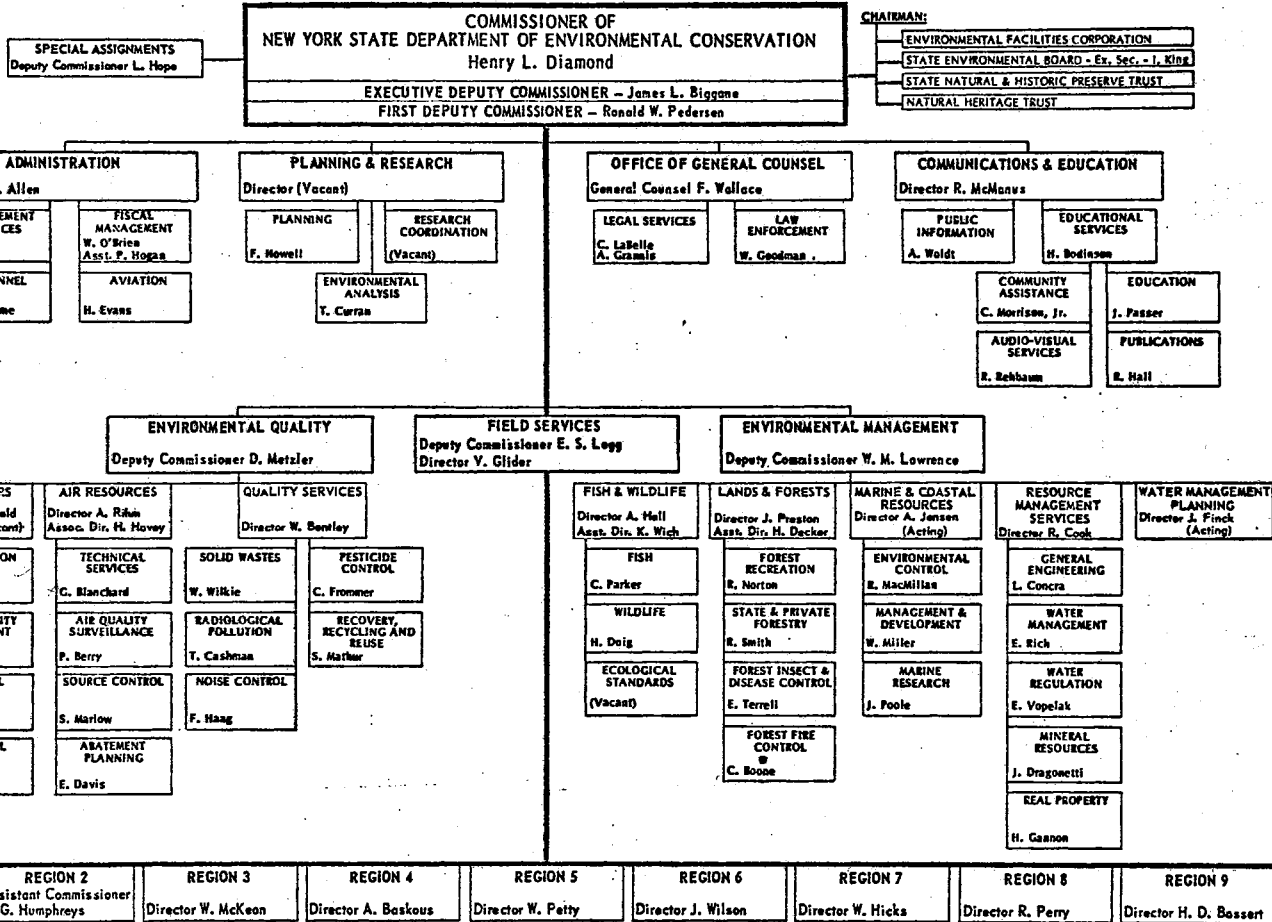
State of New Mexico
Environmental Improvement Agency



10-1-72



OCTOBER 2, 1972



VITA

James William Day

Candidate for the Degree of

Master of Science

Thesis: THE FEASIBILITY OF A SINGLE ENVIRONMENTAL AGENCY FOR OPTIMAL ENVIRONMENTAL CONTROL IN OKLAHOMA

Major Field: Bioenvironmental Engineering

Biographical:

Personal Data: Born 9 October 1947, in Ft. Smith, Arkansas, the son of Mr. and Mrs. William P. Day.

Education: Graduated from Midwest City High School, Midwest City, Oklahoma, in May, 1965; received the degree of Bachelor of Arts in Geography from Oklahoma State University, Stillwater, Oklahoma, in May, 1969; completed requirements for the Master of Science degree at Oklahoma State University, Stillwater, Oklahoma, in May, 1973.

Professional Experience: Undergraduate Student Assistant, Oklahoma State University, September, 1968, through May, 1969; United States Air Force, July, 1969, through December, 1969; Engineering Aide III, Oklahoma State Highway Department, January and February, 1970; Cartographer for "Radiometric Surveys, Inc." (remote sensing company), March, 1970, through June, 1971; Bioenvironmental Engineering trainee, January, 1972, through December, 1972, at Oklahoma State University.

Membership in Professional Societies: Member, Water Pollution Control Federation; member, American Water Works Association; and member, Chi Epsilon, honorary fraternity.