ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 972

By: Rozell and Littlefield of the Senate

and

Wilson of the House

An Act relating to Scenic Rivers; amending 82 O.S. 200l, Sections 1453 and 1457, which relate to the Scenic Rivers Commission; stating Legislative intent; requiring annual reports by Department of Environmental Quality, State Department of Agriculture; Oklahoma Conservation Commission and Scenic Rivers Commission; * * * and declaring an emergency.

AUTHOR: Add the following House Coauthor: Liotta

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to scenic rivers; amending 82 O.S. 2001, Section 1457, which relates to the Scenic Rivers Commission; requiring creation of a coordinated watershed restoration and protection strategy; providing for contents of strategy; requiring annual progress reports; providing for contents of reports; requiring Department of Environmental Quality to set certain allocation of wasteload for phosphorus for wastewater treatment facilities; providing for specific information; requiring reevaluation and additional requirements to achieve certain water quality standards; requiring the Scenic Rivers Commission to require certain entities operating certain licensed recreational activities to implement certain program to control pollution; requiring report by certain date; stating requirements for report; stating penalty for failure to achieve assigned reduction; authorizing Governor and Legislature to take necessary and appropriate action to require certain agencies to meet responsibilities; and declaring an emergency.

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

SECTION 1. AMENDATORY 82 O.S. 2001, Section 1457, is amended to read as follows:

Section 1457. A. The Executive Director of the Department of Environmental Quality, the Corporation Commission, the State Department of Agriculture, the Oklahoma Water Resources Board, the Oklahoma Wildlife Conservation Commission and the Conservation Commission are hereby given the authority to assist the Scenic Rivers Commission in maintaining and improving water quality and in preventing and eliminating the pollution of waters within a "scenic river area".

B. 1. The Secretary of Environment shall coordinate with the appropriate state environmental agencies to create a coordinated watershed restoration and protection strategy for each impaired scenic river in this state. The strategy shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by January 31, 2003.

2. The coordinated watershed restoration and protection strategy shall identify all permitted or registered water pollution sources and shall include but not be limited to:

a. an overall pollutant-specific load reduction as identified in a developed total maximum daily load (TMDL), or as otherwise calculated in the absence of a developed total maximum daily load, to bring each impaired scenic river back into compliance with water quality standards,

b. pollutant-specific load reduction goals for each state environmental agency to accomplish through its water quality protection programs,

c. detailed compliance schedules indicating how much of the load reduction goal will be accomplished each year by each state environmental agency,

d. industry-specific descriptions of how load reduction goals for each state environmental agency will be accomplished,

e. an outline of innovative, cooperative intrastate and interstate strategies that will be pursued in order to expedite pollutant reductions, in particular where scenic river watersheds cross state lines. Such strategies may include nutrient trading and conservation reserve enhancement program (CREP) initiatives, and

f. a list of all permitted or registered water pollution sources subject to the jurisdiction of each state agency within each impaired scenic river watershed. For the permitted or registered water pollution sources subject to each state environmental agency's jurisdiction, the following information shall be included:

(1) types of operations or organizations regulated,

(2) list of the registrations or permits issued,

(3) details on governmental assistance given, and

(4) details of enforcement actions undertaken.

C. 1. The Secretary of Environment shall coordinate with the appropriate state environmental agencies to create an annual progress report, beginning January 31, 2004, and each year thereafter. The progress report shall be submitted to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

2. The annual progress report shall include any revisions and updates to the information provided in the original strategy, in addition to the following:

a. identification of all actions taken by each state environmental agency to reduce pollutant levels in each impaired scenic river watershed,

b. identification of the sources of pollutants causing impairment or continued degradation of each impaired scenic river,

c. outline of further steps to be taken by each state environmental agency to reduce pollutants from identified sources in order to accomplish pollutant-specific load reduction goals,

d. an analysis of the effectiveness of the pollutant reduction efforts of each state environmental agency based upon data collected by the Oklahoma Water Resources Board's Beneficial Use Monitoring Program, the Conservation Commission's Small Watershed Rotational Monitoring Program and other appropriate monitoring data, and

e. recommendations for further administrative, judicial or legislative actions necessary to achieve the load reduction goals assigned to each impaired scenic river watershed and to overcome any identified limitations or obstacles.

D. 1. For those impaired scenic river watersheds where a total maximum daily load (TMDL) for phosphorus has been developed, the Department of Environmental Quality shall initially allocate a wasteload for phosphorus for discharges from wastewater treatment facilities which is achievable by the best available waste control process.

2. The annual report required by subsection C of this section shall indicate how the Department has verified that each wastewater treatment facility having a discharge has, in fact, implemented appropriate waste controls for phosphorus.

3. If the state's water quality monitoring data demonstrate that the water quality standards for phosphorus applicable to a watershed remain impaired, and only after all permitted or registered water

pollution sources have also implemented the best available waste control processes for phosphorus to address the pollutant or pollutants contributing to the impairment of the watershed, the Department shall again evaluate and require regulated entities to take additional actions to achieve water quality standards for phosphorus.

E. 1. The Scenic Rivers Commission shall require all entities using scenic rivers for recreational activities, which are licensed by the Commission, to implement a program to control the amount of pollution entering an impaired scenic river watershed from such recreational activities.

2. The Scenic Rivers Commission shall include in the coordinated watershed restoration and protection strategy, and all subsequent annual reports, an identification of the pollution from recreational activities which are licensed by the Commission and those actions taken and planned to reduce the amount of pollution from entering an impaired scenic river watershed.

F. If the Legislature or the Governor finds, based on any of the annual reports required by this section, that any of the state environmental agencies have failed to appropriately protect water quality standards in an impaired scenic river watershed, the Governor and the Legislature shall take any and all necessary and appropriate action to require the agency to meet its mandated responsibilities.

SECTION 2. 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.”

Passed the House of Representatives the 16th day of April, 2002.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2002.

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Presiding Officer of the Senate