

1 ENGROSSED SENATE
2 BILL NO. 1765

By: Bingman of the Senate

and

Armes of the House

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7 An Act relating to environment and natural resources;
8 amending 27A O.S. 2001, Section 2-6-403, which
9 relates to sewage systems; modifying references to
10 certain sewage systems; requiring certain
11 certification by contractors; and declaring an
12 emergency.

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

14 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-6-403, is
15 amended to read as follows:

16 Section 2-6-403. A. No small public sewage treatment system or
17 ~~private~~ individual sewage ~~disposal~~ treatment system shall be
18 constructed or operated unless such system, when constructed,
19 complies with requirements prescribed by the Environmental Quality
20 Board as determined by an inspection performed by the Department of
21 Environmental Quality or a person authorized by the Department.

22 1. It shall be the duty of the person contracting with an
23 installer who is modifying or installing an on-site sewage treatment
24 system for a residence or business to certify the number of bedrooms
in the residence or the water usage of the business that will be

1 served by the sewage treatment system so that the system can be
2 properly sized.

3 2. Upon reinspection of an approved system, performed at the
4 request of the lot owner, the Department or a person authorized by
5 the Department shall not require that the system be uncovered unless
6 there is evidence that the system has not functioned properly.

7 B. Any person, corporation or other legal entity which creates
8 or intends to create a residential development outside the corporate
9 limits of a city or town shall file a plat describing the methods of
10 sewage ~~disposal~~ treatment for such residential development with the
11 Department. Approval of the plat shall be obtained prior to
12 recording the plat, offering a lot or lots for sale or beginning
13 construction within such residential development.

14 1. The plat shall include:

15 a. a description of the methods for providing water
16 supply and sewage ~~disposal~~ treatment. If a public
17 water supply or public sewage is to be used, then
18 verification of the preliminary approval from the
19 Department shall be submitted along with the plat,

20 b. the actual lot size of each lot in square feet, acres
21 or fractions of acres, and

22 c. the location of any public water supply source,
23 including wells and surface water supplies, within
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1 three hundred (300) feet of the residential
2 development.

3 2. Upon approval by the Department, the plat of the residential
4 development shall be imprinted with the stamp of the Department
5 bearing the word "approved", restrictions, if any, signature of the
6 Department or the Department's local representative and the date.
7 Approval of the plat shall be made effective thirty (30) days after
8 the plat is filed with the Department unless specifically rejected
9 prior to the expiration of the said thirty-day period of time.

10 3. The office of county clerk shall not record a plat
11 containing any lot of less than two and one-half (2 1/2) acres
12 situated outside the corporate limits of a municipality unless said
13 instrument bears the "approved" stamp of the Department. The
14 Department shall have no authority to disapprove and shall approve
15 plats of tracts that are being developed for individual residence in
16 which no single tract is less than two and one-half (2 1/2) acres,
17 provided that none of the lots are within three hundred (300) feet
18 of a public water supply source.

19 C. Persons creating or intending to create a residential
20 development, after receiving the stamp of approval from the
21 Department or the Department's local representative, shall file such
22 plat in the land records of the county where the residential
23 development is to be situated.

1 D. For purposes of this section, "subdivision of land for
2 purposes of a residential development" shall have the same meaning
3 as "subdivision" as defined in Section 863.9 of Title 19 of the
4 Oklahoma Statutes.

5 E. Any person who knowingly creates a residential development
6 without receiving the approval of the Department or the Department's
7 local representative of a plat or without filing of record a plat in
8 violation of this section, or who installs a private sewage ~~disposal~~
9 treatment system on a lot for which disapproval of a private sewage
10 ~~disposal~~ treatment system has previously been filed of record shall
11 be deemed guilty of a misdemeanor and upon conviction shall be
12 punished by a fine of not less than Five Hundred Dollars (\$500.00)
13 nor more than Five Thousand Dollars (\$5,000.00) for each violation.

14 F. The Department is authorized to use monies other than fees
15 or appropriated funds as such monies may be available to the
16 Department to offer financial assistance to indigent citizens of the
17 State of Oklahoma to reduce the incidence of surfacing sewage in the
18 State of Oklahoma.

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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