

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2476

By: McCall of the House

and

Hall of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

21 Section 2-6-501. A. It shall be unlawful for any person to
22 carry on any of the following activities with regard to wastewater
23 or sludge without first securing a water quality permit from the
24 Department of Environmental Quality unless such activity is approved

1 in a permit issued by the Executive Director under Part 2, Article
2 VI, Chapter 2 of this Code:

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

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

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

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

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

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

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

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

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

22 1. Such facilities shall:

23 a. report to the Department of Environmental Quality any
24 spill, leak or other release of industrial wastewater

1 from the facility by telephone within twenty-four (24)
2 hours of the spill, leak or release in writing within
3 seven days of the spill, leak or release,

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

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

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

12 3. Failure of such a facility to comply with the requirements
13 of paragraph 1 of this subsection shall cause the spill, leak or
14 release to be deemed a public nuisance within the meaning of Section
15 2-6-105 of this title.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
19 03/04/2019 - DO PASS, As Amended and Coauthored.
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