

CS for SB 972

THE STATE SENATE  
Monday, February 18, 2002

Committee Substitute for  
Senate Bill No. 972

COMMITTEE SUBSTITUTE FOR 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. 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:

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

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

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

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

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

19 SECTION 2. AMENDATORY 82 O.S. 2001, Section 1457, is  
20 amended to read as follows:

21 Section 1457. A. The Executive Director of the Department of  
22 Environmental Quality, the Corporation Commission, the State  
23 Department of Agriculture, the Oklahoma Water Resources Board, the

1 Oklahoma Wildlife Conservation Commission and the Conservation  
2 Commission are hereby given the authority to assist the Scenic  
3 Rivers Commission in maintaining and improving water quality and in  
4 preventing and eliminating the pollution of waters within a "scenic  
5 river area".

6 B. The Department of Environmental Quality, the State  
7 Department of Agriculture and the Oklahoma Conservation Commission  
8 shall each year, beginning January 1, 2003, and each year  
9 thereafter, prepare and produce an annual report to be submitted to  
10 the Governor, the President Pro Tempore of the Senate and the  
11 Speaker of the House of Representatives. The annual report shall  
12 identify all entities regulated by the agency within each scenic  
13 river watershed. The report shall identify the type of operation of  
14 the regulated entity, any permit or registration issued, any  
15 assistance given and any enforcement action undertaken. Further,  
16 the annual report shall identify all actions taken by the agency to  
17 reduce pollutant levels in a scenic river watershed and outline  
18 future plans for the further reduction of pollutant levels in a  
19 scenic river watershed as may be necessary to achieve the applicable  
20 water quality standards.

21 C. For those impaired scenic river watersheds where a total  
22 maximum daily load (TMDL) has been developed, the Department of  
23 Environmental Quality shall initially allocate a wasteload for

1 discharging wastewater treatment facilities achievable by the best  
2 available waste control process. If the Department determines that  
3 the designated uses of the watershed remain impaired after all other  
4 pollution sources have also implemented the best available waste  
5 control processes to address the pollutant or pollutants  
6 contributing to the impairment of the watershed, only then shall the  
7 Department again evaluate and require regulated entities to take  
8 additional actions to achieve water quality standards.

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

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

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

22       G. If the Legislature or the Secretary of Environment finds,  
23 based on any of the annual reports referenced above, that any of the

1 identified agencies has failed to appropriately protect water  
2 quality standards in a scenic river watershed, the Secretary of  
3 Environment shall take any and all necessary and appropriate action  
4 to require the agency to meet its mandated responsibilities.

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

9 COMMITTEE REPORT BY: COMMITTEE ON ENERGY, ENVIRONMENTAL RESOURCES &  
10 REGULATORY AFFAIRS, dated 2-14-02 - DO PASS, As Amended and  
11 Coauthored.