

1 STATE OF OKLAHOMA

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

3 SENATE BILL 448

By: Daniels

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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 Department; modifying rules to instruct  
Board not to exceed certain federal law; and  
providing an effective date.

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

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

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

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

21 2. Encourage, participate in, or conduct studies,  
22 investigations, research and demonstrations relating to water  
23 pollution and causes, prevention, control and abatement thereof as  
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1 it may deem advisable and necessary in the public interest for the  
2 discharge of its duties under this act;

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;

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

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

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

20 8. Coordinate the preparation of the continuing planning  
21 process documents and total maximum daily loads with other  
22 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 3. Notwithstanding any other provision of law, rules  
20 promulgated by the Environmental Quality Board and any activity  
21 conducted by the Department of Environmental Quality thereunder  
22 pursuant to Article 6 of this title as they relate to any public  
23 water supply, shall comply with but not exceed the requirements of  
24 the Clean Water Act and regulations adopted under that act.

1        4. 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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