

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1742

By: Langmacher of the House

and

Easley of the Senate

(environment and natural resources - amending 27A
O.S., Sections 1-1-201 and 2-1-102 - Oklahoma
Environmental Quality Act - repealing 27A O.S.,
Section 2-3-106 - pollution prevention -
emergency)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause and entire bill and insert

"[environment and natural resources - laboratory
services - prohibiting certain public sewage systems
emergency]

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 1-1-201, is
amended to read as follows:

Section 1-1-201. As used in the Oklahoma Environmental Quality
Act:

1. "Clean Water Act" means the federal Water Pollution Control
Act, 33 U.S.C., Section 1251 et seq., as amended;

2. "Discharge" includes but is not limited to a discharge of a
pollutant, and means any addition of any pollutant to waters of the
state from any point source;

3. "Environment" includes the air, land, wildlife, and waters
of the state;

4. "Federal Safe Drinking Water Act" means the federal law at
42 U.S.C., Section 300 et seq., as amended;

5. "Groundwater protection agencies" include the:

- a. Oklahoma Water Resources Board,
- b. Oklahoma Corporation Commission,
- c. State Department of Agriculture,
- d. Department of Environmental Quality,
- e. Conservation Commission, and
- f. Department of Mines;

6. "Nonpoint source" means the contamination of the environment with a pollutant for which the specific point of origin may not be well defined and includes but is not limited to agricultural storm water runoff and return flows from irrigated agriculture;

7. "N.P.D.E.S." or "National Pollutant Discharge Elimination System" means the system for the issuance of permits under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251 et seq., as amended;

8. "Point source" means any discernible, confined and discrete conveyance or outlet including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure container, rolling stock or vessel or other floating craft from which pollutants are or may be discharged into waters of the state. The term "point source" shall not include agricultural storm water runoff and return flows from irrigated agriculture;

9. "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste;

10. "Pollution" means the presence in the environment of any substance, contaminant or pollutant, or any other alteration of the physical, chemical or biological properties of the environment or the release of any liquid, gaseous or solid substance into the environment in quantities which are or will likely create a nuisance

or which render or will likely render the environment harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, or to property;

11. "Source" means any and all points of origin of any wastes, pollutants or contaminants whether publicly or privately owned or operated;

12. "State agencies with limited environmental responsibilities" means:

- a. the Department of Public Safety,
- b. the Department of Labor, and
- c. the Department of Civil Emergency Management;

13. "State environmental agency" includes the:

- a. Oklahoma Water Resources Board,
- b. Oklahoma Corporation Commission,
- c. State Department of Agriculture,
- d. Oklahoma Conservation Commission,
- e. Department of Wildlife Conservation,
- f. Department of Mines, and
- g. Department of Environmental Quality;

14. "Storm water" means rain water runoff, snow melt runoff, and surface runoff and drainage;

15. "Total maximum daily load" means the sum of individual wasteload allocations (W.L.A.) for point sources, safety, reserves, and loads from nonpoint sources and natural backgrounds;

16. "Waste" means any liquid, gaseous or solid or semi-solid substance, or thermal component, whether domestic, municipal, commercial, agricultural or industrial in origin, which may pollute or contaminate or tend to pollute or contaminate, any air, land or waters of the state;

17. "Wastewater" includes any substance, including sewage, that contains any discharge from the bodies of human beings or animals, or pollutants or contaminating chemicals or other contaminating wastes from domestic, municipal, commercial, industrial, agricultural, manufacturing or other forms of industry;

18. "Wastewater treatment" means any method, technique or process used to remove pollutants from wastewater or sludge to the extent that the wastewater or sludge may be reused, discharged into waters of the state or otherwise disposed and includes, but is not limited to, the utilization of mechanized works, surface impoundments and lagoons, aeration, evaporation, best management practices (BMPs), buffer strips, crop removal or trapping, constructed wetlands, digesters or other devices or methods. "Treatment" also means any method, technique or process used in the purification of drinking water;

19. "Wastewater treatment system" means treatment works and all related pipelines or conduits, pumping stations and force mains, and all other appurtenances and devices used for collecting, treating, conducting or discharging wastewater;

20. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, storm sewers and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, and shall include under all circumstances the waters of the United States which are contained within the boundaries of, flow through or border upon this state or any portion thereof. Provided, the following are not waters of the state:

- a. waste treatment systems, including treatment ponds or lagoons designed to meet federal and state requirements, other than cooling ponds as defined in

the Clean Water Act or rules promulgated thereunder,
and

b. prior converted cropland, as used in the Federal
Swampbuster Provisions located at Title 16, United
States Code, Sections 3821 through 3823; and

21. "Wellhead protection area" means the surface and subsurface area surrounding a water well or wellfield supplying a public water system that defines the extent of the area from which water is supplied to such water well or wellfield.

SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-4-201, is amended to read as follows:

Section 2-4-201. A. The Department of Environmental Quality is authorized to acquire, operate and maintain laboratories to analyze samples:

1. From pollution studies;
2. To obtain factual data to support any order, permit, function or program of the Department;
3. To provide accurate information on wastewater flows and discharges or the chemical, physical or biological characteristics of wastewater;
4. To check the operations of treatment or disposal systems or works to determine whether they meet plans and specifications approved by the Department;
5. To provide laboratory service for individuals, cities, towns, counties, state institutions and other state and federal agencies;
6. From studies and investigations of any waste or pollutant entering treatment systems or waters of the state or any media in which the presence of a contaminant or pollutant is suspected; and
7. To provide such services and perform such other analyses as is necessary to implement and enforce the programs and functions under the jurisdiction of the Department pursuant to this Code.

B. The Board of Environmental Quality shall promulgate rules for laboratory services under this Code. The Board shall follow the procedures required by the Administrative Procedures Act for promulgation of such rules.

C. 1. The Board, pursuant to ~~Section 24 of this act~~ and the Administrative Procedures Act, shall promulgate as a rule a fee schedule based on actual cost of analyses and the costs of the provision of laboratory services. The schedule shall include fees for specific ~~parameters~~ analytes and procedures.

2. Fees charged pursuant to this section shall be paid into the Department of Environmental Quality Revolving Fund and shall only be used by the Department in administering the Department's environmental laboratory ~~pursuant to Section 24 of this act~~.

D. The Department may, if necessary to meet the demand for laboratory services, contract, pursuant to the provisions of the Central Purchasing Act, for the performance of analyses with laboratories ~~certified~~ accredited by the Department.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-403.2 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Sewage service for ten or more service connections or for a system having an average flow of five thousand (5,000) gallons per day or greater located on a lake included on the federally required list of impaired waters (303 (d) report) shall be provided by a publicly owned wastewater treatment system, as defined in Section 2-6-101 of Title 27A of the Oklahoma Statutes, that uses mechanical units or surface impoundments for treatment.

B. For locations within the scope of this section, contiguous or adjacent small public sewage systems, as defined in Section 2-6-101 of Title 27A of the Oklahoma Statutes, shall not be allowed.

SECTION 4. AMENDATORY 50 O.S. 2001, Section 20, is amended to read as follows:

Section 20. The board of county commissioners of any county in this state with a population in excess of ~~five hundred fifty thousand (550,000)~~ fifty thousand (50,000) may, consistent with the definition of nuisance in Section 1 of this title, declare what shall constitute a nuisance, and provide for the prevention, removal and abatement of nuisances for those properties acquired by the county through resale and any property located within an unincorporated area of the county.

SECTION 5. 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 Senate the 23rd day of April, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2003.

Presiding Officer of the House
of Representatives