

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 30

By: Muegge of the Senate

and

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COMMITTEE SUBSTITUTE

An Act relating to public groundwater supply;

providing for legislative findings; providing for promulgation of certain rules; setting certain guidelines; providing for wellhead protection management plans; requiring certain requests; providing for preparation; providing for contents; requiring certain solicitations; requiring certain incorporation of recommendations; providing for development and implementation of a groundwater conservation and protection education program; requiring consultation; providing for an incentive program for protection of groundwater services; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-310.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Legislature finds that a safe public groundwater supply is one of the most valuable natural resources in this state.

B. The Legislature recognizes and declares that the management, protection and conservation of public groundwater supplies and the beneficial uses thereof are essential to the economic prosperity and future well-being of the state. As such, the public interest demands procedures for the development and implementation of management practices to conserve and protect public groundwater supplies in those areas where data, evidence or other information indicates that present or potential conditions exist which may impact the public groundwater supply.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-310.2 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Environmental Quality Board shall promulgate rules necessary to safeguard public health and welfare and prevent pollution of public water supply systems pursuant to the Oklahoma Water Supply Systems Act.

B. In addition to any requirements of the federal wellhead protection program, the Department of Environmental Quality shall develop an Oklahoma wellhead protection program to assist municipalities, rural water districts, nonprofit water corporations and other public groundwater suppliers in the conservation and protection of their public groundwater supplies which will specify the following:

1. Guidelines for a wellhead protection program to protect the public water supplies from new and existing facilities which may be potential or actual pollution sources, including, but not limited

to, the design of new facilities and modification of existing facilities, the Department approval or denial under existing authority of plans and specifications for new facilities or modifications to existing facilities, the construction and the installation of release detection and containment systems, siting criteria for new facilities, operation and maintenance criteria, contingency plans for pollutant release containment and cleanup, technical assistance and education and training;

2. Guidelines specifying the duties of the Department and local governments in developing and implementing the wellhead protection program;

3. Guidelines for determining the extent of wellhead protection areas. Factors for consideration may include, but are not limited to, the cone of depression, the area of influence, the area of contribution and the recharge area;

4. Guidelines for determining all potential and actual pollution sources which may have an adverse effect on public health;

5. Guidelines for taking into consideration potential sources of pollution when siting new wells for public water supplies;

6. Guidelines for developing contingency plans for pollution release containment, cleanup and the provision of alternative drinking water supplies for each public water system in the event of groundwater well or groundwater wellfield pollution; and

7. Guidelines including such other information or assistance as deemed necessary by the Department.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-310.3 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Prior to acquiring a new source of groundwater as a public drinking water supply, any municipality, rural water district, nonprofit water corporation or other public groundwater supplier shall request the Department of Environmental Quality to develop a

wellhead protection management plan for the public ground water source. The Department, upon the request of a public water supplier desiring to acquire a new source of groundwater as a public drinking water supply or when deemed necessary by the Department, upon a request of a public water supplier of an existing source of public drinking water, shall prepare a wellhead protection management plan for the public groundwater supply source.

B. The wellhead protection management plan shall include, but not be limited to, the identification to the extent possible of:

1. Proposed geographic and stratigraphic boundaries of the wellhead protection management area;
2. Groundwater supplies within the area including transmissivity, saturated thickness maps, and other groundwater reservoir information, if available;
3. Local recharge characteristics and rates from any sources, if available;
4. Average annual precipitation and the variations within the area;
5. Crop water needs within the area;
6. Current groundwater data-collection programs;
7. Past, present and potential groundwater use within the area;
8. Groundwater quality concerns within the area;
9. Proposed water conservation and supply augmentation programs for the area;
10. The availability of supplemental water supplies, including the opportunity for groundwater recharge;
11. The opportunity to integrate and coordinate the use of water from different sources of supply; and
12. Existing sources of contaminants and areas of potential sources of contaminants that may have an adverse effect on the public health and the environment in the wellhead protection management area.

C. During preparation of the wellhead management plan, the Department shall actively solicit public comments and opinions and shall utilize and draw upon existing research, data, studies or any other information which has been compiled by, or is in the possession of, state or federal agencies, conservation districts or any other subdivision of the state. State agencies, districts, and other subdivisions shall furnish information or data upon the request of the Department.

D. Based upon the wellhead protection management plan recommendations for the proposed public water source, the public water supplier shall develop and incorporate into the terms of any purchase or lease agreement for the development and use of the groundwater source as a public water supply, the conditions, uses, prohibitions or other restrictions specified by the wellhead protection management plan as necessary to protect the public water source.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-310.4 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Environmental Quality shall develop and implement a groundwater conservation and protection education program. In developing such program, the Department shall consult with public health agencies, water utilities, state educational and research institutions, nonprofit environmental organizations and any other person or agency the Department deems necessary.

B. The Department shall develop an incentive program to provide public recognition of users of land located within a public groundwater supply wellhead protection area who demonstrate successful and committed efforts to protect drinking water supplies by implementing innovative approaches to groundwater protection. Such program shall also promote groundwater protection through education of members of businesses and industry and the public.

SECTION 5. This act shall become effective November 1, 1997.

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