

SHORT TITLE: Water quality; modifying the Oklahoma Water Quality Standards Act. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1149

By: Price

AS INTRODUCED

An Act relating to water quality; 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 Oklahoma Water Quality Standards; updating statutory reference; modifying Oklahoma Water Resources Board authorization to set Oklahoma Water Quality Standards; requiring water quality standards to protect water quality from point and nonpoint source discharges; prohibiting Board from downgrading certain standards; modifying time period required for certain notice publication; 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 denigration 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. 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.

46-2-2540

MJM