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February 19, 2024

SENATE BILL NO. 1759

By: Paxton of the Senate

and

Burns of the House

An Act relating to contractors; amending 59 O.S. 2021, Section 1158, which relates to installers of individual sewage disposal systems; changing specified amount needed for required certification; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, 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~~ one individual sewage disposal systems per calendar year. As used in this section, "individual sewage disposal ~~systems~~" system" means a sewage disposal

1 system that serves an individual residence or duplex and is not
2 available for use by the general public.

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

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

13 1. Establishment of minimum requirements for each type of
14 certification;

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

18 3. Establishment of procedures for suspension, revocation and
19 nonrenewal of a certification; and

20 4. A requirement that an annual fee, as set by the
21 Environmental Quality Board pursuant to Section 2-3-402 of Title 27A
22 of the Oklahoma Statutes, shall be paid to the Department of
23 Environmental Quality for each certification.
24

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

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

12 SECTION 2. This act shall become effective November 1, 2024.

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE
14 February 19, 2024 - DO PASS
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