

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1149

By: Price of the Senate

and

Hutchison of the House

COMMITTEE SUBSTITUTE

An Act relating to water and water rights; amending 82 O.S. 1991, Section 1085.30, as renumbered by Section 361, Chapter 145, O.S.L. 1993, and as last amended by Section 1, Chapter 209, O.S.L. 1994 (82 O.S. Supp. 1997, Section 1085.30), which relates to the Oklahoma Water Quality Standards; prohibiting certain actions; expanding effect of standards; requiring compliance with standards; requiring watershed priority consideration; requiring compliance with certain federal guidelines; requiring certain monitoring and analyses; defining term; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 1085.30, as renumbered by Section 361, Chapter 145, O.S.L. 1993 and as last

amended by Section 1, Chapter 209, O.S.L. 1994 (82 O.S. Supp. 1997, 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 and degradation 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 Oklahoma Water Resources Board is authorized 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 from all point source and nonpoint source discharges. 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 of any waters of this state 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 adopting such standards or any amendment thereof, the Board shall conduct public hearings thereon. Notice of such hearing shall be published in accordance with the Administrative Procedures Act and shall be mailed at least ~~twenty (20)~~ thirty (30) 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 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)~~ four (4) consecutive weeks in a newspaper of general circulation published in the county or counties in the area affected.

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

In 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 standards unless such discharges create an actual or potential hazard to public health.

Any discharge in accord with such 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1-202a of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Pursuant to the provisions of Section 1-1-202 of Title 27A of the Oklahoma Statutes, each environmental agency shall promulgate rules within its areas of jurisdiction which require that entities subject to the environmental agency comply with the Oklahoma Water Quality Standards established by the Oklahoma Water Resources Board for the discharge of pollutants from point and non-point sources that routinely released to waters of the state in order to develop consistency in discharge requirements.

B. In developing rules governing point and non-point source pollution by entities subject to the jurisdiction of an environmental agency, each such agency shall be guided by watershed priority established by the Oklahoma Water Resources Board for those watersheds that are vulnerable or sensitive to nutrient overload.

C. The Oklahoma Water Resources Board shall follow federal guidelines in the development of water quality standards, for other classifications of uses of waters of the state, criteria to maintain and protect such classifications, and other standard pertaining to the protection of the waters of this state. Standards and other criteria established by the Board pursuant to this subsection shall be developed with the assistance and with the cooperation of the Department of Environmental Quality, the Conservation Commission, the State Department of Agriculture and the State Board of Health.

D. The Oklahoma Water Resources Board shall conduct statewide water quality monitoring and trend data analyses for the major

watersheds and groundwater aquifers in this state. The data and analysis shall be made available to other state environmental agencies for purposes of determining compliance with and enforcement of such agency rules.

E. When used in the Oklahoma Statutes, the term "public water well" shall mean a well with fifteen (15) or more separate end-user connections.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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