

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2976

7 By: Gise

8 POLICY COMMITTEE RECOMMENDATION

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

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

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

24 A. By December 31, 2028, the Department of Environmental  
Quality shall promulgate rules that establish numeric water quality

1 criteria for aluminum applicable to surface waters of the State of  
2 Oklahoma. The criteria shall:

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

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

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

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

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

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

23 2. Establish water-quality-based effluent limits where needed  
24 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        60-2-16355        JL        02/12/26

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