

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1768

6 By: Russ

7 COMMITTEE SUBSTITUTE

8 An Act relating to environment and natural resources;
9 amending 27A O.S. 2011, Section 2-6-403, which
10 relates to the requirements for construction or
11 operation of sewage treatment systems; allowing a
12 property owner who installs a certain on-site sewage
13 treatment system to be exempt from certain penalties
14 under certain circumstances; prohibiting exemption if
15 there is a record of a malfunctioning system;
16 changing lot size for certain plats; and providing an
17 effective date.

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

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

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

1 1. It shall be the duty of the person contracting with an
2 installer who is modifying or installing an on-site sewage treatment
3 system for a residence or business to certify the number of bedrooms
4 in the residence or the water usage of the business that will be
5 served by the sewage treatment system so that the system can be
6 properly sized.

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

11 B. If the Department has established for any residential on-
12 site sewage treatment system requirements that a conventional
13 subsurface absorption field meets a minimum length that is more than
14 five hundred (500) feet in linear length and the owner of the
15 property on which the system is located elects to install an
16 absorption field of five hundred (500) feet or less, the owner shall
17 not be subject to any penalty for such violation if the owner files
18 a notice of the variance in the office of the county clerk in the
19 county where the system is located. An owner shall not be exempt
20 under the provisions of this subsection if the Department has a
21 record of a malfunctioning system located on the property of the
22 owner.

23 C. Any person, corporation or other legal entity which creates
24 or intends to create a residential development outside the corporate

1 limits of a city or town shall file a plat describing the methods of
2 sewage treatment for such residential development with the
3 Department. Approval of the plat shall be obtained prior to
4 recording the plat, offering a lot or lots for sale or beginning
5 construction within such residential development.

6 1. The plat shall include:

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

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

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

10 ~~C.~~ D. Persons creating or intending to create a residential
11 development, after receiving the stamp of approval from the
12 Department or the Department's local representative, shall file such
13 plat in the land records of the county where the residential
14 development is to be situated.

15 ~~D.~~ E. For purposes of this section, "subdivision of land for
16 purposes of a residential development" shall have the same meaning
17 as "subdivision" as defined in Section 863.9 of Title 19 of the
18 Oklahoma Statutes.

19 ~~E.~~ F. Any person who knowingly creates a residential
20 development without receiving the approval of the Department or the
21 Department's local representative of a plat or without filing of
22 record a plat in violation of this section, or who installs a
23 private sewage treatment system on a lot for which disapproval of a
24 private sewage treatment system has previously been filed of record

1 shall be deemed guilty of a misdemeanor and upon conviction shall be
2 punished by a fine of not less than Five Hundred Dollars (\$500.00)
3 nor more than Five Thousand Dollars (\$5,000.00) for each violation.

4 ~~F.~~ G. The Department is authorized to use monies other than
5 fees or appropriated funds as such monies may be available to the
6 Department to offer financial assistance to indigent citizens of the
7 State of Oklahoma to reduce the incidence of surfacing sewage in the
8 State of Oklahoma.

9 SECTION 2. This act shall become effective November 1, 2013.

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