

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1439

By: Easley

AS INTRODUCED

An Act relating to environment and natural resources; encouraging manufacturers of alternative or innovative private individual on-site sewage disposal technology to do business in this state; providing for streamlined requirements for permitting following certain requirements; stating requirements for certain permits to be deemed acceptable for general use; defining terms; requiring certain affidavit; stating requirements for affidavit; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-404 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. It is hereby declared to be in the public interest to encourage manufacturers of alternative or innovative private individual on-site sewage disposal technology which has been widely and successfully used in other areas of the United States to do business in the State of Oklahoma, and to facilitate the introduction and expansion of the alternative or innovative technology in the State of Oklahoma by streamlining the requirements for obtaining a permit from the Department of Environmental Quality when the following requirements are met.

B. For purposes of this section:

1. "Alternative or innovative private individual on-site sewage disposal technology" means a private individual sewage disposal system or technology which will be installed pursuant to the manufacturer's recommended sizing charts and recommendations, but

which varies from the construction or installation standards, or other requirements of the rules promulgated by the Department; and

2. "General use" means that alternative or innovative private individual on-site sewage disposal technology, upon meeting the requirements of subsection C of this section, shall qualify for authorization for construction, modification or operation by submitting the same percolation test form as that required for an individual sewage disposal system which meets all of the Department rules to the local Department office for its approval prior to construction. The alternative or innovative private individual on-site sewage disposal system shall be inspected and approved by the Department if such system is not installed by a certified installer, or may be installed and certified by a certified installer.

C. Upon receipt of an affidavit containing the following information, the Department shall deem an alternative or innovative private individual on-site sewage disposal technology acceptable for general use. Such affidavit must be signed by a corporate officer of the manufacturer, mailed to the Department by certified mail, and shall state that:

1. The systems have been installed in at least twenty (20) states, some of which have soil types similar to those in Oklahoma, with documented evidence of failure rates that are not higher than the average failure rates of traditional septic systems;

2. At least one third-party laboratory academic study has been published in a national peer reviewed journal and substantiates the alternative or innovative private individual on-site sewage disposal technology performance claims; and

3. The manufacturer provides a five-year performance warranty backed by adequate financial assurances.

D. The Department shall institute a rulemaking to promulgate rules consistent with the provisions of this section. This act shall provide interim authority, to alternative or innovative

private individual on-site sewage technology which comply with this act, to be deemed acceptable for general use until the Department has finally promulgated rules in compliance with this section.

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.

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