

**EHB 1238**

**THE STATE SENATE**  
**Tuesday, April 5, 2005**

**ENGROSSED**

**House Bill No. 1238**

**As Amended**

ENGROSSED HOUSE BILL NO. 1238 - By: DeWITT of the House and WYRICK of the Senate.

**[ environment and natural resources - water quality -  
Waterworks and Wastewater Works Operator Certification Act -  
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;

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

3       4. "Pollutant" means dredged spoil, solid waste, incinerator  
4 residue, sewage, garbage, sewage sludge, munitions, chemical wastes,  
5 biological materials, radioactive materials, heat, wrecked or  
6 discarded equipment, rock, sand, cellar dirt and industrial,  
7 municipal, and agribusiness waste discharged into waters of the  
8 state;

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

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

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

21       8. "Small public sewage system" means a ~~disposal or collection~~  
22 ~~system which serves less than ten (10) residential units or a public~~  
23 ~~or commercial sewage~~ nonindustrial wastewater treatment system which

1 has an average flow of ~~less than~~ five thousand (5,000) gallons per  
2 day or less;

3 9. "Treatment works" means any facility used for the purpose of  
4 treating or stabilizing wastes or wastewater. "Treatment works"  
5 shall be synonymous with "wastewater works"; and

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

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

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

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

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

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

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

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

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

10          7. "Person" means and includes individuals, firms,  
11 partnerships, associations, and corporations; and also means and  
12 includes the State of Oklahoma, counties, districts, municipalities,  
13 and all subdivisions, districts, officers, agencies, departments,  
14 institutions, or instrumentalities of any thereof, whether  
15 governmental or proprietary;

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

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

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

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

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

12 3. Any industrial wastewater works; and

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON ENERGY & ENVIRONMENT, dated  
21 3-31-05 - DO PASS, As Amended.