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February 20, 2014

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1187

By: Standridge and Fields of
the Senate

and

Martin (Scott) of the House

[environment and natural resources - Department of
Environmental Quality - Uniform Environmental
Permitting Act - District Court - codification -
emergency]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-2-105 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. It is the policy of this state to facilitate the implementation of water reuse projects for the purpose of conserving and augmenting the supply of water available for public water supplies and for municipal and industrial uses. To that end, the Department of Environmental Quality and the Oklahoma Water Resources Board shall take all actions necessary to facilitate the development and implementation of such projects. The term "water reuse project" shall mean any project for which an applicant is applying for

1 | approvals or permits from the Department for the development or
2 | implementation of a project, in whole or in part, to conserve or
3 | augment the supply of water to be made available as a public water
4 | supply, or for any municipal or industrial use in this state. Such
5 | permits may include any permit which the Department has authority to
6 | issue under Title 27A of the Oklahoma Statutes, including, but not
7 | limited to, discharge permits under the Oklahoma Pollutant Discharge
8 | Elimination System (OPDES permits), sewage treatment and collection
9 | design and construction permits, and public water supply design and
10 | construction permits.

11 | B. 1. The Department shall approve permits for point source
12 | discharges into sensitive public and private water supplies, as
13 | defined by the Oklahoma Water Resources Board, where such discharges
14 | do not contain concentrations of pollutants greater than the
15 | existing concentrations of such pollutants in the receiving
16 | reservoir, as determined by the approved Total Maximum Daily Loading
17 | study for the water body. Provided, the Department shall approve
18 | and issue such permit only where the Department has received the
19 | written concurrence of the supplier of water implementing an
20 | associated water reuse project. For purposes of this section, the
21 | term "pollutant" shall be limited to those constituents of the
22 | discharge that have been identified by the state as causing the
23 | impairment of the receiving basin or reservoir, resulting in
24 | placement of the basin or reservoir on the Section 303(d) list of

1 impaired water bodies. The issuance of such permit by the
2 Department shall not be considered by the Board or the Department as
3 a violation of the anti-degradation policy of the state water
4 quality standards.

5 2. Upon receipt of an application for any permits which in the
6 estimation of the applicant are necessary or convenient for the
7 purpose of developing and implementing a water reuse project, the
8 Department shall review such application and, within ninety (90)
9 days from the date of receipt of such application, the Executive
10 Director shall either approve or reject the application and, if
11 rejected, provide to the applicant in writing a complete listing and
12 explanation of:

- 13 a. the reasons for the rejection,
- 14 b. citations to all laws and regulations that require
15 such rejection, and
- 16 c. how the application can be amended so that it can be
17 approved, and

18 the permits, which to the applicant are necessary or convenient
19 for the development and implementation of the water reuse project,
20 can and shall be issued by the Executive Director.

21 3. Such permits shall be considered Tier III permits under the
22 Uniform Environmental Permitting Act. If the applicant disputes the
23 rejection of any such permit by the Department or disputes any of
24 the terms of an issued permit, the applicant shall have the right to

1 an individual proceeding on the rejection of the permit application
2 or the disputed terms of the permit pursuant to the Administrative
3 Procedures Act.

4 4. The provisions of this section shall be enforceable in an
5 action for an order in mandamus in District Court.

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

10 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
11 February 20, 2014 - DO PASS AS AMENDED
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