

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2476

By: McCall

7 COMMITTEE SUBSTITUTE

8 An Act relating to environment and natural resources;  
9 amending 27A O.S. 2011, Section 2-6-501, which  
10 relates to the Oklahoma Environmental Quality Code;  
11 providing exemption to certain rules of the  
Department of Environmental Quality; providing  
requirements for certain facilities; and providing an  
effective date.

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

16 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-6-501, is  
17 amended to read as follows:

18 Section 2-6-501. A. It shall be unlawful for any person to  
19 carry on any of the following activities with regard to wastewater  
20 or sludge without first securing a water quality permit from the  
21 Department of Environmental Quality unless such activity is approved  
22 in a permit issued by the Executive Director under Part 2, Article  
23 VI, Chapter 2 of this Code:  
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1           1. The construction, installation, operation and closure of any  
2 industrial surface impoundment, industrial septic tank or treatment  
3 system, or the use of any existing unpermitted surface impoundment,  
4 septic tank or treatment system that is within the jurisdiction of  
5 the Department and which is proposed to be used for the containment  
6 or treatment of industrial wastewater or sludge;

7           2. The construction, installation or operation of any  
8 industrial or commercial facility subject to the permitting  
9 authority of the Department, the operation of which would cause an  
10 increase in the discharge of waste into the waters of the state or  
11 would otherwise alter the physical, chemical or biological  
12 properties of any waters of the state in any manner not already  
13 lawfully authorized;

14           3. The construction or use of any new outfall for the discharge  
15 of any waste or pollutants into the waters of the state; or

16           4. The land application of any nonindustrial or industrial  
17 wastewater and the land application of sludge.

18           B. Any major addition, extension, operational change or other  
19 change proposed for a facility permitted pursuant to subsection A of  
20 this section shall require the approval of the Department through  
21 the major modification of the facility's permit prior to  
22 construction or implementation of such addition, extension or  
23 change.

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1 C. A permit for activities specified in paragraph A of this  
2 section shall be issued by the Executive Director for no more than  
3 five (5) years and may be renewed pursuant to rules of the  
4 Environmental Quality Board.

5 D. The discharge of domestic sewage except to a public or  
6 private disposal system approved or authorized by the Department or  
7 the surfacing of effluent from any domestic septic system shall be  
8 deemed pollution for purposes of the provisions of Section 2-6-105  
9 of this title.

10 E. The Board may promulgate rules for the implementation of the  
11 of this part, including but not limited to the submission of  
12 applications, plans, specifications and other necessary information,  
13 and requirements for monitoring, reporting, operation and  
14 maintenance, corrective action, construction and closure. Such  
15 rules may incorporate by reference any applicable federal  
16 regulations.

17 F. Except for closure standards, industrial wastewater system  
18 rules of the Department of Environmental Quality shall not apply to  
19 facilities governed by the Oklahoma Funeral Board.

20 1. Such facilities shall:

21 a. report to the Department of Environmental Quality any  
22 spill, leak or other release of industrial wastewater  
23 from the facility by telephone within twenty-four (24)  
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1 hours of the spill, leak or release in writing within  
2 seven days of the spill, leak or release,

3 b. take immediate action to contain and remediate the  
4 spill, leak or release to prevent risk to human health  
5 or the environment, including surface water or  
6 groundwater, and

7 c. notify adjacent landowners of the spill, leak or  
8 release as soon as reasonably possible;

9 2. Nothing in this subsection shall be construed to relieve  
10 such facilities from any requirements of federal law; and

11 3. Failure of such a facility to comply with the requirements  
12 of paragraph 1 of this subsection shall cause the spill, leak or  
13 release to be deemed a public nuisance within the meaning of Section  
14 2-6-105 of this title.

15 SECTION 2. This act shall become effective November 1, 2019.

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17 57-1-8367 MB 02/28/19  
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