

SHORT TITLE: Waters and water rights; creating the Water Wellhead Protection Act; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 30

By: Muegge

AS INTRODUCED

An Act relating to waters and water rights; creating the Water Wellhead Protection Act; providing short title; defining terms; stating procedures for implementing act; providing for selection of certain study team; authorizing contract for professional assistance; requiring publication of certain report and notice; providing for enforcement of act; providing for codification; and declaring an emergency.

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 981 of Title 82, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Water Wellhead Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 982 of Title 82, unless there is created a duplication in numbering, reads as follows:

As used in the Water Wellhead Protection Act:

1. "Water wellhead protection plan" means any ordinance or rule duly adopted by any municipality or rural water district to protect

its groundwater supply from possible pollution or contamination pursuant to the provisions of this act;

2. "Water wellhead protection area" means an area having a radius of not more than two (2) miles around a public water supply well that is owned, leased or controlled by a municipality or rural water district;

3. "Municipality" means any municipality of this state or the public trust which has as its beneficiary the municipality;

4. "Rural water district" means any rural water district which was formed with one of its purposes being to supply and distribute potable water pursuant to the terms of Section 1324.1 et seq. of Title 82 of the Oklahoma Statutes;

5. "Nonprofit water corporation" means any nonprofit water corporation formed for the purpose of providing potable water for distribution and resale to the public; and

6. "Study team" means those persons selected by the governing body of the municipality, rural water district or nonprofit water corporation to carry out the purposes of this act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 983 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Any municipality, rural water district or nonprofit water corporation desiring to implement the provisions of this act shall select at least four persons to study and evaluate the potential for possible pollution or contamination of its groundwater supply and make appropriate recommendations to the municipality, rural water district or nonprofit water corporation governing body.

B. With approval of the governing body, the study team may contract with any professional individual or entity necessary to assist in the study and evaluation of the need for a water wellhead protection area, and obligation for payment to such individual or

entity shall remain with the contracting municipality, rural water district or nonprofit water corporation.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 984 of Title 82, unless there is created a duplication in numbering, reads as follows:

Prior to the adoption of a water wellhead protection plan, a municipality, rural water district or nonprofit water corporation shall publish in a newspaper of general circulation within the county the complete final report and recommendation of the study team, or a summary thereof, and a notice of the date, time and place when the governing body will consider implementing the study team recommendations.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 985 of Title 82, unless there is created a duplication in numbering, reads as follows:

A. Each municipality shall enforce ordinances enacted pursuant to this act in the same manner as all other ordinances.

B. After notice of possible violation of its water wellhead protection plan, the district attorney for the county in which a majority of the rural water district or nonprofit water corporation's water wellhead protection area exists shall have the duty and responsibility to seek injunctive relief to enforce the provisions of the water wellhead protection plan within such area.

SECTION 6. 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.

46-1-0405

MJM