ENROLLED HOUSE
BILL NO. 1238

By: DeWitt of the House

and

Wyrick of the Senate

An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 2-6-101, as amended by Section 1, Chapter 227, O.S.L. 2002 (27A O.S. Supp. 2004, Section 2-6-101), which relates to water quality; modifying definition; amending 59 O.S. 2001, Section 1102, which relates to the Waterworks and Wastewater Works Operator Certification Act; modifying definitions; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-6-101, as amended by Section 1, Chapter 227, O.S.L. 2002 (27A O.S. Supp. 2004, Section 2-6-101), is amended to read as follows:

Section 2-6-101. For purposes of this article:

1. "Disposal system" means pipelines or conduits, pumping stations and force mains and all other devices, construction, appurtenances and facilities used for collecting, conducting or disposing of wastewater, including treatment systems;

2. "Drainage basin" means all of the water collection area adjacent to the highest water line of a reservoir which may be considered by the Department to be necessary to protect adequately the waters of the reservoir. The area may extend upstream on any watercourse to any point within six hundred (600) feet of the highest water line of the reservoir;

3. "Indirect discharge" means the introduction of pollutants to a publicly owned treatment works from a nondomestic source;

4. "Pollutant" means 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 discharged into waters of the state;

5. "Public water supply" means water supplied to the public for domestic or drinking purposes;

6. “Reservoir” means any reservoir, whether completed or in the process of construction, whether or not used as a water supply, and whether or not constructed by any recipient of water therefrom;

7. “Sludge” means nonhazardous solid, semi-solid, or liquid residue generated by the treatment of domestic sewage or wastewater by a treatment works, or water by a water supply system, or manure, or such residue, treated or untreated, which results from industrial, nonindustrial, commercial, or agribusiness activities or industrial or manufacturing processes and which is within the jurisdiction of the Department;

8. “Small public sewage system” means a ~~disposal or collection system which serves less than ten (10) residential units or a public or commercial sewage~~ nonindustrial wastewater treatment system which has an average flow of ~~less than~~ five thousand (5,000) gallons per day or less;

9. “Treatment works” means any facility used for the purpose of treating or stabilizing wastes or wastewater. “Treatment works” shall be synonymous with “wastewater works”; and

10. “Water supply system” means a water treatment plant, water wells, and all related pipelines or conduits, pumping stations and mains and all other appurtenances and devices used for distributing drinking water to the public and, as such, shall be synonymous with waterworks.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1102, is amended to read as follows:

Section 1102. A. As used in the Waterworks and Wastewater Works Operator Certification Act:

1. "Board" means the Environmental Quality Board of the State of Oklahoma;

2. "Certificate" means a certificate of competency issued as provided for herein;

3. "Department" means the Oklahoma Department of Environmental Quality;

4. "Executive Director" means the Executive Director of the Oklahoma Department of Environmental Quality;

5. "Helper" means any person who performs or assists in the performance of work which may affect the quality of either water or wastewater;

6. "Operator" means any person who is at any time responsible for the operation of a wastewater works or waterworks or associated laboratories, in part or in whole. Operator shall not ordinarily apply to an official exercising official general administrative supervision but shall include any person who can, through a direct act or command, affect the quality of the water or wastewater;

7. "Person" means and includes individuals, firms, partnerships, associations, and corporations; and also means and includes the State of Oklahoma, counties, districts, municipalities,

and all subdivisions, districts, officers, agencies, departments, institutions, or instrumentalities of any thereof, whether governmental or proprietary;

8. "Wastewater works" means wastewater treatment systems and facilities used in the collection, transmission, storage, pumping, treatment or disposal of liquid or waterborne wastes, except as provided in subsection B of this section; and

9. "Waterworks" means facilities used in the procurement, treatment, storage, pumping or distribution of water for human consumption, except as provided in subsection B of this section.

B. The words "waterworks", or "wastewater works" shall not include:

1. Any ~~facilities~~ waterworks used exclusively by a private residence or a private business or industry, except when a ~~water or wastewater system~~ waterworks has fifteen or more permanent or temporary service connections available for residential use~~.~~, or regularly serves twenty-five or more of the same individuals at least six (6) months in a year;

2. Any nonindustrial wastewater works treatment system which has an average flow of five thousand (5,000) gallons per day or less;

3. Any industrial wastewater works; and

4. Such classes of systems, which because of their size, type of treatment, or the nature of wastes involved, the Board shall find do not require general supervision by a certified operator in order to safeguard life, health, property, or the water supplies or streams of this state. Such classes shall be fixed by rules promulgated by the Board.

SECTION 3. This act shall become effective November 1, 2005.

Passed the House of Representatives the 22nd day of February, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the 27th day of April, 2005.

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Presiding Officer of the Senate