

1 ENGROSSED HOUSE
2 BILL NO. 2476

By: McCall of the House

3 and

4 Hall of the Senate

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

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

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

17 Section 2-6-501. A. It shall be unlawful for any person to
18 carry on any of the following activities with regard to wastewater
19 or sludge without first securing a water quality permit from the
20 Department of Environmental Quality unless such activity is approved
21 in a permit issued by the Executive Director under Part 2, Article
22 VI, Chapter 2 of this Code:

23 1. The construction, installation, operation and closure of any
24 industrial surface impoundment, industrial septic tank or treatment
system, or the use of any existing unpermitted surface impoundment,

1 septic tank or treatment system that is within the jurisdiction of
2 the Department and which is proposed to be used for the containment
3 or treatment of industrial wastewater or sludge;

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

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

13 4. The land application of any nonindustrial or industrial
14 wastewater and the land application of sludge.

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

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

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

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

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

16 1. Such facilities shall:

17 a. report to the Department of Environmental Quality any
18 spill, leak or other release of industrial wastewater
19 from the facility by telephone within twenty-four (24)
20 hours of the spill, leak or release in writing within
21 seven (7) days of the spill, leak or release,

22 b. take immediate action to contain and remediate the
23 spill, leak or release to prevent risk to human health
24

1 or the environment, including surface water or
2 groundwater, and

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

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

7 3. Failure of such a facility to comply with the requirements
8 of paragraph 1 of this subsection shall cause the spill, leak or
9 release to be deemed a public nuisance within the meaning of Section
10 2-6-105 of this title.

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

12 Passed the House of Representatives the 11th day of March, 2019.

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15 Presiding Officer of the House
16 of Representatives

17 Passed the Senate the ____ day of _____, 2019.

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20 Presiding Officer of the Senate
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