

# An Act

ENROLLED HOUSE  
BILL NO. 1485

By: Watson of the House

and

Griffin of the Senate

An Act relating to water quality; amending 27A O.S. 2011, Section 2-6-101, which relates to definitions; adding definitions; amending 27A O.S. 2011, Section 2-6-401, which relates to wastewater permits; modifying prohibitions against construction work in certain circumstances; requiring certain written permit to construct in certain circumstances; authorizing Department of Environmental Quality to issue permits for certain pilot projects; requiring applications for pilot projects to comply with certain law; authorizing Department to establish procedures for pilot projects; specifying requirements for permit; providing for codification; and declaring an emergency.

SUBJECT: Water quality

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

SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-6-101, is amended to read as follows:

Section 2-6-101. For purposes of this article:

1. "Aquifer storage and recovery (ASR)" means delivery of water into an aquifer for later recovery and use;

2. "Disposal system" means pipelines or conduits, pumping stations and force mains and all other devices, construction,

appurtenances and facilities used for collecting, conducting or disposing of wastewater, including treatment systems;

~~2.~~ 3. "Drainage basin" means all of the water collection area adjacent to the highest water line of a reservoir which may be considered by the Department to be necessary to protect adequately the waters of the reservoir. The area may extend upstream on any watercourse to any point within six hundred (600) feet of the highest water line of the reservoir;

~~3.~~ 4. "Indirect discharge" means the introduction of pollutants to a publicly owned treatment works from a nondomestic source;

~~4.~~ 5. "Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agribusiness waste discharged into waters of the state;

~~5.~~ 6. "Public water supply" means water supplied to the public for domestic or drinking purposes;

~~6.~~ 7. "Reservoir" means any reservoir, whether completed or in the process of construction, whether or not used as a water supply, and whether or not constructed by any recipient of water therefrom;

~~7.~~ 8. "Sludge" means nonhazardous solid, semi-solid, or liquid residue generated by the treatment of domestic sewage or wastewater by a treatment works, or water by a water supply system, or manure, or such residue, treated or untreated, which results from industrial, nonindustrial, commercial, or agribusiness activities or industrial or manufacturing processes and which is within the jurisdiction of the Department;

~~8.~~ 9. "Small public sewage system" means a nonindustrial wastewater treatment system which has an average flow of five thousand (5,000) gallons per day or less;

~~9.~~ 10. "Treatment works" means any facility used for the purpose of treating or stabilizing wastes or wastewater. "Treatment works" shall be synonymous with "wastewater works"; and

~~10.~~ 11. "Water supply system" means a water treatment plant, water wells, and all related pipelines or conduits, pumping stations

and mains and all other appurtenances and devices used for distributing drinking water to the public and, as such, shall be synonymous with waterworks.

SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-6-401, is amended to read as follows:

Section 2-6-401. A. No person shall ~~construct or let a contract for~~ begin any construction work of any nature for a municipal treatment works, nonindustrial wastewater treatment system, sanitary sewer system or other sewage treatment works, or for any extension thereof, or make any change in the manner of nonindustrial wastewater treatment or make any change in the treatment, storage, use or disposal of sewage sludge without a written permit to construct issued by the Executive Director of the Department of Environmental Quality. Such permit may only be issued to a public entity unless all components of the proposed system, including the service lines, are or will be located on property that is owned by the owner of the system or dedicated to the owner of the system in a recorded easement for the installation and operation of the system.

The requirements of subsections B, C and D of this section shall not apply to individual and small public sewage treatment systems that are constructed or modified in accordance with the requirements of Section 2-6-403 of this title.

B. An application for such permit shall include but not be limited to:

1. An engineering report, prepared by a professional engineer registered in the State of Oklahoma, which includes a complete description of the existing and proposed system or treatment works and the wastewater outfall, if any, and any other data or information required by the Department;

2. A legal description of the site where the treatment works or the wastewater treatment system is or is proposed to be located; and

3. A legal description of the site where any discharge point is or is proposed to be located.

C. Upon the Department's approval of the engineering report, the applicant shall submit plans and specifications for the proposed system or the proposed extension or change of an existing system to

the Department for review. Such plans and specifications shall be prepared by a professional engineer registered in the State of Oklahoma.

D. Any facility within the jurisdiction of the Department and required to obtain a permit by subsection A of this section may elect to utilize an innovative treatment technique in accordance with this subsection. An innovative treatment technique is a treatment technique not currently recognized by the Department nor found in the regulations governing construction of such facilities. Upon compliance with the requirements of this subsection the requirements in subsection A will not apply. A facility that elects to utilize an innovative treatment technique shall first submit the following documentation to the Department:

1. An engineering report, prepared by a professional engineer registered in the State of Oklahoma, which includes a complete description of the proposed innovative treatment technique;

2. A certification from a professional engineer registered in the State of Oklahoma that the innovative treatment technique will allow the facility to meet applicable federal and state discharge and land application requirements; and

3. A statement from the owner of the facility that should the facility subsequently fail to meet any federal or state discharge or land application requirement that the owner of the facility will immediately take all necessary action to install a recognized treatment technique.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-6-110 of Title 27A, unless there is created a duplication in numbering, reads as follows:

The Department of Environmental Quality is authorized to issue permits for limited-scale pilot projects for the purpose of aquifer storage and recovery. The applications for such projects shall be Tier II applications under the Oklahoma Uniform Environmental Permitting Act. The Department shall determine pilot project criteria and establish a process for the consideration of applications. Each permit shall include any permit conditions the Department deems necessary or appropriate for protection of the aquifer quality. At a minimum these permits must meet the provisions of paragraph 21 of subsection B of Section 1-3-101 of Title 27A of the Oklahoma Statutes.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 16th day of May, 2017.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 27th day of April, 2017.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_