

1 ENGROSSED HOUSE
2 BILL NO. 1059

By: Murphey and Ritze of the
House

3 and

4 Schulz of the Senate

5
6
7 An Act relating to environment and natural resources;
8 amending 27A O.S. 2001, Section 2-6-304, which
9 relates to public water supply permits; providing for
10 an exception from the public water supply
11 construction permit requirement; clarifying permit
12 language; allowing certain persons with a water
13 system constructed and serving the public prior to a
14 certain date to obtain a supply permit by a certain
15 date; requiring application to be filed by a certain
16 date; authorizing the Department of Environmental
17 Quality to deny application; specifying certain
18 information be included in the applications;
19 providing for the classification and monitoring of
20 certain permits; and declaring an emergency.

21
22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-6-304, is
amended to read as follows:

Section 2-6-304. A. ~~1. No~~ Except as otherwise provided for in
this section, no person shall supply water, or do any construction
work of any nature for supplying water, to the public from or by a
public water supply system by means of any waterworks without a
written permit to construct issued by the Executive Director.

1 B. 1. The Department may grant an exception to a public water
2 supply system from the review and permit requirement for
3 construction of a water line extension.

4 2. The Board shall promulgate rules setting forth conditions
5 for ~~such~~ the exceptions including but not limited to a certification
6 by the system, upon application for ~~such~~ an exception, that the
7 proposed design and construction of the extension meets or exceeds
8 Board standards and, after the completion of construction but prior
9 to the commencement of service by ~~such~~ the extension, a sufficiency
10 certification by a professional engineer licensed to practice in the
11 State of Oklahoma, that the extension as constructed meets or
12 exceeds Board standards. ~~Such~~ The certifications shall provide
13 assurances, respectively, that the integrity and capacity of the
14 existing system will not or have not been compromised. ~~Such~~ The
15 rules shall allow a rural water district or nonprofit rural water
16 corporation to submit in lieu of a sufficiency certification by a
17 professional engineer, ~~such~~ certification by a certified waterworks
18 operator employed by the district, provided that the line extension
19 is not larger than the existing line, that no part of the existing
20 water line was previously extended pursuant to this paragraph, that
21 the extension does not add more than one (1) service connection to
22 the existing line, and that the line has not been extended through,
23 over or under any stream, lake, pond or marsh or any existing sewage
24 or wastewater collection lines.

1 3. The Department may disallow any exception application which
2 does not comply with this section or rules promulgated by the Board,
3 or which does not assure protection of the existing system or public
4 health and the environment.

5 4. Failure of a system to meet the terms of a granted exception
6 may result in the termination of the exception, the denial of future
7 exceptions or the imposition of permit or corrective action
8 requirements by the Department, or a combination thereof. No
9 exception shall be terminated until the Department has advised the
10 owner or operator of the excepted system and ~~such person or persons~~
11 are given an opportunity to show compliance with all exception
12 requirements.

13 ~~B.~~ C. An application for ~~such~~ a permit to construct shall be
14 accompanied by maps, plans and specifications, prepared by a
15 professional engineer registered in the State of Oklahoma. ~~Such~~ The
16 application shall include but not be limited to:

- 17 1. A description of the design of the system;
- 18 2. Identification of the system's source;
- 19 3. A description of the manner of storage and distribution and
20 purification of the water proposed for the supply previous to its
21 delivery to consumers; and
- 22 4. Any other data and information required by the Department.

23 D. Any person serving water to the public from a system that
24 was constructed without a permit to construct and was being used to

1 serve water to the public prior to June 1, 2011, may meet the
2 requirements of subsection A of this section by obtaining a permit
3 to supply issued by the Executive Director on or before December 31,
4 2012. Applications for the permits shall be accepted only if they
5 are complete and submitted to the Department prior to July 1, 2012.
6 The Department may deny any application that fails to establish that
7 the water supply meets and can continue to meet the drinking water
8 standards. In order to be considered complete, applications shall
9 include, at a minimum:

- 10 1. A description of the design of the system;
- 11 2. The identification of the source of water for the system;
- 12 3. A description of the manner of storage, distribution and
13 purification of the water prior to delivery to consumers;
- 14 4. A description of the additional testing and source water
15 protection measures the system will implement to assure continued
16 compliance with drinking water standards; and
- 17 5. Any other data and information requested by the Department.

18 E. Permits issued under subsection D of this section:

- 19 1. Shall be classified as Tier 1 permits pursuant to the
20 Oklahoma Uniform Environmental Permitting Act;
- 21 2. Shall be subject to additional monitoring requirements when
22 determined necessary by the Department; and
- 23 3. May include other permit conditions necessary to assure
24 continued compliance with drinking water standards.

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

5 Passed the House of Representatives the 21st day of February,
6 2011.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2011.

Presiding Officer of the Senate