

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2779

By: Russ

4
5 AS INTRODUCED

6 An Act relating to environment and natural resources;
7 amending 27A O.S. 2011, Section 2-6-403, which
8 relates to the requirements for construction or
9 operation of sewage treatment systems; establishing
10 the percolation test method as the simple soil test
11 to be used for certain purposes; describing the
12 percolation test method; prohibiting additional tests
13 in certain circumstances; limiting additional
14 capacity; and providing an effective date.

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

16 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-6-403, is
17 amended to read as follows:

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

24 1. It shall be the duty of the person contracting with an
installer who is modifying or installing an on-site sewage treatment

1 system for a residence or business to certify the number of bedrooms
2 in the residence or the water usage of the business that will be
3 served by the sewage treatment system so that the system can be
4 properly sized.

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

9 3. A simple soil test that may be used to identify the
10 dispersal site for all modifications of a small public on-site
11 sewage treatment system or individual on-site sewage treatment
12 system or to identify the dispersal site and size of the dispersal
13 field for the installation of a new small public on-site sewage
14 treatment system or individual on-site sewage treatment system may
15 be the percolation test method. For purposes of this paragraph, a
16 percolation test is a method of determining the absorption rate of
17 soil by measuring the drop of water within a specific time period
18 through the use of small test holes. A minimum of three test holes
19 which are six (6) to eight (8) inches in diameter and twenty-four
20 (24) inches deep are presoaked with water for a minimum of four (4)
21 hours, the water level is adjusted to a depth of ten (10) inches and
22 the percolation rate is recorded. If the simple soil test method
23 determines that the percolation rate is sufficient, no other test
24 shall be required for a small public on-site sewage treatment system

1 or individual on-site sewage treatment system. For a small public
2 on-site sewage treatment system or individual on-site sewage
3 treatment system no more than fifteen percent (15%) additional
4 capacity shall be required by the overseeing agency without the
5 consent of the owner of the system.

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

13 1. The plat shall include:

- 14 a. a description of the methods for providing water
15 supply and sewage treatment. If a public water supply
16 or public sewage is to be used, then verification of
17 the preliminary approval from the Department shall be
18 submitted along with the plat,
- 19 b. the actual lot size of each lot in square feet, acres
20 or fractions of acres, and
- 21 c. the location of any public water supply source,
22 including wells and surface water supplies, within
23 three hundred (300) feet of the residential
24 development.

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

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

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

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

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

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

17 SECTION 2. This act shall become effective November 1, 2012.

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