

An Act

ENROLLED HOUSE
BILL NO. 2476

By: McCall of the House

and

Hall of the Senate

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

SUBJECT: Oklahoma Environmental Quality Code

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

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

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

1. The construction, installation, operation and closure of any industrial surface impoundment, industrial septic tank or treatment system, or the use of any existing unpermitted surface impoundment, septic tank or treatment system that is within the jurisdiction of the Department and which is proposed to be used for the containment or treatment of industrial wastewater or sludge;

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

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

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

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

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

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

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

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

1. Such facilities shall:

- a. report to the Department of Environmental Quality any spill, leak or other release of industrial wastewater from the facility by telephone within twenty-four (24) hours of the spill, leak or release in writing within seven (7) days of the spill, leak or release,
- b. take immediate action to contain and remediate the spill, leak or release to prevent risk to human health or the environment, including surface water or groundwater, and
- c. notify adjacent landowners of the spill, leak or release as soon as reasonably possible;

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

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

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

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

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of April, 2019.

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: _____