

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 549

By: Price

AS INTRODUCED

An Act relating to water quality; amending 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), which relates to water pollution; requiring all state environmental agencies to complete certain monitoring data for federal review; requiring monitoring information be based on certain standards; 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 Oklahoma Water Quality Standards; providing certain penalty for state environmental agencies failing to enforce standards; and declaring an 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 charged with environmental reporting duties related to water quality shall submit any data or other report for federal review without actual water monitoring data having been completed to verify such report. Such monitoring information shall be collected and interpreted in accordance with the Oklahoma Water Quality Standards established pursuant to the provisions of Section 1085.30 of Title 82 of the Oklahoma Statutes, the Water Quality Standards Implementation Documents and the Beneficial Use Monitoring Program.

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. In the event a state environmental agency intentionally fails to enforce the Oklahoma Water Quality Standards, all state appropriated monies for enforcement activities shall be remitted by the agency to the General Revenue Fund. The amount remitted shall equal the total of all state funds appropriated during the fiscal year in which such incidence occurred.

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.

47-1-327

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