

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2835

6 By: Martin (Scott)

7 COMMITTEE SUBSTITUTE

8 An Act relating to environment and natural resources;  
9 allowing the use of a certain amount of gray water  
10 for certain purposes without a permit; listing  
11 certain conditions; providing for definition of  
12 certain term; amending 27A O.S. 2011, Section 2-6-  
13 501, which relates to prohibited activities related  
14 to wastewater or sludge; allowing the point of  
15 discharge to be changed for certain permitted  
16 discharges; requiring certain notification;  
17 specifying inclusion of an engineering report and  
18 certain certification; requiring installation of a  
19 redundant disinfection system; setting certain  
20 chlorine residual level; directing that testing and  
21 reporting be administered in a certain manner;  
22 providing for codification; and providing an  
23 effective date.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 2-6-108 of Title 27A, unless  
there is created a duplication in numbering, reads as follows:

A. The Department of Environmental Quality shall not require a  
permit for applying less than two hundred fifty (250) gallons per  
day of private residential gray water originating from a residence

1 for the household gardening, composting or landscape irrigation of  
2 the resident if:

3 1. A constructed gray water distribution system provides for  
4 overflow into the sewer system or on-site wastewater treatment and  
5 disposal system;

6 2. A gray water storage tank is covered to restrict access and  
7 to eliminate habitat for mosquitoes or other vectors;

8 3. A gray water system is sited outside of a floodway;

9 4. Gray water is vertically separated at least five (5) feet  
10 above the groundwater table;

11 5. Gray water pressure piping is clearly identified as a  
12 nonpotable water conduit;

13 6. Gray water is used on the site where it is generated and  
14 does not run off the property lines;

15 7. Gray water is applied in a manner that minimizes the  
16 potential for contact with people or domestic pets;

17 8. Ponding is prohibited, application of gray water is managed  
18 to minimize standing water on the surface and to ensure that the  
19 hydraulic capacity of the soil is not exceeded;

20 9. Gray water is not sprayed;

21 10. Gray water is not discharged to a waterway;

22 11. Gray water use within municipalities or counties complies  
23 with all applicable municipal or county ordinances enacted pursuant  
24 to law; and

1 12. A gray water storage system which complies with the  
2 provisions of this section may allow for rainwater to be introduced  
3 into the system.

4 B. For purposes of this section, "gray water" shall be deferred  
5 as provided for in Section 2-6-107 of Title 27A of the Oklahoma  
6 Statutes.

7 SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-6-501, is  
8 amended to read as follows:

9 Section 2-6-501. A. It shall be unlawful for any person to  
10 carry on any of the following activities with regard to wastewater  
11 or sludge without first securing a water quality permit from the  
12 Department unless such activity is approved in a permit issued by  
13 the Executive Director under Part 2, Article VI, Chapter 2 of this  
14 Code:

15 1. The construction, installation, operation and closure of any  
16 industrial surface impoundment, industrial septic tank or treatment  
17 system, or the use of any existing unpermitted surface impoundment,  
18 septic tank or treatment system that is within the jurisdiction of  
19 the Department and which is proposed to be used for the containment  
20 or treatment of industrial wastewater or sludge;

21 2. The construction, installation or operation of any  
22 industrial or commercial facility subject to the permitting  
23 authority of the Department, the operation of which would cause an  
24 increase in the discharge of waste into the waters of the state or

1 would otherwise alter the physical, chemical or biological  
2 properties of any waters of the state in any manner not already  
3 lawfully authorized;

4 3. The construction or use of any new outfall for the discharge  
5 of any waste or pollutants into the waters of the state; or

6 4. The land application of any nonindustrial or industrial  
7 wastewater and the land application of sludge.

8 B. Any major addition, extension, operational change or other  
9 change proposed for a facility permitted pursuant to subsection A of  
10 this section shall require the approval of the Department through  
11 the major modification of the facility's permit prior to  
12 construction or implementation of such addition, extension or  
13 change.

14 C. A permit for activities specified in paragraph A of this  
15 section shall be issued by the Executive Director for no more than  
16 five (5) years and may be renewed pursuant to rules of the Board.

17 D. The discharge of domestic sewage except to a public or  
18 private disposal system approved or authorized by the Department or  
19 the surfacing of effluent from any domestic septic system shall be  
20 deemed pollution for purposes of the provisions of Section 2-6-105  
21 of this title.

22 E. The Board may promulgate rules for the implementation of ~~the~~  
23 Section 2-6-501 et seq. of this ~~part~~ title, including but not  
24 limited to the submission of applications, plans, specifications and

1 other necessary information, and requirements for monitoring,  
2 reporting, operation and maintenance, corrective action,  
3 construction and closure. Such rules may incorporate by reference  
4 any applicable federal regulations.

5 F. 1. Once a permit for discharge into the waters of Oklahoma  
6 has been secured, the point of discharge may be changed, at the  
7 option of the permit holder, from a designated stream to a  
8 designated lake, wetlands or other impoundment and back again.

9 2. The permit holder shall notify the Department of the intent  
10 to change the point of discharge not less than one hundred twenty  
11 (120) calendar days prior to the actual discharge into a lake,  
12 wetlands or other impoundment. The notification shall include an  
13 engineering report describing the beneficial uses of the discharges,  
14 a description of the designated lake, wetlands or impoundment and  
15 certification that the discharge is suitable for the intended  
16 beneficial uses.

17 3. For discharges into a lake, wetlands or other impoundment  
18 the permit holder shall install a redundant disinfection system  
19 consisting of ozonation, UV, chlorination or other disinfection  
20 methods commonly in use in the state. The system shall be operated  
21 so that a chlorine residual of 0.01 milligrams/liter is maintained  
22 at the point of use.

23 4. The testing and reporting requirements for discharges into a  
24 lake, wetlands or other impoundment shall be administered in the

1 same manner required in the permit for discharge into the stream  
2 waters of the state.

3 SECTION 3. This act shall become effective November 1, 2012.

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