

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 549

By: Price and Muegge of the
Senate

and

Leist of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to environment and natural resources; amending Section 3, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-1-201), which relates to the Oklahoma Environmental Quality Act; defining terms; modifying terms; amending Section 4, Chapter 145, O.S.L. 1993, as amended by Section 1, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-1-202), which relates to state environmental agencies; modifying certain state environmental agency duties; requiring agencies to promulgate a Water Quality Standards Implementation Plan by certain date; stating requirements for plan; creating a State Water Quality Standards Implementation Advisory Committee; stating membership; stating duties; stating certain agencies shall be the groundwater protection agency within certain jurisdictional areas of responsibility; requiring cooperation of Department of Environmental Quality to protect certain activities; requiring groundwater regulatory agencies to develop certain groundwater protection practices; authorizing agencies to promulgate rules; requiring agencies to take certain necessary action to protect groundwater quality; authorizing certain groundwater protection agencies to engage voluntary cooperation to protect groundwater; encouraging formulation of certain plans to protect groundwater; conducting certain studies, investigations, research, experiments and demonstrations relating to groundwater; conducting groundwater sampling; developing certain public education programs; requiring environmental agencies to participate in certain information management system; requiring the Oklahoma Water Resources Board to provide certain status report; amending Section 10, Chapter 145, O.S.L. 1993, as amended by Section 3, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-2-101), which relates to the Secretary of Environment; modifying certain areas of environmental responsibility; requiring Secretary of Environment to develop public participation procedures for certain federal reports by certain date; stating requirements for procedures; amending Section 6, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 1,

Chapter 217, O.S.L. 1997 (27A O.S. Supp. 1998, Section 1-3-101), which relates to state environmental agency jurisdictional areas of responsibility; modifying certain Department of Environmental Quality areas of environmental responsibility; providing for Department to be technical lead agency for certain programs; adding groundwater protection for certain activities; requiring Department to utilize and enforce Oklahoma Water Quality Standards and implementation documents; requiring Department to develop and maintain certain computer information system; requiring Department to develop certain Water Quality Standards Implementation Plan; modifying certain Oklahoma Water Resources Board areas of environmental responsibility relating to statewide water quality standards and their use, groundwater protection activities, development of a Water Quality Standards Implementation Plan, development of actual uses of groundwater, establishment of statewide beneficial use monitoring program, and coordination with certain state agencies requiring certain report; modifying certain State Department of Agriculture areas of environmental responsibilities relating to groundwater protection for certain activities, utilization and enforcement of Oklahoma Water Quality Standards, and development of a Water Quality Standards Implementation Plan; correcting certain references to agriculture; modifying statutory language; deleting references to certain nonpoint source discharges; clarifying jurisdiction over certain underground injection wells and underground and aboveground storage tanks; modifying Corporation Commission areas of environmental responsibility relating to groundwater protection activities, utilization of Oklahoma Water Quality Standards, and development of a Water Quality Standards Implementation Plan; modifying certain Conservation Commission areas of environmental responsibility relating to nonpoint source management, groundwater protection, development of a Water Quality Standards Implementation Plan and utilization of Oklahoma Water Quality Standards; modifying certain Department of Mines areas of environmental responsibility relating to groundwater protection, development of a Water Quality Standards Implementation Plan and development of a Water Quality Standards Implementation Plan; amending Section 56, Chapter 145, O.S.L. 1993, as last amended by Section 2, Chapter 217, O.S.L. 1997 (27A O.S. Supp. 1998, Section 2-6-101), which relates to definitions; modifying definition; deleting definition; defining term; requiring Department of Environmental Quality to maintain certain computerized information system of water quality data; requiring state environmental agencies to submit certain information; requiring agencies in noncompliance to report to the Secretary of Environment; amending 82 O.S. 1991, Section 1020.9, as amended by Section 14, Chapter 164, O.S.L. 1993 (82 O.S. Supp. 1998, Section 1020.9), which relates to actions by the Oklahoma Water Resources Board; requiring Board to issue permit under certain conditions; amending 82 O.S. 1991, Section 1020.15,

as amended by Section 322, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1998, Section 1020.15), which relates to groundwater user permits; modifying restrictions for issuing certain permits; removing requirement for referral to certain Department in cases of waste by pollution; amending 82 O.S. 1991, Section 1020.16, as amended by Section 17, Chapter 164, O.S.L. 1993 (82 O.S. Supp. 1998, Section 1020.16), which relates to commercial drilling or plugging licenses; creating certain exception for Governor-declared emergency situations; amending 82 O.S. 1991, Section 926.6, 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. 1998, Section 1085.30), which relates to water pollution; requiring certain information be promulgated by the Oklahoma Water Resources Board and enforced by all state agencies; requiring certain protocols be consistent with state and federal law; amending Section 16 of Enrolled House Bill No. 1841 of the 1st Session of the 47th Oklahoma Legislature, which relates to flood management; stating certain requirements for Department of Civil Emergency Management relating to rules governing certain funds; amending 2 O.S. 1991, Section 2-4, as last amended by Section 1, Chapter 7, O.S.L. 1996, Section 248, Chapter 145, O.S.L. 1993, as last amended by Section 26, Chapter 140, O.S.L. 1994, Section 249, Chapter 145, O.S.L. 1993, as last amended by Section 27, Chapter 140, O.S.L. 1994, and Section 9-208, as last amended by Section 12, Chapter 404, O.S.L. 1998 (2 O.S. Supp. 1998, Sections 2-4, 3-71, 8-41.16, 8-68a and 9-208), which relate to the Department of Agriculture; correcting references to federal National Pollutant Discharge Elimination System and agriculture; removing reference to certain nonpoint source discharges; amending Section 11, Chapter 398, O.S.L. 1992, as amended by Section 5, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-1-203), which relates to state environmental agencies; clarifying agency responsibility; Section 5, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 1, Chapter 158, O.S.L. 1996 (27A O.S. 1998, Section 1-1-204), which relates to state environmental agencies; clarifying agency responsibility; deleting obsolete language; amending 20, Chapter 398, O.S.L. 1992, as amended by Section 213, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 3-2-107), which relates to the Conservation Commission; clarifying agency responsibility; deleting obsolete language; amending Section 19, Chapter 398, O.S.L. 1992 (74 O.S. Supp. 1998, Section 10.4), which relates to the Governor's cabinet; clarifying agency responsibility; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 3, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-1-201), is amended to read as follows:

Section 1-1-201. As used in the Oklahoma Environmental Quality Act:

1. "Clean Water Act" means the federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

2. "Discharge" includes but is not limited to a discharge of a pollutant, and means any addition of any pollutant to waters of the state from any point source;

3. "Environment" includes the air, land, wildlife, and waters of the state;

4. "Federal Safe Drinking Water Act" means the federal law at 42 U.S.C., Section 300 et seq., as amended;

5. "Groundwater protection agencies" include the:

- a. Oklahoma Water Resources Board,
- b. Oklahoma Corporation Commission,
- c. State Department of Agriculture,
- d. Department of Environmental Quality,
- e. Conservation Commission, and
- f. Department of Mines;

6. "Nonpoint source" means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined and includes but is not limited to agricultural storm water runoff and return flows from irrigated agriculture;

~~5.~~ 7. "N.P.D.E.S." or "National Pollutant Discharge Elimination System" means the system for the issuance of permits under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

~~6.~~ 8. "Point source" means any discernible, confined and discrete conveyance or outlet including but not limited to any pipe,

ditch, channel, tunnel, conduit, well, discrete fissure container, rolling stock or vessel or other floating craft from which pollutants are or may be discharged into waters of the state. The term "point source" shall not include agricultural storm water ~~discharge~~ runoff and return flows from irrigated agriculture;

~~7.~~ 9. "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste;

~~8.~~ 10. "Pollution" means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property;

~~9.~~ 11. "Source" means any and all points of origin of any wastes, pollutants or contaminants whether publicly or privately owned or operated;

~~10.~~ 12. "State agencies with limited environmental responsibilities" means:

- a. the Department of Public Safety,
- b. the Department of Labor, and
- c. the Department of Civil Emergency Management;

13. "State environmental agency" includes the:

- a. Oklahoma Water Resources Board,
- b. Oklahoma Corporation Commission,
- c. State Department of Agriculture,

- d. Oklahoma Conservation Commission,
- e. Department of Wildlife Conservation,
- f. Department of Mines, and
- g. ~~Department of Public Safety,~~
- h. ~~Department of Labor,~~
- i. ~~Department of Environmental Quality, and~~
- j. ~~Department of Civil Emergency Management;~~

~~11.~~ 14. "Storm water" means rain water runoff, snow melt runoff, and surface runoff and drainage;

~~12.~~ 15. "Total maximum daily load" means the sum of individual wasteload allocations (W.L.A.) for point sources, safety, reserves, and loads from nonpoint sources and natural backgrounds;

16. "Waste" means any liquid, gaseous or solid or semi-solid substance, or thermal component, whether domestic, municipal, commercial, agricultural or industrial in origin, which may pollute or contaminate or tend to pollute or contaminate, any air, land or waters of the state;

~~13.~~ 17. "Wastewater" includes any substance, including sewage, that contains any discharge from the bodies of human beings or animals, or pollutants or contaminating chemicals or other contaminating wastes from domestic, municipal, commercial, industrial, agricultural, manufacturing or other forms of industry; ~~and~~

~~14.~~ 18. "Wastewater treatment" means any method, technique or process used to remove pollutants from wastewater or sludge to the extent that the wastewater or sludge may be reused, discharged into waters of the state or otherwise disposed and includes, but is not limited to, the utilization of mechanized works, surface impoundments and lagoons, aeration, evaporation, best management practices (BMPs), buffer strips, crop removal or trapping, constructed wetlands, digesters or other devices or methods.

"Treatment" also means any method, technique or process used in the purification of drinking water;

19. "Wastewater treatment system" means treatment works and all related pipelines or conduits, pumping stations and force mains, and all other appurtenances and devices used for collecting, treating, conducting or discharging wastewater;

20. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof; and

21. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield supplying a public water system that defines the extent of the area from which water is supplied to such water well or wellfield.

SECTION 2. AMENDATORY Section 4, Chapter 145, O.S.L. 1993, as amended by Section 1, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-1-202), is amended to read as follows:

Section 1-1-202. A. Each state environmental agency shall:

1. Be responsible for fully implementing and enforcing the laws and rules within its jurisdictional areas of environmental responsibility;

2. Utilize and enforce the Oklahoma Water Quality Standards established by the Oklahoma Water Resources Board;

3. Seek to strengthen relationships between state, regional, local and federal environmental planning, development and management programs;

4. Specifically facilitate cooperation across jurisdictional lines of authority with other state environmental agencies regarding programs to resolve environmental ~~problems~~ concerns;

5. Cooperate with all state environmental agencies, other state agencies and local or federal governmental entities to protect, foster, and promote the general welfare, and the environment and natural resources of this state;

6. Have the authority to engage in environmental and natural resource information dissemination and education activities within their respective areas of environmental jurisdiction; and

7. Participate in every hearing conducted by the Oklahoma Water Resources Board for the consideration, adoption or amendment of the classification of waters of the state and standards of purity and quality thereof, and shall have the opportunity to present written comment to the members of the Oklahoma Water Resources Board at the same time staff recommendations are submitted to those members for Board review and consideration.

B. 1. In addition to the requirements of subsection A of this section, each state environmental agency shall have promulgated by July 1, 2001, a Water Quality Standards Implementation Plan for its jurisdictional areas of environmental responsibility in compliance with the Administrative Procedures Act and pursuant to the provisions of this section. Each agency shall review its plan at least every three (3) years thereafter to determine whether revisions to the plan are necessary.

2. Upon the request of any state environmental agency, the Oklahoma Water Resources Board shall provide consulting assistance to such agency in developing a Water Quality Standards Implementation Plan as required by this subsection.

3. Each Water Quality Standards Implementation Plan shall:

a. describe, generally, the processes, procedures and methodologies the state environmental agency will

utilize to ensure that programs within its jurisdictional areas of environmental responsibility will comply with anti-degradation standards and lead to:

(1) maintenance of water quality where beneficial uses are supported,

(2) removal of threats to water quality where beneficial uses are in danger of not being supported, and

(3) restoration of water quality where beneficial uses are not being supported,

b. include the procedures to be utilized in the application of use support assessment protocols to make impairment determinations,

c. list and describe programs affecting water quality,

d. include technical information and procedures to be utilized in implementing the Water Quality Standards Implementation Plan,

e. describe the method by which the Water Quality Standards Implementation Plan will be integrated into the water quality management activities within the jurisdictional areas of environmental responsibility of the state environmental agency,

f. detail the manner in which the agency will comply with mandated statewide requirements affecting water quality developed by other state environmental agencies including, but not limited to, total maximum daily load development, water discharge permit activities and nonpoint source pollution prevention programs,

g. include a brief summary of the written comments and testimony received pursuant to all public meetings

held or sponsored by the state environmental agency for the purpose of providing the public and other state environmental agencies an opportunity to comment on the plan, and

- h. describe objective methods and means to evaluate the effectiveness of activities conducted pursuant to the Water Quality Standards Implementation Plan to achieve Water Quality Standards.

C. 1. There is hereby created a State Water Quality Standards Implementation Advisory Committee. The Committee shall consist of a designated representative of each of the state environmental agencies and the Secretary of the Environment. The Water Resources Board representative shall serve as chair of the Committee.

2. Prior to the publication of the notice of rulemaking intent for a Water Quality Standards Implementation Plan or amendment thereof, the environmental agency developing the plan shall submit the draft plan to the Water Quality Standards Implementation Advisory Committee for review. The Committee shall evaluate the extent to which the agency's Water Quality Standards Implementation Plan meets the requirements set out in this section and, to the extent necessary to achieve compliance with these requirements, shall provide detailed, written recommendations of provisions which should be incorporated into the agency's plan. A copy of such written recommendations shall also be submitted to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

D. 1. Each state environmental agency with groundwater protection authority pursuant to Article III of the Oklahoma Environmental Quality Act shall be the groundwater protection agency for activities within its jurisdictional areas of environmental responsibility.

2. The Department of Environmental Quality shall cooperate with other state environmental agencies, as appropriate and necessary, in the protection of such unassigned activities.

3. Groundwater regulatory agencies shall develop groundwater protection practices to prevent groundwater contamination from activities within their respective jurisdictional areas of environmental responsibility.

4. Each groundwater protection agency shall promulgate such rules, and issue such permits, policies, directives or any other appropriate requirements, as necessary, to implement the requirements of this subsection.

5. Groundwater protection agencies shall take such action as may be necessary to assure that activities within their respective jurisdictional areas of environmental responsibility protect groundwater quality to support the uses of the state's water quality.

6. In addition, each groundwater protection agency with enforcement authority is hereby authorized to:

- a. engage the voluntary cooperation of all persons in the maintenance and protection of groundwater, and to advise, consult and cooperate with all persons, all agencies of the state, universities and colleges, the federal government or other states, and with interstate agencies in the furtherance of the purposes of this subsection, and to this end and for the purposes of studies, scientific or other investigations, research, experiments and demonstrations pertaining thereto, receive and spend funds as appropriated by the Legislature, and from such agencies and other officers and persons on behalf of the state,

- b. encourage the formulation and execution of plans to maintain and protect groundwater by cooperative groups or associations of municipal corporations, industries, industrial users and other users of groundwaters of the state, who, jointly or severally, are or may be impacting on the maintenance and protection of groundwater,
- c. encourage, participate in or conduct or cause to be conducted studies, scientific or other investigations, research, experiments and demonstrations relating to the maintenance and protection of groundwater, and to collect data with respect thereto, all as may be deemed advisable and necessary to carry out the purposes of this subsection, and to make reports and recommendations with respect thereto,
- d. conduct groundwater sampling, data collection, analyses and evaluations with sufficient frequency to ascertain the characteristics and quality of groundwater and the sufficiency of the groundwater protection programs established pursuant to this subsection, and
- e. develop a public education and promotion program to aid and assist in publicizing the need of, and securing support for, the maintenance and protection of groundwater.

E. Each state environmental agency and each state agency with limited environmental responsibilities shall participate in the information management system developed by the Department of Environmental Quality, pursuant to Section 6 of this act, with such information as the Department shall reasonably request.

F. In each even-numbered year, in cooperation with other state environmental agencies participating in the monitoring of water

resources, the Oklahoma Water Resources Board shall provide a report on the status of water quality monitoring to the Legislature for review.

SECTION 3. AMENDATORY Section 10, Chapter 145, O.S.L. 1993, as amended by Section 3, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-2-101), is amended to read as follows:

Section 1-2-101. A. The Secretary of Environment or successor cabinet position having authority over the Department of Environmental Quality shall have the following jurisdictional areas of environmental ~~responsibilities~~ responsibility:

1. Powers and duties for environmental areas designated to such position by the Governor;

2. The recipient of federal funds disbursed pursuant to the Federal Water Pollution Control Act, provided the Oklahoma Water Resources Board is authorized to be the recipient of federal funds to administer the State Revolving Fund Program. The federal funds received by the Secretary of Environment shall be disbursed to each state environmental agency and state agency with limited environmental responsibilities based upon its statutory duties and responsibilities relating to environmental areas. Such funds shall be distributed to the appropriate state environmental agency or state agency with limited environmental responsibilities within thirty (30) days of its receipt by the Secretary or as otherwise provided by grant or contract terms without any assessment of administrative fees or costs. Disbursement of other federal environmental funds shall not be subject to this section;

3. Coordinate pollution control and complaint management activities of the state carried on by all state agencies to avoid duplication of effort including but not limited to the development of a common data base for water quality information with a uniform format for use by all state agencies and the public; and

4. Act on behalf of the public as trustee for natural resources under the federal Oil Pollution Act of 1990, the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, the federal Water Pollution Control Act and any other federal laws providing that a trustee for the natural resources is to be designated. The Secretary is authorized to make claims against federal funds, receive federal payments, establish and manage a revolving fund in relation to duties as the natural resources trustee consistent with the federal enabling acts and to coordinate, monitor and gather information from and enter into agreements with the appropriate state environmental agencies or state agencies with limited environmental responsibilities in carrying out the duties and functions of the trustee for the natural resources of this state.

B. 1. The Secretary of the Environment or successor cabinet position having authority over the Department of Environmental Quality shall develop and implement, by January 1, 2000, public participation procedures for the development and/or modification of:

- a. the federally required list of impaired waters (303(d) report),
- b. the federally required water quality assessment (305(b) report),
- c. the federally required nonpoint source state assessment (319 report), and
- d. the continuing planning process document.

2. The procedures shall provide for the documents to be submitted for formal public review with a published notice consistent with the Administrative Procedures Act, providing for a thirty-day comment period and the preparation of a responsiveness summary by the applicable state environmental agency.

3. Information from current research shall be considered when made available to the agency.

SECTION 4. AMENDATORY Section 6, Chapter 398, O.S.L.

1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 1, Chapter 217, O.S.L. 1997 (27A O.S. Supp. 1998, Section 1-3-101), is amended to read as follows:

Section 1-3-101. A. The provisions of this section specify the jurisdictional areas of responsibility for each state environmental agency and state agencies with limited environmental responsibility. The jurisdictional areas of environmental responsibility specified in this section shall be in addition to those otherwise provided by law and assigned to the specific state environmental agency; provided that any rule, interagency agreement or executive order enacted or entered into prior to the effective date of this section which conflicts with the assignment of jurisdictional environmental responsibilities specified by this section is hereby superceded. The provisions of this subsection shall not nullify any financial obligation arising from services rendered pursuant to any interagency agreement or executive order entered into prior to July 1, 1993, nor nullify any obligations or agreements with private persons or parties entered into with any state environmental agency before July 1, 1993.

B. Department of Environmental Quality. The Department of Environmental Quality shall have the following jurisdictional areas of environmental responsibility:

1. All point source discharges of pollutants and storm water to waters of the state which originate from municipal, industrial, commercial, mining, transportation and utilities, construction, trade, real estate and finance, services, public administration, manufacturing and other sources, facilities and activities, except as provided in subsections D and E of this section;

2. All nonpoint source discharges and pollution except as provided in subsections D, E and F of this section;

3. Technical lead agency for point source, non-point source and storm water pollution control programs funded under Section 106 of the federal Clean Water Act, for areas within the Department's jurisdiction as provided in this subsection;

4. Surface water and groundwater quality and protection and water quality certifications;

~~4.~~ 5. Waterworks and wastewater works operator certification;

~~5.~~ 6. Public and private water supplies;

~~6.~~ 7. Underground injection control pursuant to the federal Safe Drinking Water Act and 40 CFR Parts 144 through 148, except for brine recovery, saltwater disposal or secondary or tertiary oil recovery Class II injection wells, Class V injection wells utilized in the remediation of groundwater associated with underground or aboveground storage tanks regulated by the Corporation Commission, and those wells used for the recovery, injection or disposal of mineral brines as defined in the Oklahoma Brine Development Act regulated by the Corporation Commission;

~~7.~~ 8. Air quality under the Federal Clean Air Act and applicable state law, except for indoor air quality and asbestos as regulated for worker safety by the federal Occupational Safety and Health Act and by Chapter 11 of Title 40 of the Oklahoma Statutes;

~~8.~~ 9. Hazardous waste and solid waste, including industrial, commercial and municipal waste;

~~9.~~ 10. Superfund responsibilities of the state under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and amendments thereto, except the planning requirements of Title III of the Superfund Amendment and Reauthorization Act of 1986;

~~10.~~ 11. Radioactive waste and all regulatory activities for the use of atomic energy and sources of radiation except for the use of sources of radiation by diagnostic x-ray facilities;

~~11.~~ 12. Water, waste, and wastewater treatment systems including, but not limited to, septic tanks or other public or private waste disposal systems;

~~12.~~ 13. Emergency response as specified by law;

~~13.~~ 14. Environmental laboratory services and laboratory certification;

~~14.~~ 15. Hazardous substances other than branding, package and labeling requirements;

~~15.~~ 16. Freshwater wellhead protection; ~~and~~

~~16.~~ 17. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Department;

18. Utilization and enforcement of Oklahoma Water Quality Standards and implementation documents;

19. Environmental regulation of any entity or activity, and the prevention, control and abatement of any pollution, not subject to the specific statutory authority of another state environmental agency;

20. Development and maintenance of a computerized information system relating to water quality pursuant to Section 6 of this act; and

21. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional area of environmental responsibility.

C. Oklahoma Water Resources Board. The Oklahoma Water Resources Board shall have the following jurisdictional areas of environmental responsibility:

1. Water quantity including, but not limited to, water rights, surface water and underground water, planning, and interstate stream compacts;

2. Weather modification;

3. Dam safety;

4. Flood plain management;

5. State water/wastewater loans and grants revolving fund and other related financial aid programs;

6. Administration of the federal State Revolving Fund Program including, but not limited to, making application for and receiving capitalization grant awards, wastewater prioritization for funding, technical project reviews, environmental review process, and financial review and administration;

7. Water well drillers/pump installers licensing;

8. Technical lead agency for clean lakes eligible for funding under Section 314 of the Federal Clean Water Act or other applicable sections of the Federal Clean Water Act or other subsequent state and federal clean lakes programs; administration of a state program for assessing, monitoring, studying and restoring Oklahoma lakes with administration to include, but not be limited to, receipt and expenditure of funds from federal, state and private sources for clean lakes and implementation of a volunteer monitoring program to assess and monitor state water resources, provided such funds from Federal Clean Water Act sources are administered and disbursed by the Office of the Secretary of Environment; ~~and~~

9. Statewide water quality standards and their accompanying use support assessment protocols, anti-degradation policy and implementation, and policies generally affecting Oklahoma Water Quality Standards application and implementation including but not limited to mixing zones, low flows and variances or any modification or change thereof pursuant to Section 1085.30 of Title 82 of the Oklahoma Statutes;

10. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Board;

11. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional area of environmental responsibility;

12. Development of classifications and identification of permitted uses of groundwater, in recognized water rights, and associated groundwater recharge areas;

13. Establishment and implementation of a statewide beneficial use monitoring program for waters of the state in coordination with the other state environmental agencies;

14. Coordination with other state environmental agencies and other public entities of water resource investigations conducted by the federal United States Geological Survey for water quality and quantity monitoring in the state; and

15. Development and submission of a report concerning the status of water quality monitoring in this state pursuant to Section 1-1-202 of this title.

D. State Department of Agriculture. 1. The State Department of Agriculture shall have the following jurisdictional areas of environmental responsibility except as provided in subsection B of this section and paragraphs 2 and 3 of this subsection:

- a. point source discharges and nonpoint source ~~discharges~~ runoff from agricultural crop production, agricultural services, livestock production, silviculture, feed yards, livestock markets and animal waste,
- b. pesticide control,
- c. forestry and nurseries,
- d. fertilizer,
- e. facilities which store grain, feed, seed, fertilizer and agricultural chemicals, ~~and~~
- f. dairy waste and wastewater associated with milk production facilities,
- g. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Department,

- h. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents, and
- i. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

2. In addition to the ~~areas of~~ jurisdictional areas of environmental responsibility specified in subsection B of this section, the Department of Environmental Quality shall have environmental jurisdiction over:

- a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,
 - (2) slaughterhouses, but not including feedlots at such facilities, and
 - (3) ~~animal agriculture~~ aquaculture and fish hatcheries,
- including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities, and
- b. facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal ~~NPDES~~ N.P.D.E.S. regulations to obtain a permit for storm water discharges shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

3. Any point source ~~and nonpoint source discharges~~ discharge related to agriculture from sources specified in paragraph 1 of this subsection which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under paragraph 2 of this subsection as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture.

E. Corporation Commission. 1. The Corporation Commission is hereby vested with exclusive jurisdiction, power and authority, and it shall be its duty to promulgate and enforce rules, and issue and enforce orders governing and regulating:

- a. the conservation of oil and gas,
- b. field operations for geologic and geophysical exploration for oil, gas and brine, including seismic survey wells, stratigraphic test wells and core test wells,
- c. the exploration, drilling, development, producing or processing for oil and gas on the lease site,
- d. the exploration, drilling, development, production and operation of wells used in connection with the recovery, injection or disposal of mineral brines ~~produced from geological strata lying below three hundred (300) feet in depth from the surface,~~
- e. reclaiming facilities only for the processing of salt water, crude oil, natural gas condensate and tank bottoms or basic sediment from crude oil tanks, pipelines, pits and equipment associated with the exploration, drilling, development, producing or transportation of oil or gas,

- f. underground injection wells known as Class II wells under control pursuant to the federal Underground Injection Control Program Safe Drinking Water Act and 40 CFR Parts 144 through 148, of Class II injection wells, Class V injection wells utilized in the remediation of groundwater associated with underground or aboveground storage tanks regulated by the Corporation Commission, and those wells used for the recovery, injection or disposal of mineral brines as defined in the Oklahoma Brine Development Act. Any substance that the United States Environmental Protection Agency allows to be injected into a Class II well may continue to be so injected,
- g. tank farms for storage of crude oil and petroleum products which are located outside the boundaries of refineries, petrochemical manufacturing plants, natural gas liquid extraction plants, or other facilities which are subject to the jurisdiction of the Department of Environmental Quality with regard to point source discharges,
- h. the construction and operation of pipelines and associated rights-of-way, equipment, facilities or buildings used in the transportation of oil, gas, petroleum, petroleum products, anhydrous ammonia or mineral brine, or in the treatment of oil, gas or mineral brine during the course of transportation but not including line pipes in any:
- (1) natural gas liquids extraction plant,
 - (2) refinery,
 - (3) reclaiming facility other than for those specified within subparagraph e of this subsection,

- (4) mineral brine processing plant, and
- (5) petrochemical manufacturing plant,
- i. the handling, transportation, storage and disposition of saltwater, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells, at:
 - (1) any facility or activity specifically listed in paragraphs 1 and 2 of this subsection as being subject to the jurisdiction of the Commission, and
 - (2) other oil and gas extraction facilities and activities,
- j. spills of deleterious substances associated with facilities and activities specified in paragraph 1 of this subsection or associated with other oil and gas extraction facilities and activities, ~~and~~
- k. subsurface storage of oil, natural gas and liquefied petroleum gas in geologic strata,
- l. groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission,
- m. utilization and enforcement of Oklahoma Water Quality Standards and implementation documents; and
- n. development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

2. The exclusive jurisdiction, power and authority of the Corporation Commission shall also extend to the construction, operation, maintenance, site remediation, closure and abandonment of

the facilities and activities described in paragraph 1 of this subsection.

3. When a deleterious substance from a Commission regulated facility or activity enters a point source discharge of pollutants or storm water from a facility or activity regulated by the Department of Environmental Quality, the Department shall have sole jurisdiction over the point source discharge of the commingled pollutants and storm water from the two facilities or activities insofar as Department regulated facilities and activities are concerned.

4. For purposes of the Federal Clean Water Act, any facility or activity which is subject to the jurisdiction of the Corporation Commission pursuant to paragraph 1 of this subsection and any other oil and gas extraction facility or activity which requires a permit for the discharge of a pollutant or storm water to waters of the United States shall be subject to the direct jurisdiction of the federal Environmental Protection Agency and shall not be required to be permitted by the Department of Environmental Quality or the Corporation Commission for such discharge.

5. The Corporation Commission shall have jurisdiction over:

- a. ~~underground storage tank regulation assigned to the Commission pursuant to other Oklahoma statutes, including, but not limited to, the Leaking Underground Storage Tank Trust Fund and Indemnity Fund programs,~~
tanks that contain antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel, or aviation fuel and that are not located at refineries or at the upstream or intermediate shipment points of pipeline operations, including, but not limited to, tanks from which these materials are dispensed into vehicles, or tanks used in wholesale or bulk distribution activities, as well as leaks from pumps, hoses, dispensers, and other

ancillary equipment associated with the tanks, whether above the ground or below; provided, that any point source discharge of a pollutant to waters of the United States during site remediation or the disposal of contaminated soil, media, or debris which is hazardous shall be regulated by the Department of Environmental Quality, and

- b. ~~aboveground storage tanks used in connection with the retail sale of flammable liquids into fuel tanks, that contain antifreeze, motor oil, motor fuel, gasoline, kerosene, diesel, or aviation fuel and that are not located at refineries or at the upstream or intermediate shipment points of pipeline operations, including, but not limited to, tanks from which these materials are dispensed into vehicles, or tanks used in wholesale or bulk distribution activities, as well as leaks from pumps, hoses, dispensers, and other ancillary equipment associated with the tanks, whether above the ground or below; provided, that any point source discharge of a pollutant to waters of the United States during site remediation or the disposal of contaminated soil, media, or debris which is hazardous shall be regulated by the Department of Environmental Quality, and~~
- c. the Petroleum Storage Tank Release Environmental Cleanup Indemnity Fund and Program and the Leaking Underground Storage Tank Trust Fund.

6. The Department of Environmental Quality shall have sole jurisdiction to regulate the transportation, discharge or release of deleterious substances or solid or hazardous waste or other pollutants from rolling stock and rail facilities.

7. The Department of Environmental Quality shall have sole environmental jurisdiction for point and nonpoint source discharges of pollutants and storm water to waters of the state from:

- a. refineries, petrochemical manufacturing plants and natural gas liquid extraction plants,
- b. manufacturing of oil and gas related equipment and products,
- c. bulk terminals, aboveground and underground storage tanks not subject to the jurisdiction of the Commission pursuant to this subsection, and
- d. other facilities, activities and sources not subject to the jurisdiction of the Corporation Commission or the Department of Agriculture as specified by this section.

8. The Department of Environmental Quality shall have sole environmental jurisdiction to regulate air emissions from all facilities and sources subject to operating permit requirements under Title V of the Federal Clean Air Act as amended.

F. Conservation Commission. The Conservation Commission shall have the following jurisdictional areas of environmental responsibility:

1. Soil conservation ~~and~~, erosion control and nonpoint source management except as otherwise provided by law;

2. Monitoring, evaluation and assessment of waters to determine the condition of streams and rivers being impacted by nonpoint source pollution. In carrying out this area of responsibility, the Conservation Commission shall serve as the technical lead agency for nonpoint source categories as defined in Section 319 of the Federal Clean Water Act or other subsequent federal or state nonpoint source programs, except for activities related to industrial and municipal stormwater or as otherwise provided by state law;

3. Wetlands strategy;

4. Abandoned mine reclamation;
5. Cost-share program for land use activities;
6. Assessment and conservation plan development and implementation in watersheds of clean lakes, as specified by law;
7. Complaint data management;
8. ~~Coordinate~~ Coordination of environmental and natural resources education; ~~and~~
9. Federal upstream flood control program;
10. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission;
11. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility; and
12. Utilization of Oklahoma Water Quality Standards and implementation documents.

G. Department of Mines. The Department of Mines shall have the following jurisdictional areas of environmental responsibility:

1. Mining regulation; ~~and~~
2. Mining reclamation of active mines;
3. Groundwater protection for activities subject to the jurisdictional areas of environmental responsibility of the Commission; and
4. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of responsibility.

H. Department of Wildlife Conservation. The Department of Wildlife Conservation shall have the following jurisdictional areas of environmental responsibilities:

1. Investigating wildlife kills; ~~and~~
2. Wildlife protection and seeking wildlife damage claims; and

3. Development and promulgation of a Water Quality Standards Implementation Plan pursuant to Section 1-1-202 of this title for its jurisdictional areas of environmental responsibility.

I. Department of Public Safety. The Department of Public Safety shall have the following jurisdictional areas of environmental responsibilities:

1. Vehicle inspection for air quality;

2. Hazardous waste, substances and material transportation inspections as authorized by the Hazardous Materials Transportation Act; and

3. Inspection and audit activities of hazardous waste and materials carriers and handlers as authorized by the Hazardous Materials Transportation Act.

J. Department of Labor. The Department of Labor shall have the following jurisdictional areas of environmental responsibility:

1. Regulation of asbestos in the workplace pursuant to Chapter 11 of Title 40 of the Oklahoma Statutes;

2. Asbestos monitoring in public and private buildings; and

3. Indoor air quality as regulated under the authority of the Oklahoma Occupational Health and Safety Standards Act, except for those indoor air quality issues specifically authorized to be regulated by another agency.

Such programs shall be a function of the Department's occupational safety and health jurisdiction.

K. Department of Civil Emergency Management. The Department of Civil Emergency Management shall have the following jurisdictional areas of environmental responsibilities:

1. Coordination of all emergency resources and activities relating to threats to citizens' lives and property pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

2. Administer and enforce the planning requirements of Title III of the Superfund Amendments and Reauthorization Act of 1986 and

develop such other emergency operations plans that will enable the state to prepare for, respond to, recover from and mitigate potential environmental emergencies and disasters pursuant to the Oklahoma Hazardous Materials Planning and Notification Act;

3. Administer and conduct periodic exercises of emergency operations plans provided for in this subsection pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act;

4. Administer and facilitate hazardous materials training for state and local emergency planners and first responders pursuant to the Oklahoma Civil Defense and Emergency Resources Management Act; and

5. Maintain a computerized emergency information system allowing state and local access to information regarding hazardous materials' location, quantity and potential threat.

SECTION 5. AMENDATORY Section 56, Chapter 145, O.S.L. 1993, as last amended by Section 2, Chapter 217, O.S.L. 1997 (27A O.S. Supp. 1998, Section 2-6-101), is amended to read as follows:

Section 2-6-101. For purposes of this article:

1. "Clean Water Act" means the federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

2. "Disposal system" means pipelines or conduits, pumping stations and force mains and all other devices, construction, appurtenances and facilities used for collecting, conducting or disposing of wastewater, including treatment systems;

3. "Drainage basin" means all of the water collection area adjacent to the highest water line of a reservoir which may be considered by the Department to be necessary to protect adequately the waters of the reservoir. The area may extend upstream on any watercourse to any point within six hundred (600) feet of the highest water line of the reservoir;

4. "Federal Safe Drinking Water Act" means the federal law at 42 U.S.C., Section 300 et seq., as amended;

5. "Indirect discharge" means the introduction of pollutants to a publicly owned treatment works from a nondomestic source;

6. "~~NPDES~~ N.P.D.E.S." or "National Pollutant Discharge Elimination System" means the system for the issuance of permits under the federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

7. "Nonpoint source" means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined and includes but is not limited to agricultural storm water runoff and return flows from irrigated agriculture;

8. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste discharged into waters of the state;

9. "Public water supply" means water supplied to the public for domestic or drinking purposes;

10. "Reservoir" means any reservoir, whether completed or in the process of construction, whether or not used as a water supply, and whether or not constructed by any recipient of water therefrom;

11. "Sludge" means nonhazardous solid, semi-solid, or liquid residue generated by the treatment of domestic sewage or wastewater by a treatment works, or water by a water supply system, or manure, or such residue, treated or untreated, which results from industrial, nonindustrial, commercial, or agribusiness activities or industrial or manufacturing processes and which is within the jurisdiction of the Department;

12. "Small public sewage system" shall mean a disposal or collection system which serves less than ten (10) residential units or a public or commercial sewage system which has an average flow of less than five thousand (5,000) gallons per day;

13. "Total maximum daily load" means the sum of individual wasteload allocations (W.L.A.) for point sources, safety, reserves, and loads from nonpoint sources and natural backgrounds;

~~14. "Treatment" means any method, technique or process used to remove pollutants from wastewater or sludge to the extent that the wastewater or sludge may be reused, discharged into waters of the state or otherwise disposed and includes, but is not limited to, the utilization of mechanized works, surface impoundments and lagoons, aeration, evaporation, digesters or other devices or methods.~~
~~"Treatment" also means any method, technique or process used in the purification of drinking water;~~

~~15.~~ "Treatment works" means any facility used for the purpose of treating or stabilizing wastes or wastewater. "Treatment works" shall be synonymous with "wastewater works";

~~16.~~ 15. "Waste" means any liquid, gaseous or solid or semi-solid substance, or thermal component, whether domestic, municipal, commercial, agricultural or industrial in origin, which may pollute or contaminate, or tend to pollute or contaminate, any air, land or waters of the state and which is within the jurisdiction of the Department;

~~17.~~ 16. "Wastewater" includes any substance, including sewage, that contains any discharge from the bodies of human beings or animals, or contaminating chemicals or other waste or pollutants from domestic, municipal, commercial, agricultural, industrial or manufacturing activities or facilities and which is within the jurisdiction of the Department;

17. "Wastewater treatment" means any method, technique or process used to remove waste, pollutants from wastewater or sludge to the extent that the wastewater or sludge may be reused, discharged into waters of the state or otherwise disposed and includes, but is not limited to, the utilization of mechanized works, surface impoundments and lagoons, aeration, evaporation, best

management practices (BMPs), buffer strips, crop removal or trapping, constructed wetlands, digesters or other devices or methods. "Treatment" also means any method, technique or process used in the purification of drinking water;

18. "Wastewater treatment system" means treatment works and all related pipelines or conduits, pumping stations and force mains, and all other appurtenances and devices used for collecting, treating, conducting or discharging wastewater;

19. "Water supply system" means a water treatment plant, water wells, and all related pipelines or conduits, pumping stations and mains and all other appurtenances and devices used for distributing drinking water to the public and, as such, shall be synonymous with waterworks;

20. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, and shall include under all circumstances the water of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof; and

21. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield, supplying a public water system, that defines the real extent from which water is supplied to such water well or wellfield.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-4-107 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. The Department of Environmental Quality shall maintain a computerized information system of water quality data, including but not limited to the results of surface water and groundwater quality

monitoring in a manner that is accessible to the state environmental agencies and to the public.

B. 1. Each state environmental agency shall submit the results of any water quality monitoring performed by the agency in readable electronic format as determined by the Department pursuant to recommendations of the State Water Quality Standards Implementation Advisory Committee.

2. All submitted data shall be in a format consistent with the applicable federal program.

3. If any state environmental agency is unable to submit the data, such fact shall be reported to the Secretary of the Environment.

SECTION 7. AMENDATORY 82 O.S. 1991, Section 1020.9, as amended by Section 14, Chapter 164, O.S.L. 1993 (82 O.S. Supp. 1998, Section 1020.9), is amended to read as follows:

Section 1020.9 A. Before the Oklahoma Water Resources Board takes final action on ~~the~~ an application, the Board shall determine from the evidence presented, from the hydrologic surveys or reports and from other relevant data available to the Board and applicant, whether the lands owned or leased by the applicant overlie the fresh groundwater basin or subbasin and whether the use to which the applicant intends to put the water is a beneficial use. If so, and if the Board finds that waste ~~will~~ as specified by Section 1020.15 of this title is not likely to occur, the Board shall approve the application by issuing a regular permit.

B. Except as otherwise provided in subsection C of this section, a regular permit shall allocate to the applicant the proportionate part of the maximum annual yield of the basin or subbasin. The proportionate part shall be that percentage of the total annual yield of the basin or subbasin, previously determined to be the maximum annual yield as provided in Section 1020.5 of this title, which is equal to the percentage of the land overlying the

fresh groundwater basin or subbasin which the applicant owns or leases and which is dedicated to the application.

C. If the lands dedicated to the application overlies two or more groundwater basins and both basins have had maximum annual yields determined, the amount to be authorized by the regular permit shall be calculated on the basin having the greatest maximum annual yield. If the lands dedicated to the application overlies two or more groundwater basins or subbasins and the maximum annual yield has been determined for at least one but not all the basins or subbasins, a temporary permit may be issued to the applicant if the applicant demonstrates by substantial competent evidence that the water to be withdrawn by the temporary permit will not be taken from a basin or subbasin for which the maximum annual yield has been determined. If the land overlies two or more groundwater basins or subbasins and the maximum annual yield has not been determined for any of the basins or subbasins, more than one temporary permit may be issued for the land if the applicant demonstrates by substantial competent evidence from which basin the water will be withdrawn for each of the permits.

D. The permit shall specify the location of the permitted well or wells and other terms and conditions as specified by the Board, including but not limited to the rate of withdrawal, the level of perforating and the level of sealing the well. A regular permit shall not be granted for less than the remaining life of the basin or subbasin as previously determined by the Board.

SECTION 8. AMENDATORY 82 O.S. 1991, Section 1020.15, as amended by Section 322, Chapter 145, O.S.L. 1993 (82 O.S. Supp. 1998, Section 1020.15), is amended to read as follows:

Section 1020.15 A. The Board shall not permit any fresh ground water user to commit waste by:

1. Drilling a well, taking, or using fresh ground water without a permit, except for domestic use;

2. Taking more fresh ground water than is authorized by the permit;

3. Taking or using fresh ground water in any manner so that the water is lost for beneficial use;

4. Transporting fresh ground water from a well to the place of use in such a manner that there is an excessive loss in transit;

5. Using fresh ground water in such an inefficient manner that excessive losses occur;

6. Allowing any fresh ground water to reach a pervious stratum and be lost into cavernous or otherwise pervious materials encountered in a well;

7. ~~Permitting~~ Allowing or causing the pollution of a fresh water strata ~~or~~, basin or subbasin through any act, or the over production of a well which will permit may or does draw or upcone fresh ground water polluted by minerals, brine water, saltwater or other waste to filter or otherwise intrude into such a fresh water strata, basin or subbasin;

8. Drilling wells and producing fresh ground water ~~therefrom~~ except in accordance with the from wells which do not meet the applicable minimum well construction and location standards established by the Board or which do not meet applicable well spacing previously determined by the Board;

9. Using fresh ground water for air conditioning or cooling purposes without providing facilities to aerate and reuse such water; or

10. Failure to properly plug abandoned fresh water wells in accordance with rules of the Board and file reports thereof.

B. Any employee of the Board having evidence that an act of waste is being committed in ~~his~~ the presence of such employee, or ~~on the filing~~ after investigation of a complaint filed by another individual, shall immediately proceed to ~~cite~~ provide a notice of the act of waste to such violator and shall thereupon. If the

violation continues, the Board may provide written notice of the act of waste and opportunity for hearing concerning the act of waste and may issue orders deemed necessary to correct the act of waste. The Board may also file a complaint in the district court of the county wherein such violation has occurred, and it shall be the duty of the district attorney of said county to prosecute such complaint. In addition thereto, if any person commits waste the Board ~~shall~~ may immediately institute action to enjoin in a court of competent jurisdiction and may suspend any permit to take water as long as such waste continues.

~~Provided, however, that in cases of waste by pollution, any complaint or investigation, or any enforcement matter other than an individual proceeding involving the suspension of an Oklahoma Water Resources Board permit shall be referred to and subject to the jurisdiction of the Department of Environmental Quality or other appropriate state agency.~~

SECTION 9. AMENDATORY 82 O.S. 1991, Section 1020.16, as amended by Section 17, Chapter 164, O.S.L. 1993 (82 O.S. Supp. 1998, Section 1020.16), is amended to read as follows:

Section 1020.16 A. All persons engaged in the commercial drilling or commercial plugging of groundwater wells, monitoring wells, observation wells, wells utilized for heat exchange purposes, including but not limited to heat pump wells and geothermal wells, and in the commercial drilling or plugging of geotechnical borings and all persons engaged in the commercial installation of water well pumps in this state shall make application for and become licensed with the Board. After July 1, 1990, persons required to be licensed pursuant to this section shall pay an annual fee as required by the Board. Such fees shall be deposited and expended as provided in subsection B of this section:

B. 1. There is hereby created within the Oklahoma Water Resources Board the Well Drillers and Pump Installers Remedial

Action Indemnity Fund. The Indemnity Fund shall be administered by the Board.

2. The Indemnity Fund shall be excluded from budget and expenditure limitations. Except as otherwise provided by subsection C of this section, the monies deposited in the Indemnity Fund shall at no time become part of the general budget of the Oklahoma Water Resources Board or any other state agency. Except as otherwise provided by subsection C of this section, no monies from the Indemnity Fund shall be transferred for any purpose to any other state agency or any account of the Board or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expenses. Monies in the Indemnity Fund shall only be expended for remedial actions necessary, without notice and hearing, to protect groundwater from pollution or potential pollution from wells, or boreholes under the jurisdiction of the Board that do not meet minimum standards for construction or that have been abandoned.

3. The fees collected pursuant to subsection A of this section shall be first credited to the "Well Drillers and Pump Installers Remedial Action Indemnity Fund". The Indemnity Fund shall be maintained at Fifty Thousand Dollars (\$50,000.00).

4. Expenditures from the Indemnity Fund required pursuant to the provisions of this section shall be made pursuant to the provisions of the Oklahoma Central Purchasing Act upon terms and conditions established by the Department of Central Services and shall not exceed Five Thousand Dollars (\$5,000.00) for each well, borehole or pump for which action is taken.

5. The Except in situations where the Governor has declared an emergency and a claim by the owner of the well or borehole for costs of remedial action is not paid by private insurance or other relief, the Board shall seek reimbursement for any remedial action taken or required by the Board. Any monies received as reimbursement shall

be deposited in the Well Drillers and Pump Installers Remedial Action Indemnity Fund except as otherwise provided in subsection C of this section.

C. When the Well Drillers and Pump Installers Remedial Action Indemnity Fund reaches Fifty Thousand Dollars (\$50,000.00), the fees, monies received as reimbursement, and administrative penalties recovered under subsection E of this section shall be deposited in a separate account in the Water Management Fund designated as the Well Drillers and Pump Installers Regulation Account, which shall be a continuing account not subject to fiscal year limitations. Monies in said account shall be used by the Board for inspections, licensing, enforcement and education and as otherwise determined to be necessary to implement the provisions of this section.

D. Before any person or firm licensed pursuant to this section shall commence the commercial drilling or plugging of any well or borehole or commence installation of any pump, such person or firm shall file with the Board such data or information as the Board may by rule require. After completion, the driller or installer shall file a completion report showing such data as the Board may require together with a log of the well and pumping test data if applicable.

E. The Board may, after notice and hearing, impose administrative penalties of up to Five Hundred Dollars (\$500.00) and may revoke, suspend or deny renewal of the license or operator certification for each violation of the Board's rules and regulations regarding license or certification requirements or minimum construction or installation standards. Each day a violation continues shall constitute a separate violation. Such administrative penalties shall be deposited in the Well Drillers and Pump Installers Remedial Action Indemnity Fund except as otherwise provided in subsection C of this section.

SECTION 10. AMENDATORY 82 O.S. 1991, Section 926.6, 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. 1998, Section 1085.30), is amended to read as follows:

Section 1085.30 A. 1. In order to effectuate a comprehensive program to assist in the prevention, control and abatement of pollution 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~~

2. The Oklahoma Water Quality Standards shall, at a minimum, be designed to maintain and protect the quality of the waters of the state.

3. Wherever the Board finds it is practical and in the public interest to do so, ~~such~~ the rules may be amended to upgrade and improve progressively the quality of waters of the state.

4. a. 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 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.

b. 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. 1. 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) 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~~ pursuant to the Oklahoma Environmental Code, and such other persons that have requested notice of hearings on such standard modifications.

~~C.~~ 2. 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) consecutive weeks in a newspaper of general circulation published in the county or counties in the area affected.

~~D.~~ C. 1. The Oklahoma Water Quality Standards, ~~implementation documents~~ their accompanying use support assessment protocols, anti-degradation policy and implementation, and policies generally effecting Oklahoma Water Quality Standards application and implementation including but not limited to mixing zones, low flows and variances or any modification or change thereof shall be ~~adopted~~

promulgated by the Board in compliance with the Administrative Procedures Act and shall be enforced by all state agencies within the scope of their jurisdiction. All use support assessment protocols promulgated by the Board shall be consistent with state and federal law and guidance specifically related to beneficial use support determinations as set forth in Section 305(b) of the Federal Water Pollution Control Act, where applicable.

2. 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.

3. 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 11. AMENDATORY Section 16 of Enrolled House Bill No. 1841 of the 1st Session of the 47th Oklahoma Legislature, is amended to read as follows:

Section 16. A. In addition to other powers and duties provided by law, the Oklahoma Water Resources Board shall have the power and duty to:

1. After receipt from the Department of Civil Emergency Management, process applications for grant funds or loans from the Flood Hazard Mitigation Account and enter into grant or loan agreements for use of such funds;

2. Promulgate rules as deemed necessary by the Board to administer the Flood Hazard Mitigation Financial Assistance Program;

3. Utilize the priority listing of applicants compiled by the Oklahoma Department of Civil Emergency Management after

recommendations from the State Hazard Mitigation Team in considering grant applications;

4. a. Issue investment certificates, in accordance with the provisions of Sections 1085.33 and 1085.37 of Title 82 of the Oklahoma Statutes and the Oklahoma Bond Oversight and Reform Act, to provide necessary funds first to meet the demand for loan funding from the Flood Hazard Mitigation Financial Assistance Program; provided, any investment certificate proceeds not needed for such demand may be used by the Board, as needed, for funding other financial assistance programs authorized in Title 82 of the Oklahoma Statutes, and

b. Enter into loan agreements with and make loans from the proceeds of investment certificates to eligible entities for flood hazard mitigation projects upon terms not inconsistent with the provisions of Section 1085.36 of Title 82 of the Oklahoma Statutes; and

5. Enter into agreements with the Oklahoma Department of Civil Emergency Management or other state or federal agencies as deemed necessary by the Board to monitor and measure flood events.

B. In addition to other powers and duties provided by law, the Oklahoma Department of Civil Emergency Management shall ~~promulgate~~ consider the recommendations, if any, of the State Hazard Mitigation Team prior to:

a. promulgation of rules providing for and establishing a priority listing of grant and loan applicants for flood hazard mitigation projects subject to the Oklahoma Civil Defense and Emergency Resources Management Act, ~~and considering the recommendations from the State Hazard Mitigation Team, and which are determined eligible to~~

b. determining eligibility of those entities authorized to receive funding from the Flood Hazard Mitigation Account.

SECTION 12. AMENDATORY 2 O.S. 1991, Section 2-4, as last amended by Section 1, Chapter 7, O.S.L. 1996 (2 O.S. Supp. 1998, Section 2-4), is amended to read as follows:

Section 2-4. The State Board of Agriculture shall have the following powers, which shall be in addition to those given in other parts of this Code:

1. Adopt and prescribe the use of a seal, which shall be in the custody of the Secretary of the Board;

2. Promulgate such rules as by the Board shall be deemed necessary, expedient or appropriate to the performance, enforcement or carrying out of any of the purposes, objectives, or provisions of this Code;

3. Initiate and prosecute civil or criminal actions and proceedings when deemed necessary to enforce or carry out any of the provisions of this Code;

4. Appoint authorized agents to make inspections or investigations and to perform other services for the Board or any division of the State Department of Agriculture;

5. Consolidate any of the divisions established by this Code or transfer any of the functions or activities thereof to another division, place additional functions or activities in a division, establish new divisions, and create new or additional positions in the Department, when deemed conducive to a more efficient administration and enforcement of laws pertaining to agriculture;

6. Sell, exchange or otherwise dispose of property that has been acquired by the State Department of Agriculture, when such property becomes obsolete or is no longer needed by the Department;

7. Have jurisdiction over all matters affecting animal industry and animal quarantine regulation;

8. Issue stop-sale orders and quarantine regulations;

9. Employ, appoint or contract with and fix the duties and compensation of the director of each division of the Department and such technicians, inspectors, stenographers, clerks, aides, supervisors, investigators, attorneys and other personnel and help, either on a full-time, part-time or contractual basis, as in the judgment and discretion of the Board shall be deemed necessary, expedient or appropriate to the performance or carrying out of any of the purposes, objectives or provisions of this Code;

10. Fix the qualifications of the personnel in the State Department of Agriculture, and require any official or employee of the State Department of Agriculture to furnish a bond for the faithful performance of duty, or for the faithful accounting of public funds coming into his hands, or for any other purpose, and the premium on any such bond shall be paid from funds that are available for the operation of the State Department of Agriculture;

11. Accept and use, for any purpose designated, and on the terms and conditions thereof, grants of money and other property from the federal government or any department or agency thereof and from any state or state agency and from any other source;

12. Enter into cooperative agreements with the federal government or any state, or any department or agency of either;

13. Coordinate the various activities of the Department with those of the federal government and other states on matters pertaining to agriculture, and enter into agreements for such purpose;

14. Revoke, or suspend for any period up to one (1) year, any license issued by the Board or any division of the Department, when the Board finds that the holder of such license has violated any of the provisions of this Code or any rule of the Board;

15. Adopt a master plan and promulgate rules and regulations for the protection of both state-owned and private forestry, grazing

and other lands from damage by fire and for suppressing fires on such lands. In carrying out said master plan the Board is hereby authorized to enter into contractual agreements with the federal government, local political subdivisions of the state and with individuals, private organizations, companies and corporations for protection from and for the suppression of such fires and for such purposes to expend funds as may be available for such services. To effectuate the purposes of this act, the Board is hereby authorized to enter into contractual agreements with private landowners for such protection and suppression of fires; provided, however, that such private landowners shall reimburse the Board for actual expenses incurred in the protection and suppression of fires on privately owned lands, pursuant to this act;

16. Have jurisdiction over all matters affecting agriculture as contained and set out in this title, which have not been expressly delegated to another state or federal agency. The Department of Environmental Quality shall have environmental jurisdiction over:

- a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,
 - (2) slaughterhouses, but not including feedlots at such facilities, and
 - (3) ~~animal agriculture~~ aquaculture and fish hatcheries,
- including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities, and

- b. facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal ~~NPDES~~ regulations to obtain a federal National Pollutant Discharge Elimination System permit for storm water discharges shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

Any point source ~~and nonpoint source discharges~~ discharge related to agriculture, as specified in paragraph 1 of subsection D of Section ~~6~~ 1-3-101 of Title 27A of the Oklahoma Statutes, which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under subparagraphs ~~a~~ 7 and ~~b~~ and ~~and~~ e of this paragraph as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture; and

17. Have jurisdiction over the importation of exotic livestock in the same manner and with the same authority over livestock as is delegated to the Board by this title. For purposes of this paragraph, the term "exotic livestock" means commercially raised animals of the families bovidae, cervidae, antilocapridae and ratites, and animals of the order Galliformes.

SECTION 13. AMENDATORY Section 248, Chapter 145, O.S.L. 1993, as last amended by Section 26, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1998, Section 3-71), is amended to read as follows:

Section 3-71. The Department of Environmental Quality shall have environmental jurisdiction over:

1. a. commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing

of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,

b. slaughterhouses, but not including feedlots at such facilities, and

c. ~~animal aquiculture~~ aquaculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities; and

2. Facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal ~~NPDES~~ regulations to obtain a federal National Pollutant Discharge Elimination System permit for storm water ~~discharges~~ runoff shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

Any point source ~~and nonpoint source discharges~~ discharge related to agriculture, as specified in paragraph 1 of subsection D of Section ~~6~~ 1-3-101 of Title 27A of the Oklahoma Statutes, which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under paragraphs 1 and 2 of this section as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit.

SECTION 14. AMENDATORY Section 249, Chapter 145, O.S.L. 1993, as last amended by Section 27, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1998, Section 8-41.16), is amended to read as follows:

Section 8-41.16 The Department of Environmental Quality shall have environmental jurisdiction over:

1. a. commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing

of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,

b. slaughterhouses, but not including feedlots at such facilities, and

c. ~~animal agriculture~~ aquaculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities; and

2. Facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal ~~NPDES~~ regulations to obtain a federal National Pollutant Discharge Elimination System permit for storm water ~~discharges~~ runoff shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

Any point source ~~and nonpoint source discharges~~ discharge related to agriculture, as specified in paragraph 1 of subsection D of Section ~~6~~ 1-3-101 of Title 27A of the Oklahoma Statutes, which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under paragraphs 1 and 2 of this section as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture.

SECTION 15. AMENDATORY 2 O.S. 1991, Section 8-68a, as last amended by Section 28, Chapter 140, O.S.L. 1994 (2 O.S. Supp. 1998, Section 8-68a), is amended to read as follows:

Section 8-68a. A. No person owning or operating a fertilizer storage facility or a commercial fertilizer facility shall discharge or otherwise release or place or cause to be placed any fertilizer

material in a location where it is likely to cause contamination of any surface water or groundwater of this state. The provisions of this subsection shall not prohibit or otherwise restrict the land application of fertilizer for agriculture purposes or plant growth.

B. Preventative measures designed to minimize the possibility of fertilizer substances being introduced into waters of the state shall be subject to Board jurisdiction including regulatory response.

C. 1. The Department of Environmental Quality shall have environmental jurisdiction over:

- a. (1) commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,
- (2) slaughterhouses, but not including feedlots at such facilities, and
- (3) ~~animal aquiculture~~ aquaculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities, and
- b. facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal ~~NPDES~~ regulations to obtain a federal National Pollutant Discharge Elimination System permit for storm water discharges shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

2. Any point source ~~and nonpoint source discharges~~ discharge related to agriculture, as specified in paragraph 1 of subsection D

of Section ~~6~~ 1-3-101 of Title 27A of the Oklahoma Statutes, which require a federal National Pollutant Discharge Elimination Systems permit and which are not specified under paragraph 1 of this subsection as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the Department of Agriculture.

SECTION 16. AMENDATORY 2 O.S. 1991, Section 9-208, as last amended by Section 12, Chapter 404, O.S.L. 1998 (2 O.S. Supp. 1998, Section 9-208), is amended to read as follows:

Section 9-208. A. 1. It shall be unlawful for any person to operate a concentrated animal feeding operation, without having first obtained a license from the State Board of Agriculture.

2. The owner or operator of an animal feeding operation not classified as a concentrated animal feeding operation may apply for a license if such owner or operator elects to come under the provision of the Oklahoma Concentrated Animal Feeding Operations Act and the rules of the Board.

3. The owner or operator of an animal feeding operation which houses swine and primarily uses a liquid animal waste management system not classified as a licensed managed feeding operation may apply for a license if such owner or operator voluntarily elects to come under the provisions of the Oklahoma Concentrated Animal Feeding Operations Act relating to licensed managed feeding operations and the rules of the Board.

B. 1. The Department of Environmental Quality shall have environmental jurisdiction over:

- a. commercial manufacturers of fertilizers, grain and feed products, and chemicals, and over manufacturing

- of food and kindred products, tobacco, paper, lumber, wood, textile mill and other agricultural products,
- b. slaughterhouses, but not including feedlots at such facilities, and
 - c. ~~animal~~ aquaculture and fish hatcheries, including, but not limited to, discharges of pollutants and storm water to waters of the state, surface impoundments and land application of wastes and sludge, and other pollution originating at such facilities.

2. Facilities which store grain, feed, seed, fertilizer, and agricultural chemicals that are required by federal ~~NPDES~~ regulations to obtain a federal National Pollutant Discharge Elimination System permit for storm water discharges shall only be subject to the jurisdiction of the Department of Environmental Quality with respect to such storm water discharges.

3. Any point source ~~and nonpoint source discharges~~ discharge related to agriculture, as specified in paragraph 1 of subsection D of Section 1-3-101 of Title 27A of the Oklahoma Statutes, which require a federal National Pollutant Discharge Elimination Systems individual permit and which are not specified under paragraph 1 of this subsection as being subject to the jurisdiction of the Department of Environmental Quality shall continue to be subject to the direct jurisdiction of the federal Environmental Protection Agency for issuance and enforcement of such permit and shall not be required to be permitted by the Department of Environmental Quality or the State Department of Agriculture.

SECTION 17. AMENDATORY Section 11, Chapter 398, O.S.L. 1992, as amended by Section 5, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 1-1-203), is amended to read as follows:

Section 1-1-203. A. Each state environmental agency and each state agency with limited environmental responsibilities, within its

areas of environmental jurisdiction, shall promulgate, by rule, time periods for issuance or denial of permits and licenses that are required by law. Any such matter requiring an individual proceeding shall be resolved in accordance with the rules of the agency and any applicable statutes. The rules shall provide that such time periods shall only be extended by agreement with the licensee or permittee or if circumstances outside the agency's control prevent that agency from meeting its time periods. If the agency fails to issue or deny a permit or license within the required time periods because of circumstances outside of the agency's control, the agency shall state in writing the reasons such licensing or permitting is not ready for issuance or denial.

B. 1. Each state environmental agency and each state agency with limited environmental responsibilities shall promulgate rules establishing time periods for complaint resolution as required by law.

2. Complaints received by any state environmental agency or state agency with limited environmental responsibilities concerning a site or facility permitted by or which clearly falls within the jurisdiction of another state environmental agency or state agency with limited environmental responsibilities shall be immediately referred to the appropriate ~~state environmental~~ agency for investigation and resolution. Such investigation shall be made by the appropriate division and employees of the appropriate ~~state environmental~~ agency.

SECTION 18. AMENDATORY Section 5, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 1, Chapter 158, O.S.L. 1996 (27A O.S. Supp. 1998, Section 1-1-204), is amended to read as follows:

Section 1-1-204. A. Each state environmental agency and each state agency with limited environmental responsibilities shall develop, implement and utilize a complaint investigation and

response process that will ensure all state environmental agencies with authority to investigate, mitigate and resolve complaints, respond to complaints in a timely manner by initiating appropriate action and informing the complainant regarding potential actions that may occur. Complainants shall also be notified, in writing:

1. Of the resolution of the complaint; and

2. Of the complainant's options for further resolution of the complaint if such complainant objects or disagrees with the actions or decision of the agency.

B. Rules to implement such system shall be promulgated by each state environmental agency.

C. 1. It shall be unlawful for any person to knowingly and willfully file a false complaint with a state environmental agency or to knowingly and willfully misrepresent material information to a state environmental agency or a state agency with limited environmental responsibilities relating to a complaint.

2. Any person filing such false complaint or misrepresenting such material information shall be deemed guilty of a misdemeanor and may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) or by imprisonment in the county jail for a term of not more than sixty (60) days or both such fine and imprisonment.

~~D. Effective January 1, 1993, all unexpended funds, property, records, personnel not to exceed four full-time-equivalent employees (FTE) and any outstanding financial obligations or encumbrances of the Pollution Control Coordinating Board and the Department of Pollution Control related to the acceptance of loans, funds and grants from private and governmental sources by the Board and Department are hereby transferred to the Office of the Secretary of the Environment. The State Treasurer and the Director of State Finance shall take all necessary actions to facilitate the transfer~~

~~to the Office of the Secretary of the Environment, including, but not limited to, the establishment of agency codes, accounts and funds. Employees transferred pursuant to this subsection shall be employees of the Office of the Secretary of the Environment and shall not be attached to any state environmental agency.~~

SECTION 19. AMENDATORY Section 20, Chapter 398, O.S.L. 1992, as amended by Section 213, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1998, Section 3-2-107), is amended to read as follows:

Section 3-2-107. A. The Conservation Commission may establish and maintain an environmental and natural resources geographic data base system. Such system shall include but not be limited to pollution complaints filed with the state environmental agencies and state agencies with limited environmental responsibilities, resolutions of complaints and such other data as funds become available and as may be desirable and necessary to provide public access to specific site information.

B. Not more than once each month, each state environmental agency and state agency with limited environmental responsibilities shall submit to the Conservation Commission a report listing the environmental pollution complaints received during the previous month. The report shall include the name of the complainant, if known, the address of the complainant, the location involved in the complaint, the name of the person or company and address thereof alleged to be responsible for the pollution and how the complaint was resolved. The report shall be in such form and made in such manner as is required by the Commission. The report shall be in writing or may be submitted in electronic data or machine-readable form at the discretion of the Commission.

C. The Commission shall annually submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor containing the total number of pollution

complaints filed, the total number of complaints and type of complaints addressed by each state environmental agency, the total number of such complaints resolved, the total number of complaints remaining to be resolved, the average time frame for resolving such complaints, and the historical comparison of complaint resolution in previous years, and any other information which the Commission believes is pertinent in regard to pollution complaints.

D. The Conservation Commission may recover costs incurred in duplicating any reports made pursuant to the provisions of this section.

E. ~~Effective July 1, 1994, the~~ The Department of Environmental Quality shall routinely provide the Conservation Commission with a list of permit approvals for inclusion in the Commission's data base. ~~Prior to July 1, 1994, each state environmental agency shall cooperate with the Conservation Commission in determining the desirability and feasibility of a centralized repository for its permit information and shall report such findings to the Governor and the Legislature.~~

SECTION 20. AMENDATORY Section 19, Chapter 398, O.S.L. 1992 (74 O.S. Supp. 1998, Section 10.4), is amended to read as follows:

Section 10.4 A. Effective January 1, 1993, there is hereby established an executive environmental subcommittee of the Governor's cabinet which shall be composed of three (3) cabinet members, selected by the Governor from those members of the Governor's cabinet responsible for the natural resources agencies, as follows: the cabinet secretaries for the Department of Environmental Quality, the Oklahoma Corporation Commission, the Department of Agriculture, the Oklahoma Water Resources Board, the Conservation Commission, the Department of Mines, and such other members as the Governor may appoint to reach a total of three. The cabinet secretary for the Department of Environmental Quality or its

successor cabinet position shall serve as chairperson of the committee.

B. The executive environmental committee shall:

1. Coordinate pollution control programs of the state carried on by all state agencies to avoid duplication of effort;

2. Maintain an up-to-date record of the availability, acquisition and disposition of all federal funds, state appropriations and other grants intended for pollution control, prevention or abatement;

3. Coordinate and make application on behalf of various state environmental agencies and state agencies with limited environmental responsibilities for federal funds disbursed pursuant to the Federal Water Pollution Control Act and the Federal Environmental Protection Act and such other sources of private or public funds or grants for which more than one state environmental agency or state agency with limited environmental responsibilities may qualify;

~~4. Until July 1, 1993, be designated as the proper governmental entity to receive or accept any federal agency grants or other grants designated to or made to the Pollution Control Coordinating Board or the Department of Pollution Control;~~

~~5.~~ Maintain a central repository for all duly ~~adopted~~ promulgated rules pertaining to environmental pollution prevention, control and abatement; and

~~6.~~ 5. Perform such other duties assigned to it by the Governor.

SECTION 21. This act shall become effective November 1, 1999.