

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 549

By: Price and Muegge of the
Senate

and

Leist of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to water quality; amending 82 O.S.
11 1991, Section 926.2, as amended by Section 57,
12 Chapter 145, O.S.L. 1993, and as renumbered by
13 Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp.
14 1998, Section 2-6-102), which relates to water
15 pollution; requiring all state environmental agencies
16 to complete certain monitoring data for federal
17 review; requiring monitoring information be based on
18 certain standards; amending 82 O.S. 1991, Section
19 926.6, as renumbered by Section 361, Chapter 145,
20 O.S.L. 1993, and as last amended by Section 1,
21 Chapter 209, O.S.L. 1994 (82 O.S. Supp. 1998, Section
22 1085.30), which relates to Oklahoma Water Quality
23 Standards; providing certain penalty for state
24 environmental agencies failing to enforce standards;
25 and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 1991, Section 926.2, as
amended by Section 57, Chapter 145, O.S.L. 1993, and as renumbered
by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998,
Section 2-6-102), is amended to read as follows:

Section 2-6-102. A. Whereas the pollution of the waters of
this state constitutes a menace to public health and welfare,
creates public nuisances, is harmful to wildlife, fish and aquatic
life, and impairs domestic, agricultural, industrial, recreational
and other legitimate beneficial uses of water, and whereas the
problem of water pollution of this state is closely related to the
problem of water pollution in adjoining states, it is hereby

1 declared to be the public policy of this state to conserve the
2 waters of the state and to protect, maintain and improve the quality
3 thereof for public water supplies, for the propagation of wildlife,
4 fish and aquatic life and for domestic, agricultural, industrial,
5 recreational and other legitimate beneficial uses; to provide that
6 no waste or pollutant be discharged into any waters of the state or
7 otherwise placed in a location likely to affect such waters without
8 first being given the degree of treatment or taking such other
9 measures as necessary to protect the legitimate beneficial uses of
10 such waters; to provide for the prevention, abatement and control of
11 new or existing water pollution; and to cooperate with other
12 agencies of this state, agencies of other states and the federal
13 government in carrying out these objectives.

14 B. No state environmental agency shall make additions to or
15 deletions from a federally required list of impaired waters, a state
16 federally required water quality assessment report, or a federally
17 required nonpoint source state assessment report without the
18 additions or deletions being based on the Oklahoma Water Quality
19 Standards and appropriate monitoring data.

20 SECTION 2. AMENDATORY 82 O.S. 1991, Section 926.6, as
21 renumbered by Section 361, Chapter 145, O.S.L. 1993, and as last
22 amended by Section 1, Chapter 209, O.S.L. 1994 (82 O.S. Supp. 1998,
23 Section 1085.30), is amended to read as follows:

24 Section 1085.30 A. In order to effectuate a comprehensive
25 program to assist in the prevention, control and abatement of
26 pollution of the waters of this state, and in order to establish
27 state standards which comply with the Federal Water Pollution
28 Control Act as amended, the Board is authorized to adopt, amend and
29 otherwise promulgate rules to be known as "Oklahoma Water Quality
30 Standards" which establish classifications of uses of waters of the
31 state, criteria to maintain and protect such classifications, and
32 other standards or policies pertaining to the quality of such

1 waters. Such Oklahoma Water Quality Standards shall, at a minimum,
2 be designed to maintain and protect the quality of the waters of the
3 state. Wherever the Board finds it is practical and in the public
4 interest to do so, such rules may be amended to upgrade and improve
5 progressively the quality of waters of the state. The Board may
6 also amend Oklahoma Water Quality Standards to downgrade a
7 designated use of any waters of this state which is not an existing
8 use, may establish subcategories of a use or may provide for less
9 stringent criteria or other provisions thereof only in those limited
10 circumstances permissible under the Federal Water Pollution Control
11 Act as amended or federal rules which implement said act.

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

22 B. Prior to adopting such standards or any amendment thereof,
23 the Board shall conduct public hearings thereon. Notice of such
24 hearing shall be published in accordance with the Administrative
25 Procedures Act and shall be mailed at least twenty (20) days before
26 such public hearing to the chief executive of each municipality and
27 county in the area affected and shall be mailed to all affected
28 holders of permits obtained under Section 926.4 of this title and
29 such other persons that have requested notice of hearings on such
30 standard modifications.

31 C. If adoption or amendment of a classification to a lower or
32 downgraded classification is proposed because treatment controls

1 required of the current or a higher or upgraded classification would
2 result in substantial and widespread social and economic impact, the
3 Board shall, in addition to any hearing required by subsection B of
4 this section, conduct a public meeting within a central location
5 within the area to be affected. The Board shall cause notice of
6 such additional public meeting to be published for at least two (2)
7 consecutive weeks in a newspaper of general circulation published in
8 the county or counties in the area affected.

9 D. The Oklahoma Water Quality Standards, implementation
10 documents or any modification or change thereof shall be adopted by
11 the Board in compliance with the Administrative Procedures Act and
12 shall be enforced by all state agencies within the scope of their
13 jurisdiction. If a state environmental agency intentionally fails
14 to act within its jurisdictional area of environmental
15 responsibility to utilize and enforce the Oklahoma Water Quality
16 Standards, the agency may be subject to forfeiture in the following
17 fiscal year of all state-appropriated monies for the administration
18 of water protection programs. The amount forfeited shall equal the
19 total of state-appropriated water protection program monies to the
20 agency.

21 In promulgating Oklahoma Water Quality Standards or making any
22 modification or change thereof, the Board shall announce a
23 reasonable time for persons discharging waste into the waters of the
24 state to comply with such new or modified standards unless such
25 discharges create an actual or potential hazard to public health.

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

31 SECTION 3. It being immediately necessary for the preservation
32 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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