

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2227

By: Leist of the House

and

Shurden of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to waters and water rights; amending 82 O.S. 1991, Section 926.6, as amended by Section 321, Chapter 145, O.S.L. 1993, and as renumbered by Section 361, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1993, Section 1085.30), which relates to water quality standards; modifying authority of Oklahoma Water Resources Board; modifying purpose and content of standards; providing for minimum standards; requiring compliance; providing for amendments restricting construction and promulgation of certain standards; modifying contents; limiting authority of the Board to modify standards; modifying certain meeting requirements; requiring certain meetings; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 82 O.S. 1991, Section 926.6, as amended by Section 321, Chapter 145, O.S.L. 1993, and as renumbered by Section 361, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1993, Section 1085.30), is amended to read as follows:

Section 1085.30 A. In order to effectuate a comprehensive program to assist in the prevention, control and abatement of pollution of the waters of this state, and in order to establish state standards which comply with the Federal Water Pollution Control Act as amended, the Board is authorized to ~~group such waters into classes according to their present and future best uses for the purpose of progressively improving the quality of~~

~~such waters and upgrading them from time to time by reclassifying them, to the extent that is practical and in the public interest. Standards of quality for each such classification consistent with best present and future use of such waters may be adopted by the Board and from time to time modified or changed.~~ to adopt, amend and otherwise promulgate rules to be known as "Oklahoma Water Quality Standards" which establish classifications of uses of waters of the state, criteria to maintain and protect such classifications, and other standards or policies pertaining to the quality of such waters. Such Oklahoma Water Quality Standards shall, at a minimum, be designed to maintain and protect the quality of the waters of the state. Wherever the Board finds it is practical and in the public interest to do so, such rules may be amended to upgrade and improve progressively the quality of waters of the state. The Board may also amend Oklahoma Water Quality Standards to downgrade a designated use of any waters of this state which is not an existing use, may establish subcategories of a use or may provide for less stringent criteria or other provisions thereof only in those limited circumstances permissible under the Federal Water Pollution Control Act as amended or federal rules which implement said act.

The Board may amend the Oklahoma Water Quality Standards to downgrade a designated use, establish subcategories of a use or may provide for less stringent criteria or other provisions thereof only to the extent as will maintain or improve the existing uses and the water quality of the water affected; provided, however, the Board shall not modify the Oklahoma Water Quality Standards applicable to scenic river areas as such areas are described by Section 1452 of this title, to downgrade a designated use, establish a subcategory of a use or provide for less stringent criteria or other provisions thereof.

B. ~~Prior to classifying waters or setting standards or modifying or repealing such classifications or standards~~ adopting such standards or any amendment thereof, the Board shall conduct public hearings for the consideration, adoption or amendment of the classification of waters and standards of purity and quality

~~thereof, shall specify the waters concerning which a classification is sought to be made or for which standards are sought to be adopted and the time, date, and place of such hearing thereon.~~ Notice of such hearing shall be published in accordance with the Administrative Procedures Act and shall be mailed at least twenty (20) days before such public hearing to the chief executive of each municipality and county in the area affected and shall be mailed to all affected holders of permits obtained under Section 926.4 of this title and such other persons that have requested notice of hearings on such ~~classification and the setting of such standards~~ standard modifications.

C. If adoption or amendment of a classification to a lower or downgraded classification is proposed because treatment controls required of the current or a higher or upgraded classification would result in substantial and widespread social and economic impact, the Board shall, in addition to any hearing required by subsection B of this section, conduct a public meeting within a central location within the area to be affected. The Board shall cause notice of such additional public meeting to be published for at least two (2) consecutive weeks in a newspaper of general circulation published in the county or counties in the area affected.

D. ~~The standards of quality of the waters of the state Oklahoma Water Quality Standards, implementation documents and classification of such waters~~ or any modification or change thereof shall be adopted ~~and otherwise comply~~ by the Board in compliance with the Administrative Procedures Act and shall be enforced by all state agencies within the scope of their jurisdiction.

In ~~classifying waters and setting standards of water quality promulgating Oklahoma Water Quality Standards~~ or making any modification or change thereof, the Board shall announce a reasonable time for persons discharging waste into the waters of the state to comply with such new or modified ~~classifications or~~ standards unless such discharges create an actual or potential hazard to public health.

Any discharge in accord with such ~~classification or~~ standards of the Board and in compliance with rules, requirements and wasteload allocations established by the Department of Environmental Quality and with rules promulgated by other state environmental agencies shall not be deemed to be pollution.

SECTION 2. This act shall become effective September 1, 1994.

44-2-L9610            KSM