STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1746 By: Wright

AS INTRODUCED

An Act relating to environment and natural resources; amending 27A O.S. 2011, Section 2-6-304, which relates to public water supply permit requirements; prohibiting certain permit fees for certain water well public water supplies; and declaring an emergency.

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-6-304, is amended to read as follows:

Section 2-6-304. A. 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.

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

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

3. The Department may disallow any exception application which does not comply with this section or rules promulgated by the Board,

or which does not assure protection of the existing system or public health and the environment.

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

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

1. A description of the design of the system;

2. Identification of the system's source;

3. A description of the manner of storage and distribution and purification of the water proposed for the supply previous to its delivery to consumers; and

4. Any other data and information required by the Department.

D. Any person serving water to the public from a system that was constructed without a permit to construct and was being used to serve water to the public prior to June 1, 2011, may meet the requirements of subsection A of this section by obtaining a permit to supply issued by the Executive Director on or before December 31,

2012. Applications for the permits shall be accepted only if they are complete and submitted to the Department prior to July 1, 2012. The Department may deny any application that fails to establish that the water supply meets and can continue to meet the drinking water standards. In order to be considered complete, applications shall include, at a minimum:

1. A description of the design of the system;

2. The identification of the source of water for the system;

3. A description of the manner of storage, distribution and purification of the water prior to delivery to consumers;

4. A description of the additional testing and source water protection measures the system will implement to assure continued compliance with drinking water standards; and

5. Any other data and information requested by the Department.

E. Permits issued under subsection D of this section:

1. Shall be classified as Tier 1 permits pursuant to the Oklahoma Uniform Environmental Permitting Act;

2. Shall be subject to additional monitoring requirements when determined necessary by the Department; and

3. May include other permit conditions necessary to assure continued compliance with drinking water standards.

<u>F. For permits issued under subsection D of this section for existing water wells being used as a public water supply, the</u>

Department shall not charge an authorization fee or an annual operating fee.

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

54-1-5082 KB 01/11/13