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April 4, 2019

ENGROSSED HOUSE
BILL NO. 2476

By: McCall of the House

and

Hall of the Senate

An Act relating to environment and natural resources; amending 27A O.S. 2011, Section 2-6-501, which relates to the Oklahoma Environmental Quality Code; providing exemption to certain rules of the Department of Environmental Quality; providing requirements for certain facilities; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-6-501, is amended to read as follows:

Section 2-6-501. A. It shall be unlawful for any person to carry on any of the following activities with regard to wastewater or sludge without first securing a water quality permit from the Department of Environmental Quality unless such activity is approved in a permit issued by the Executive Director under Part 2, Article VI, Chapter 2 of this Code:

1. The construction, installation, operation and closure of any industrial surface impoundment, industrial septic tank or treatment

1 system, or the use of any existing unpermitted surface impoundment,
2 septic tank or treatment system that is within the jurisdiction of
3 the Department and which is proposed to be used for the containment
4 or treatment of industrial wastewater or sludge;

5 2. The construction, installation or operation of any
6 industrial or commercial facility subject to the permitting
7 authority of the Department, the operation of which would cause an
8 increase in the discharge of waste into the waters of the state or
9 would otherwise alter the physical, chemical or biological
10 properties of any waters of the state in any manner not already
11 lawfully authorized;

12 3. The construction or use of any new outfall for the discharge
13 of any waste or pollutants into the waters of the state; or

14 4. The land application of any nonindustrial or industrial
15 wastewater and the land application of sludge.

16 B. Any major addition, extension, operational change or other
17 change proposed for a facility permitted pursuant to subsection A of
18 this section shall require the approval of the Department through
19 the major modification of the facility's permit prior to
20 construction or implementation of such addition, extension or
21 change.

22 C. A permit for activities specified in paragraph A of this
23 section shall be issued by the Executive Director for no more than
24

1 five (5) years and may be renewed pursuant to rules of the
2 Environmental Quality Board.

3 D. The discharge of domestic sewage except to a public or
4 private disposal system approved or authorized by the Department or
5 the surfacing of effluent from any domestic septic system shall be
6 deemed pollution for purposes of the provisions of Section 2-6-105
7 of this title.

8 E. The Board may promulgate rules for the implementation ~~of the~~
9 of this part, including but not limited to the submission of
10 applications, plans, specifications and other necessary information,
11 and requirements for monitoring, reporting, operation and
12 maintenance, corrective action, construction and closure. Such
13 rules may incorporate by reference any applicable federal
14 regulations.

15 F. Except for closure standards, industrial wastewater system
16 rules of the Department of Environmental Quality shall not apply to
17 facilities governed by the Oklahoma Funeral Board.

18 1. Such facilities shall:

19 a. report to the Department of Environmental Quality any
20 spill, leak or other release of industrial wastewater
21 from the facility by telephone within twenty-four (24)
22 hours of the spill, leak or release in writing within
23 seven (7) days of the spill, leak or release,
24

1 **b.** take immediate action to contain and remediate the
2 spill, leak or release to prevent risk to human health
3 or the environment, including surface water or
4 groundwater, and

5 **c.** notify adjacent landowners of the spill, leak or
6 release as soon as reasonably possible;

7 **2.** Nothing in this subsection shall be construed to relieve
8 such facilities from any requirements of federal law; and

9 **3.** Failure of such a facility to comply with the requirements
10 of paragraph 1 of this subsection shall cause the spill, leak or
11 release to be deemed a public nuisance within the meaning of Section
12 2-6-105 of this title.

13 SECTION 2. This act shall become effective November 1, 2019.

14 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
15 April 4, 2019 - DO PASS