

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 972

By: Rozell

COMMITTEE SUBSTITUTE

An Act relating to Scenic Rivers; amending 82 O.S. 2001, Sections 1453 and 1457, which relate to the Scenic Rivers Commission; stating Legislative intent; requiring annual reports by Department of Environmental Quality, Department of Agriculture; Conservation Commission and Scenic Rivers Commission; stating requirements for report; requiring Department of Environmental Quality to set certain allocation of wasteload for wastewater treatment facilities; requiring certain facilities utilize best available waste control process; requiring Department to determine watershed impairment; requiring reevaluation and additional requirements to achieve certain water quality standards; requiring the State Department of Agriculture and the Oklahoma Conservation Commission to require certain pollution sources implement best available waste control processes; requiring Department and Commission to reevaluate and make additional requirements; requiring the Scenic Rivers Commission to require certain entities implement certain program to control pollution; requiring report by certain date; stating requirements for report; requiring the Secretary of Environment to set certain annual reduction goal for impaired streams; requiring progress report; stating penalty for failure to achieve assigned reduction; authorizing Secretary of Environment to take necessary and appropriate action to require 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 1453, is amended to read as follows:

Section 1453. A. Once an area is designated as a "scenic river area", it is the intent of the Legislature that:

1. The stream or river in the area designated be preserved in its free-flowing condition; ~~and~~

2. The stream or river shall not be impounded by any large dam or structure except as specifically authorized by the Legislature; and

3. The stream or river shall be returned to its original pristine condition.

B. No agency or official of state government shall authorize or concur in plans of local, state or federal agencies for the construction, operation, or maintenance of any dam or related project in any "scenic river area", without legislative consent, except as needed by the municipalities located in the counties or the immediate vicinity of the "scenic river area", for their own municipal or domestic water supply if such structures will not significantly interfere with the preservation of the stream as a scenic free-flowing stream.

SECTION 2. 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. The Department of Environmental Quality, the State Department of Agriculture and the Oklahoma Conservation Commission shall each year, beginning January 1, 2003, and each year thereafter, prepare and produce an annual report to be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives. The annual report shall identify all entities regulated by the agency within each scenic river watershed. The report shall identify the type of operation of

the regulated entity, any permit or registration issued, any assistance given and any enforcement action undertaken. Further, the annual report shall identify all actions taken by the agency to reduce pollutant levels in a scenic river watershed and outline future plans for the further reduction of pollutant levels in a scenic river watershed as may be necessary to achieve the applicable water quality standards.

C. For those impaired scenic river watersheds where a total maximum daily load (TMDL) has been developed, the Department of Environmental Quality shall initially allocate a wasteload for discharging wastewater treatment facilities achievable by the best available waste control process. If the Department determines that the designated uses of the watershed remain impaired after all other pollution sources have also implemented the best available waste control processes to address the pollutant or pollutants contributing to the impairment of the watershed, only then shall the Department again evaluate and require regulated entities to take additional actions to achieve water quality standards.

D. The Department of Agriculture and the Conservation Commission shall require all pollution sources within their jurisdictional areas of environmental responsibility to implement the best available waste control processes to reduce pollutants into an impaired scenic river watershed. The annual report referenced in subsection B of this section, shall indicate how each agency has verified that each source has in fact implemented appropriate waste controls. If either the Department of Agriculture or the Conservation Commission determines that the designated uses of the watershed remain impaired after all sources have implemented the best available waste control processes, only then shall the Department of Agriculture or the Conservation Commission again evaluate and require regulated entities to take additional actions to achieve water quality standards.

E. The Scenic Rivers Commission shall require all entities using scenic rivers for recreational activities to implement a program to control the amount of pollution entering a scenic river watershed from said recreational activities. The Scenic Rivers Commission shall, beginning January 1, 2003, and each year thereafter, prepare and produce an annual report to be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives identifying the pollution from recreational activities and actions taken and planned to reduce the amount of said pollution from entering the scenic river watershed.

F. The Secretary of Environment shall set an annual reduction goal for each agency and each contaminant creating the impaired stream condition. The Secretary of Environment shall prepare and produce an annual report to be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives summarizing the progress of each agency in achieving such assigned reduction. Should the agency fail to achieve the assigned reduction, the annual report of the Secretary of Environment shall include an evaluation of the agency's determination of best available waste control processes.

G. If the Legislature or the Secretary of Environment finds, based on any of the annual reports referenced above, that any of the identified agencies has failed to appropriately protect water quality standards in a scenic river watershed, the Secretary of Environment shall take any and all necessary and appropriate action to require the agency to meet its mandated responsibilities.

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.

48-2-3053

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