

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE CONCURRENT

RESOLUTION HCR1093:

Pope and Covey of the House

and

Crutchfield of the Senate

AS INTRODUCED

A Concurrent Resolution urging the Oklahoma Department of Agriculture, Food, and Forestry to proceed in obtaining delegation of certain federal Clean Water Act programs; and providing for distribution.

WHEREAS, the National Pollutant Discharge Elimination System permit program is one of the primary methods of implementing the federal Clean Water Act; and

WHEREAS, in 1994, the Oklahoma Department of Agriculture, Food, and Forestry was authorized and directed in Section 1-3-103 of Title 27A of the Oklahoma Statutes to seek delegation from the Environmental Protection Agency (EPA) to administer any and all of the National Pollution Discharge Elimination System (NPDES) programs for agricultural point and nonpoint source discharges within its specified jurisdiction; and

WHEREAS, the Oklahoma Department of Agriculture, Food, and Forestry has begun the process of meeting the federal National Pollutant Discharge Elimination System requirements to obtain delegation of certain federal Clean Water Act programs; and

WHEREAS, the Oklahoma Department of Agriculture, Food, and Forestry seeks delegation in order to issue permits to persons or organizations owning or operating facilities regulated within the areas of environmental jurisdiction of the Department; and

WHEREAS, not obtaining delegation and state primacy leaves a major piece of implementing the federal Clean Water Act in the hands of the federal government and if the state does not have primacy, the state only has an advisory role on many important decisions regarding water quality in Oklahoma; and

WHEREAS, the State of Oklahoma has knowledge, experience and appreciation of issues surrounding point and nonpoint source discharges and understanding of local social and economic impacts; and

WHEREAS, it is important for the State of Oklahoma to assist Oklahoma agriculture in complying with federal requirements, especially those laws requiring full implementation by the year 2006; and

WHEREAS, the State of Oklahoma can better utilize flexibility and discretion to develop legislation, rules, policy, and guidance to implement the federal Clean Water Act; and

WHEREAS, it is essential for the Oklahoma Department of Agriculture, Food, and Forestry to obtain delegation which will improve water quality and water protection of waters of the State of Oklahoma for the health and safety of the citizens of this state and our environment.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 49TH OKLAHOMA LEGISLATURE, THE SENATE CONCURRING THEREIN:

THAT the Oklahoma Department of Agriculture, Food, and Forestry shall continue to work with industry and the appropriate federal and state governmental agencies to obtain delegation under the federal National Pollutant Discharge Elimination System.

THAT copies of this resolution be distributed to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, State Board of Agriculture, the Oklahoma Department

of Agriculture, Food, and Forestry, the Secretary of the Environment, and the Attorney General.

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