

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 446

By: Daniels

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5
6 AS INTRODUCED

7 An Act relating to water quality; amending 27A O.S.
8 2011, Section 2-6-103, which relates to powers and
9 duties of the Department of Environmental Quality;
10 modifying rules to instruct the Environmental Quality
11 Board not to exceed certain federal law; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-6-103, is
15 amended to read as follows:

16 Section 2-6-103. A. The Department of Environmental Quality
17 shall have and is hereby authorized to exercise the power and duty
18 to:

19 1. Develop comprehensive programs for the prevention, control
20 and abatement of new or existing pollution of the waters of this
21 state;

22 2. Encourage, participate in, or conduct studies,
23 investigations, research and demonstrations relating to water
24 pollution and causes, prevention, control and abatement thereof as
it may deem advisable and necessary in the public interest for the

1 discharge of its duties under ~~this act~~ Section 2-6-101 et seq. of
2 this title;

3 3. Collect and disseminate information relating to water
4 pollution and the prevention, control and abatement thereof;

5 4. Require the submission of and review plans, specifications
6 and other data relative to disposal or treatment systems or any part
7 thereof in connection with the issuance of such permits as are
8 required by ~~this article~~ Article 6 of this title;

9 5. Enforce the provisions of ~~this article~~ Article 6 of this
10 title, rules promulgated thereunder, and permits, licenses, and
11 certifications issued pursuant thereto and Oklahoma Water Quality
12 Standards;

13 6. Establish, implement, amend and enforce the Water Quality
14 Management Plan, the continuing planning process documents, and
15 total maximum daily loads;

16 7. Require the submission of reports or laboratory analyses
17 performed by certified laboratories or operators for purposes of
18 compliance monitoring and testing or other purposes for which
19 laboratory reports or analyses are required pursuant to this
20 article;

21 8. Coordinate the preparation of the continuing planning
22 process documents and total maximum daily loads with other
23 environmental agencies and natural resource agencies; and
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1 9. Issue swimming and fishing advisories related to human and
2 animal health hazards for waters of the state, based on available
3 data.

4 B. 1. The Environmental Quality Board shall have the authority
5 to promulgate such rules as may be necessary to implement the
6 policies and duties set forth in this article including, but not
7 limited to, rules pertaining to services, permits, licenses and
8 certifications, including certifications under Section 401 of the
9 Clean Water Act, and, pursuant to Section 2-3-402 of this title, fee
10 schedules for such services, permits, licenses and certifications.

11 2. The Board may adopt by reference standards of quality of the
12 waters of the state and classifications of such waters as are
13 lawfully established by the Oklahoma Water Resources Board and the
14 United States Environmental Protection Agency as Oklahoma's Water
15 Quality Standards and promulgate other rules to protect, maintain
16 and improve the best uses of waters in this state in the interest of
17 the public under such conditions as may be necessary or appropriate
18 for the prevention, control and abatement of pollution.

19 Notwithstanding any other provision of law, rules promulgated by
20 the Environmental Quality Board and any activity conducted by the
21 Department of Environmental Quality thereunder pursuant to Article 6
22 of this title as they relate to wastewater, shall comply with but
23 not exceed the requirements of the Clean Water Act and regulations
24 adopted under that act.

1 3. The Board shall promulgate rules which describe procedures
2 for amending and updating the Water Quality Management Plan or which
3 are otherwise consistent with the Continuing Planning Process and
4 its components. Such rules shall:

5 a. be in substantial conformance with any applicable
6 federal requirements and may incorporate appropriate
7 U.S. Environmental Protection Agency regulations by
8 reference, and

9 b. require public notice to be given of any major
10 amendment and of any update of the Water Quality
11 Management Plan and allow not less than a forty-five-
12 day opportunity for public comment thereon. Such
13 rules shall also authorize the Department, if it
14 determines public interest in the proposed amendment
15 or update is significant, to give notice of and
16 conduct a public meeting on the proposals in
17 accordance with federal requirements. The rules shall
18 provide that the notice, comment period, and public
19 meeting if any, related to an amendment or update
20 proposed in conjunction with the issuance,
21 modification or renewal of a discharge permit or
22 permits, may be combined with the notice, comment
23 period, and public meeting if any, held on the
24 proposed permit action or actions.

1 C. The Executive Director may:

2 1. Issue, modify, or revoke orders:

3 a. prohibiting or abating pollution of the waters of the
4 state,

5 b. requiring the construction of new disposal or
6 treatment systems or any parts thereof or the
7 modification, extension or alteration of existing
8 disposal or treatment systems or any part thereof, or
9 the adoption of other remedial measures to prevent,
10 control or abate pollution, and

11 c. requiring other actions such as the Executive Director
12 may deem necessary to enforce the provisions of this
13 article and rules promulgated thereunder;

14 2. Issue, continue in effect, revoke, amend, modify or deny,
15 renew, or refuse to renew under such conditions as the Department
16 may prescribe, permits, licenses and certifications, including
17 certifications under Section 401 of the Clean Water Act, to prevent,
18 control or abate pollution of waters of the state; and

19 3. Exercise all incidental powers which are necessary and
20 proper to carry out the purposes of this article.

21 SECTION 2. This act shall become effective November 1, 2017.

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