HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1768 By: Russ

COMMITTEE SUBSTITUTE

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

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

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

Section 2-6-403. A. No small public sewage treatment system or individual sewage treatment system shall be constructed or operated unless ~~such~~ the system, when constructed, complies with requirements prescribed by the Environmental Quality Board as determined by an

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~~Strike thru~~ language denotes deletion from present Statutes.

inspection performed by the Department of Environmental Quality or a person authorized by the Department.

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

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

B. <u>If the Department has established for any residential on-site sewage treatment system requirements that a conventional subsurface absorption field meets a minimum length that is more than five hundred (500) feet in linear length and the owner of the property on which the system is located elects to install an absorption field of five hundred (500) feet or less, the owner shall not be subject to any penalty for such violation if the owner files a notice of the variance in the office of the county clerk in the county where the system is located. An owner shall not be exempt under the provisions of this subsection if the Department has a</u>

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record of a malfunctioning system located on the property of the owner.

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

1. The plat shall include:

a. a description of the methods for providing water supply and sewage treatment. If a public water supply or public sewage is to be used, then verification of the preliminary approval from the Department shall be submitted along with the plat,

b. the actual lot size of each lot in square feet, acres or fractions of acres, and

c. the location of any public water supply source, including wells and surface water supplies, within three hundred (300) feet of the residential development.

2. Upon approval by the Department, the plat of the residential development shall be imprinted with the stamp of the Department

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bearing the word "approved", restrictions, if any, signature of the Department or the Department's local representative and the date. Approval of the plat shall be made effective thirty (30) days after the plat is filed with the Department unless specifically rejected prior to the expiration of the said thirty-day period of time.

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

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

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON UTILITY AND ENVIRONMENTAL REGULATION, dated 02/27/2013 - DO PASS, As Amended.

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