

ENROLLED SENATE
BILL NO. 1695

By: Wyrick of the Senate

and

Cox of the House

An Act relating to environment and natural resources; amending 27A O.S. 2001, Section 2-6-401, which relates to wastewater treatment systems; modifying requirements for permitting certain wastewater treatment systems; stating exemption; and declaring an emergency.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-6-401, is amended to read as follows:

Section 2-6-401. A. No person shall construct or let a contract for any construction work of any nature for a municipal treatment works, nonindustrial wastewater treatment system, sanitary sewer system or other sewage treatment works, or for any extension thereof, or make any change in the manner of nonindustrial wastewater treatment or make any change in the treatment, storage, use or disposal of sewage sludge without a permit issued by the Executive Director. ~~No such permit shall be required for the construction or modification of a private individual sewage disposal system or a small public sewage system provided that such system is constructed or modified in accordance with the requirements of Section 2-6-403 of this title and rules promulgated under Article VI of the Code.~~ Such permit may only be issued to a public entity unless all components of the proposed system, including the service lines, are or will be located on property that is owned by the owner of the system or dedicated to the owner of the system in a recorded easement for the installation and operation of the system.

The requirements of subsections B, C and D of this section shall not apply to individual and small public sewage treatment systems that are constructed or modified in accordance with the requirements of Section 2-6-403 of this title.

B. An application for such permit shall include but not be limited to:

1. An engineering report, prepared by a professional engineer registered in the State of Oklahoma, which includes a complete description of the existing and proposed system or treatment works and the wastewater outfall, if any, and any other data or information required by the Department;

2. A legal description of the site where the treatment works or the wastewater treatment system is or is proposed to be located; and

3. A legal description of the site where any discharge point is or is proposed to be located.

C. Upon the Department's approval of the engineering report, the applicant shall submit plans and specifications for the proposed system or the proposed extension or change of an existing system to the Department for review. Such plans and specifications shall be prepared by a professional engineer registered in the State of Oklahoma.

D. Any facility within the jurisdiction of the Department and required to obtain a permit by subsection A of this section may elect to utilize an innovative treatment technique in accordance with this subsection. An innovative treatment technique is a treatment technique not currently recognized by the Department nor found in the regulations governing construction of such facilities. Upon compliance with the requirements of this subsection the requirements in subsection A will not apply. A facility that elects to utilize an innovative treatment technique shall first submit the following documentation to the Department:

1. An engineering report, prepared by a professional engineer registered in the State of Oklahoma, which includes a complete description of the proposed innovative treatment technique;

2. A certification from a professional engineer registered in the State of Oklahoma that the innovative treatment technique will allow the facility to meet applicable federal and state discharge and land application requirements; and

3. A statement from the owner of the facility that should the facility subsequently fail to meet any federal or state discharge or land application requirement that the owner of the facility will immediately take all necessary action to install a recognized treatment technique.

SECTION 2. 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 8th day of March, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2010.

Presiding Officer of the House
of Representatives