

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1822

By: Allen

6 AS INTRODUCED

7 An Act relating to the Department of Environmental
8 Quality; amending 59 O.S. 2011, Section 1158, which
9 relates to individual sewage disposal systems;
10 authorizing the Department to promulgate rules
11 regarding the use of Oklahoma Mesonet data during
soil profile descriptions to determine certain design
for subsurface sewage disposal systems; and providing
an effective date.

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

14 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1158, is
15 amended to read as follows:

16 Section 1158. A. On and after July 1, 2002, any person, before
17 engaging in the installation of individual sewage disposal systems,
18 shall first obtain certification from the Department of
19 Environmental Quality under such rules as may be promulgated by the
20 Environmental Quality Board. The provisions of this subsection
21 shall only apply to persons who install more than ten individual
22 sewage disposal systems per calendar year. As used in this section,
23 "individual sewage disposal systems" means a sewage disposal system
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1 that serves an individual residence or duplex and is not available
2 for use by the general public.

3 B. Environmental Specialists employed by the Department of
4 Environmental Quality may perform soil profile descriptions to
5 design individual and other subsurface sewage disposal systems. Any
6 other individual choosing to perform soil profile descriptions to
7 design individual and other subsurface sewage disposal systems shall
8 first be certified by the Department of Environmental Quality under
9 such rules as may be promulgated by the Environmental Quality Board.

10 On or after the effective date of this act, the Department shall
11 promulgate rules requiring the use of data from the Oklahoma Mesonet
12 in performing soil profile descriptions to determine the number of
13 sprinklers required for an aerobic subsurface sewage disposal
14 system. Variables to be considered include, but are not limited to,
15 rainfall, soil moisture, rainfall runoff and evaporation rate in the
16 area in which the system shall be installed.

17 C. The Environmental Quality Board shall promulgate rules that
18 shall include, but not be limited to, the following:

19 1. Establishment of minimum requirements for each type of
20 certification;

21 2. Establishment of a procedure and schedule for the assessment
22 of penalties for failure to comply with this section or rules
23 promulgated pursuant thereto;

1 3. Establishment of procedures for suspension, revocation and
2 nonrenewal of a certification; and

3 4. A requirement that an annual fee, as set by the
4 Environmental Quality Board pursuant to Section 2-3-402 of Title 27A
5 of the Oklahoma Statutes, shall be paid to the Department of
6 Environmental Quality for each certification.

7 D. The Water Quality Management Advisory Council shall
8 recommend proposed rules to the Environmental Quality Board pursuant
9 to Section 2-2-201 of Title 27A of the Oklahoma Statutes.

10 E. The Department of Environmental Quality may, after notice
11 and opportunity for a hearing pursuant to the Administrative
12 Procedures Act, assess administrative penalties and may revoke,
13 suspend or deny renewal of a certification pursuant to Section 2-3-
14 502 of Title 27A of the Oklahoma Statutes for any violation of this
15 section or rules promulgated pursuant thereto. Such administrative
16 penalties shall be deposited as provided in Section 2-3-401 of Title
17 27A of the Oklahoma Statutes.

18 SECTION 2. This act shall become effective November 1, 2020.
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