

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2976

By: Gise

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7 COMMITTEE SUBSTITUTE

8 An Act relating to the Department of Environmental  
9 Quality; requiring the promulgation of rules  
10 establishing water quality criteria for aluminum;  
11 listing criteria for promulgated rules; authorizing  
12 adoption or incorporation by reference of certain  
13 criteria; requiring criteria be applied to certain  
14 permitting; listing requirements for application to  
15 permits; requiring criteria be included in certain  
16 triennial review; authorizing updates to criteria;  
17 providing for codification; and providing an  
18 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 2-6-112 of Title 27A, unless  
22 there is created a duplication in numbering, reads as follows:

23 A. By December 31, 2028, the Department of Environmental  
24 Quality shall promulgate rules that establish numeric water quality  
criteria for aluminum applicable to surface waters of the State of  
Oklahoma. The criteria shall:

1 1. Be developed in accordance with Section 303(c) of the  
2 federal Clean Water Act and its implementing regulations;

3 2. Be consistent with current U.S. Environmental Protection  
4 Agency (EPA) guidance, including use of any recommended hardness-  
5 based or water-chemistry-based criteria equations, bioavailability  
6 models, or site-specific adjustment procedures; and

7 3. Incorporate site-specific conditions, where scientifically  
8 appropriate, including water hardness, pH, dissolved organic carbon,  
9 or other parameters affecting aluminum toxicity.

10 The Department may adopt or incorporate by reference any EPA  
11 criteria, guidance documents, or calculation tools necessary to  
12 implement the provisions of this section.

13 B. Following promulgation of the rules required in subsection  
14 A, the Department shall apply the numeric aluminum water quality  
15 criteria in all Oklahoma Pollutant Discharge Elimination System  
16 (OPDES) permits where aluminum may be discharged. The Department  
17 shall, consistent with federal and state law:

18 1. Require permittees to conduct monitoring and reporting of  
19 aluminum and related parameters necessary to evaluate compliance  
20 with water-quality-based standards;

21 2. Establish water-quality-based effluent limits where needed  
22 to ensure compliance with the numeric criteria;

1        3. Consider site-specific conditions, mixing zones, dilution  
2 allowances, and receiving-water characteristics in calculating any  
3 water-quality-based effluent limits; and

4        4. Include any additional monitoring, best management  
5 practices, or adaptive management conditions necessary to assure  
6 protection of water quality.

7        C. The Department shall include the aluminum criteria in each  
8 triennial review of Oklahoma Water Quality Standards required under  
9 Section 303(c) of the Clean Water Act. The Department shall revise  
10 such criteria as needed to reflect new science, updated EPA  
11 recommendations, or site-specific data, and shall submit any  
12 revisions to the U.S. Environmental Protection Agency for approval.

13        SECTION 2. This act shall become effective November 1, 2026.

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15        60-2-16992        JBH        03/04/26

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