

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 549

By: Price

COMMITTEE SUBSTITUTE

[water quality - amending 27A O.S. Supp., Section 2-6-102 - water pollution - monitoring data -amending 82 O.S., Section 1085.30 - Oklahoma Water Quality Standards - penalty for agencies -

emergency]

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

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

Section 2-6-102. A. Whereas the pollution of the waters of this state constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life, and impairs domestic, agricultural, industrial, recreational and other legitimate beneficial uses of water, and whereas the problem of water pollution of this state is closely related to the problem of water pollution in adjoining states, it is hereby declared to be the public policy of this state to conserve the waters of the state and to protect, maintain and improve the quality thereof for public water supplies, for the propagation of wildlife, fish and aquatic life and for domestic, agricultural, industrial, recreational and other legitimate beneficial uses; to provide that no waste or pollutant be discharged into any waters of the state or otherwise placed in a location likely to affect such waters without first being given the degree of treatment or taking such other

measures as necessary to protect the legitimate beneficial uses of such waters; to provide for the prevention, abatement and control of new or existing water pollution; and to cooperate with other agencies of this state, agencies of other states and the federal government in carrying out these objectives.

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

SECTION 2. 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. 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 Board is authorized to adopt, amend and otherwise promulgate rules to be known as "Oklahoma Water Quality Standards" which establish classifications of uses of waters of the state, criteria to maintain and protect such classifications, and other standards or policies pertaining to the quality of such waters. Such Oklahoma Water Quality Standards shall, at a minimum, be designed to maintain and protect the quality of the waters of the state. Wherever the Board finds it is practical and in the public interest to do so, such rules may be amended to upgrade and improve progressively the quality of waters of the state. The Board may also amend Oklahoma Water Quality Standards to downgrade a designated use of any waters of this state which is not an existing use, may establish subcategories of a use or may provide for less

stringent criteria or other provisions thereof only in those limited circumstances permissible under the Federal Water Pollution Control Act as amended or federal rules which implement said act.

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

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

C. If adoption or amendment of a classification to a lower or downgraded classification is proposed because treatment controls required of the current or a higher or upgraded classification would result in substantial and widespread social and economic impact, the Board shall, in addition to any hearing required by subsection B of this section, conduct a public meeting within a central location within the area to be affected. The Board shall cause notice of such additional public meeting to be published for at least two (2) consecutive weeks in a newspaper of general circulation published in the county or counties in the area affected.

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

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

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

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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