

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1444

By: Leist

AS INTRODUCED

An Act relating to environment and natural resources; amending 63 O.S. 1991, Sections 1-910, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 16, Chapter 353, O.S.L. 1994, and 1-2009.1, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 20, Chapter 353, O.S.L. 1994 (27A O.S. Supp. 1998, Sections 2-6-403 and 2-7-108), which relate to the Oklahoma Environmental Quality Code; updating language relating to certain sewage systems; clarifying contents of certain plats; restricting certain developments within a specified distance of a public water supply source; defining term; removing certain permit requirements from certain remediation activities; specifying restrictions; authorizing waiver of fees for certain hazardous waste received from remediation actions; amending 19 O.S. 1991, Section 288.2, which relates to filings of certain documents with county clerk; updating language; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-910, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 16, Chapter 353, O.S.L. 1994 (27A O.S. Supp. 1998, Section 2-6-403), is amended to read as follows:

Section 2-6-403. A. No small public sewage system or private individual sewage disposal system shall be constructed or operated unless such system, when constructed, complies with requirements prescribed by the Environmental Quality Board as determined by an inspection performed by the Department of Environmental Quality or a person authorized by the Department. ~~Provided, that upon~~ Upon reinspection of an approved system, performed at the request of the lot owner, the Department or a person authorized by the Department

shall not require that the system be uncovered unless there is evidence that the system has not functioned properly.

B. Any person, corporation or other legal entity which creates or intends to create a residential development outside the corporate limits of a city or town shall file a ~~plan~~ plat describing the methods of sewage disposal for such residential development with the Department. Approval of the ~~plan~~ plat shall be obtained prior to recording ~~any the plat or certificate~~, offering a lot or lots for sale or beginning construction within such residential development.

1. The ~~plan plat~~ shall ~~be in a form required by the Board and shall include a plan of the residential development and:~~

- a. a description of the methods for providing water supply and sewage disposal. If a public water supply and/or public sewage is to be used, then verification of the preliminary approval from the Department shall be submitted along with the plat,
- b. the actual lot size of each lot in square feet, acres or fractions of acres, and
- c. the location of any public water supply source, including wells and surface water supplies, within three hundred (300) feet of the residential development.

2. ~~If individual wells or sewage disposal systems are to be used, the plan shall be drawn to show streets, building lines, lot dimensions, lot numbers, contours, percolation tests, core tests, and the locations where water wells and sewage disposal systems may be properly installed.~~

3. ~~Upon approval the plan and either~~ by the Department, the ~~plat or the certificate provided for in subsection E of this section,~~ of the residential development shall be imprinted with the stamp of the Department bearing the word "approved", restrictions, if any, signature of the Department or the Department's local

representative and the date. Approval of the plat ~~or certificate~~ shall be made effective thirty (30) days after the ~~same~~ plat is filed with the Department unless specifically rejected prior to the expiration of the said thirty-day period of time.

~~4.~~ 3. The office of county clerk shall not record a plat containing any lot of less than two and one-half (2 1/2) acres situated outside the corporate limits of a municipality unless said instrument bears the "approved" stamp of the Department. The Department shall have no authority to disapprove and shall approve plats of tracts that are being developed for individual residence in which no single tract is less than two and one-half (2 1/2) acres, provided that none of the lots are within three hundred (300) feet of a public water supply source.

~~C. In addition to filing plans of residential developments with the Department or the Department's local representative, persons~~ Persons creating or intending to create a residential development ~~shall obtain a certificate or cause a plat to be made and, after receiving the stamp of approval from the Department or the Department's local representative, shall file such certificate or~~ plat in the land records of the county where the residential development is to be situated.

~~D. A residential development occurs when a platted lot is split or, within any quarter section, unplatted land is subdivided and such subdivision causes there to be at least three parcels of land:~~

~~1. Which, within the preceding five (5) years, had a common grantor; and~~

~~2. Of which at least one of such parcels of land contains less than two and one-half (2 1/2) acres of land; and~~

~~3. Of which at least two of such parcels of land are being used, or are intended to be used, for residential purposes.~~

~~E. A person intending to create a residential development without recording an approved plat, in lieu of a plat or a plan and~~

~~prior to conveying or offering to convey any tract of land in such residential development, shall obtain from the Department or the Department's local representative and file in the land records of the county wherein the land is situated, a certificate of either approval or disapproval of the tract of land for private sewage disposal systems.~~

~~F. For purposes of this section, "subdivision of land for purposes of a residential development" shall have the same meaning as "subdivision" as defined in Section 863.9 of Title 19 of the Oklahoma Statutes.~~

E. Any person who knowingly creates a residential development without receiving the approval of the Department or the Department's local representative of a ~~plan~~ plat or without filing of record ~~either a plat or a certificate~~ in violation of this section, or who installs a private sewage disposal system on a lot for which disapproval of a private sewage disposal system has previously been filed of record shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) for each violation.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 1-2009.1, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 20, Chapter 353, O.S.L. 1994 (27A O.S. Supp. 1998, Section 2-7-108), is amended to read as follows:

Section 2-7-108. A. Except as otherwise provided by subsection B of this section or any rules of the Environmental Quality Board with respect to short-term storage, no person shall store, treat or dispose of hazardous waste materials or commence construction of or own or operate any premises or facility engaged in the operation of storing, treating or disposing of hazardous waste or storing recyclable materials, who does not possess a valid and appropriate hazardous waste facility permit. The provisions of this subsection

shall not include remediation activities under an order of the Department of Environmental Quality which would not require a federal hazardous waste permit from the Environmental Protection Agency if conducted pursuant to a federal order.

B. 1. Any person who owned or operated a hazardous waste facility which was operating or under construction on November 19, 1980, and who has submitted notice and permit application to the U.S. Environmental Protection Agency or to the Department, and whose facility complies with the rules of the Board, may continue operation until such time as the permit application is determined.

2. The Board may by rule provide for continued operation on an interim basis pending permit determination of a facility in existence on the effective date of any statutory or regulatory amendments that would subject the facility to a permit requirement pursuant to the Oklahoma Hazardous Waste Management Act.

3. The provisions for the allowance of continued operation on an interim basis under paragraphs 1 and 2 of this subsection shall not apply in the case of a facility for which a permit, under the Oklahoma Hazardous Waste Management Act, has been previously denied or for which authority to operate has been terminated.

C. Facilities engaged in recycling which are not required to be permitted pursuant to the provisions of the Oklahoma Hazardous Waste Management Act shall operate in an environmentally acceptable manner and in accordance with the rules regarding the manifest, transportation and treatment, storage and disposal standards, and generators in the event a hazardous waste is generated therefrom.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 27A of Title 2-7-121.1, unless there is created a duplication in numbering, reads as follows:

The Department of Environmental Quality may direct a facility to waive the fees described in paragraph 1 of subsection A of Section 2-7-121 of Title 27A of the Oklahoma Statutes for hazardous waste

received from certain sites in Oklahoma undergoing remedial actions under the authority of the federal Comprehensive Environmental Response, Compensation and Liability Act. A fee waiver may only be granted for remedial actions financed through the Superfund Trust Fund that are conducted by the Department or the federal Environmental Protection Agency, when the amount of fee waiver will qualify towards the contributions required of the state for such actions.

SECTION 4. AMENDATORY 19 O.S. 1991, Section 288.2, is amended to read as follows:

Section 288.2 The county clerk shall not file of record any plat which contains any lot of less than two and one-half (2 1/2) acres located outside the corporate limits of a city or town unless the plat bears the stamp of approval of the ~~State~~ Department of ~~Health~~ Environmental Quality as provided in Section ~~1-910~~ 2-6-403 of Title ~~63~~ 27A of the Oklahoma Statutes.

SECTION 5. This act shall become effective July 1, 1999.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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