

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1821

By: Allen

AS INTRODUCED

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

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

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

Section 1158. A. On and after July 1, 2002, any person, before engaging in the installation of individual sewage disposal systems, shall first obtain certification from the Department of Environmental Quality under such rules as may be promulgated by the Environmental Quality Board. The provisions of this subsection shall only apply to persons who install more than ten individual sewage disposal systems per calendar year. As used in this section, "individual sewage disposal systems" means a sewage disposal system

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 authorizing the use of data from a percolation test
12 conducted during the performance of a soil profile description to
13 determine the safety and appropriateness of the use of lateral
14 lines, whether in a chamber or conventional system, in a subsurface
15 sewage disposal system.

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

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

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

23 3. Establishment of procedures for suspension, revocation and
24 nonrenewal of a certification; and

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

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

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

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

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