

1 **SENATE FLOOR VERSION**

2 April 6, 2023

3 ENGROSSED HOUSE
4 BILL NO. 1982

By: Boles and Newton of the
House

5 and

6 Paxton of the Senate

7
8
9 An Act relating to water quality standards; amending
10 27A O.S. 2021, Section 1-1-202, as amended by Section
11 3, Chapter 185, O.S.L. 2022 (27A O.S. Supp. 2022,
12 Section 1-1-202), which relates to state
13 environmental agencies; modifying entity to receive
14 certain written comment; amending 27A O.S. 2021,
15 Section 1-3-101, as amended by Section 4, Chapter
16 185, O.S.L. 2022 (27A O.S. Supp. 2022, Section 1-3-
17 101), which relates to state environmental agencies;
18 modifying certain responsibilities; amending 82 O.S.
19 2021, Section 1085.2, as amended by Section 3,
20 Chapter 113, O.S.L. 2022 (82 O.S. Supp. 2022, Section
21 1085.2), which relates to authority of the Oklahoma
22 Water Resources Board; modifying certain authority of
23 the Board; providing for recodification; and
24 providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2021, Section 1-1-202, as
amended by Section 3, Chapter 185, O.S.L. 2022 (27A O.S. Supp. 2022,
Section 1-1-202), is amended to read as follows:

Section 1-1-202. A. Each state environmental agency shall:

- 1 1. Be responsible for fully implementing and enforcing the laws
2 and rules within its jurisdictional areas of environmental
3 responsibility;
- 4 2. Utilize and enforce the Oklahoma Water Quality Standards
5 established by the Department of Environmental Quality;
- 6 3. Seek to strengthen relationships between state, regional,
7 local and federal environmental planning, development and management
8 programs;
- 9 4. Specifically facilitate cooperation across jurisdictional
10 lines of authority with other state environmental agencies regarding
11 programs to resolve environmental concerns;
- 12 5. Cooperate with all state environmental agencies, other state
13 agencies and local or federal governmental entities to protect,
14 foster, and promote the general welfare, and the environment and
15 natural resources of this state;
- 16 6. Have the authority to engage in environmental and natural
17 resource information dissemination and education activities within
18 their respective areas of environmental jurisdiction; and
- 19 7. Participate in every hearing conducted by the Department of
20 Environmental Quality for the consideration, adoption or amendment
21 of the classification of waters of the state and standards of purity
22 and quality thereof, and shall have the opportunity to present
23 written comment to the members of the ~~Department of Environmental~~
24

1 Quality Board at the same time staff recommendations are submitted
2 to those members for Board review and consideration.

3 B. 1. In addition to the requirements of subsection A of this
4 section, each state environmental agency shall have promulgated by
5 July 1, 2001, a Water Quality Standards Implementation Plan for its
6 jurisdictional areas of environmental responsibility in compliance
7 with the Administrative Procedures Act and pursuant to the
8 provisions of this section. Each agency shall review its plan at
9 least every three (3) years thereafter to determine whether
10 revisions to the plan are necessary.

11 2. Upon the request of any state environmental agency, the
12 Department of Environmental Quality shall provide consulting
13 assistance to such agency in developing a Water Quality Standards
14 Implementation Plan as required by this subsection.

15 3. Each Water Quality Standards Implementation Plan shall:

16 a. describe, generally, the processes, procedures and
17 methodologies the state environmental agency will
18 utilize to ensure that programs within its
19 jurisdictional areas of environmental responsibility
20 will comply with anti-degradation standards and lead
21 to:

22 (1) maintenance of water quality where beneficial
23 uses are supported,
24

1 (2) removal of threats to water quality where
2 beneficial uses are in danger of not being
3 supported, and

4 (3) restoration of water quality where beneficial
5 uses are not being supported,

6 b. include the procedures to be utilized in the
7 application of use support assessment protocols to
8 make impairment determinations,

9 c. list and describe programs affecting water quality,

10 d. include technical information and procedures to be
11 utilized in implementing the Water Quality Standards
12 Implementation Plan,

13 e. describe the method by which the Water Quality
14 Standards Implementation Plan will be integrated into
15 the water quality management activities within the
16 jurisdictional areas of environmental responsibility
17 of the state environmental agency,

18 f. detail the manner in which the agency will comply with
19 mandated statewide requirements affecting water
20 quality developed by other state environmental
21 agencies including, but not limited to, total maximum
22 daily load development, water discharge permit
23 activities and nonpoint source pollution prevention
24 programs,

1 g. include a brief summary of the written comments and
2 testimony received pursuant to all public meetings
3 held or sponsored by the state environmental agency
4 for the purpose of providing the public and other
5 state environmental agencies an opportunity to comment
6 on the plan, and

7 h. describe objective methods and means to evaluate the
8 effectiveness of activities conducted pursuant to the
9 Water Quality Standards Implementation Plan to achieve
10 Oklahoma Water Quality Standards.

11 C. 1. Each state environmental agency with groundwater
12 protection authority pursuant to Article III of the Oklahoma
13 Environmental Quality Act shall be the groundwater protection agency
14 for activities within its jurisdictional areas of environmental
15 responsibility.

16 2. The Department of Environmental Quality shall cooperate with
17 other state environmental agencies, as appropriate and necessary, in
18 the protection of such unassigned activities.

19 3. Groundwater regulatory agencies shall develop groundwater
20 protection practices to prevent groundwater contamination from
21 activities within their respective jurisdictional areas of
22 environmental responsibility.

23 4. Each groundwater protection agency shall promulgate such
24 rules, and issue such permits, policies, directives or any other

1 appropriate requirements, as necessary, to implement the
2 requirements of this subsection.

3 5. Groundwater protection agencies shall take such action as
4 may be necessary to assure that activities within their respective
5 jurisdictional areas of environmental responsibility protect
6 groundwater quality to support the uses of the state's water
7 quality.

8 6. In addition, each groundwater protection agency with
9 enforcement authority is hereby authorized to:

- 10 a. engage the voluntary cooperation of all persons in the
11 maintenance and protection of groundwater, and to
12 advise, consult and cooperate with all persons, all
13 agencies of the state, universities and colleges, the
14 federal government or other states, and with
15 interstate agencies in the furtherance of the purposes
16 of this subsection, and to this end and for the
17 purposes of studies, scientific or other
18 investigations, research, experiments and
19 demonstrations pertaining thereto, receive and spend
20 funds as appropriated by the Legislature, and from
21 such agencies and other officers and persons on behalf
22 of the state,
- 23 b. encourage the formulation and execution of plans to
24 maintain and protect groundwater by cooperative groups

1 or associations of municipal corporations, industries,
2 industrial users and other users of groundwaters of
3 the state, who, jointly or severally, are or may be
4 impacting on the maintenance and protection of
5 groundwater,

6 c. encourage, participate in or conduct or cause to be
7 conducted studies, scientific or other investigations,
8 research, experiments and demonstrations relating to
9 the maintenance and protection of groundwater, and to
10 collect data with respect thereto, all as may be
11 deemed advisable and necessary to carry out the
12 purposes of this subsection, and to make reports and
13 recommendations with respect thereto,

14 d. conduct groundwater sampling, data collection,
15 analyses and evaluations with sufficient frequency to
16 ascertain the characteristics and quality of
17 groundwater and the sufficiency of the groundwater
18 protection programs established pursuant to this
19 subsection, and

20 e. develop a public education and promotion program to
21 aid and assist in publicizing the need of, and
22 securing support for, the maintenance and protection
23 of groundwater.

1 D. Each state environmental agency and each state agency with
2 limited environmental responsibilities shall participate in the
3 information management system developed by the Department of
4 Environmental Quality, pursuant to Section 1-4-107 of this title,
5 with such information as the Department shall reasonably request.

6 E. In each even-numbered year, in cooperation with other state
7 environmental agencies participating in the monitoring of water
8 resources, the Department of Environmental Quality shall provide a
9 report on the status of water quality monitoring to the Legislature
10 for review.

11 SECTION 2. AMENDATORY 27A O.S. 2021, Section 1-3-101, as
12 amended by Section 4, Chapter 185, O.S.L. 2022 (27A O.S. Supp. 2022,
13 Section 1-3-101), is amended to read as follows:

14 Section 1-3-101. A. The provisions of this section specify the
15 jurisdictional areas of responsibility for each state environmental
16 agency and state agencies with limited environmental responsibility.
17 The jurisdictional areas of environmental responsibility specified
18 in this section shall be in addition to those otherwise provided by
19 law and assigned to the specific state environmental agency;
20 provided that any rule, interagency agreement or executive order
21 enacted or entered into prior to the effective date of this section
22 which conflicts with the assignment of jurisdictional environmental
23 responsibilities specified by this section is hereby superseded.
24 The provisions of this subsection shall not nullify any financial

1 obligation arising from services rendered pursuant to any
2 interagency agreement or executive order entered into prior to July
3 1, 1993, nor nullify any obligations or agreements with private
4 persons or parties entered into with any state environmental agency
5 before July 1, 1993.

6 B. Department of Environmental Quality. The Department of
7 Environmental Quality shall have the following jurisdictional areas
8 of environmental responsibility:

9 1. All point source discharges of pollutants and storm water to
10 waters of the state which originate from municipal, industrial,
11 commercial, mining, transportation and utilities, construction,
12 trade, real estate and finance, services, public administration,
13 manufacturing and other sources, facilities and activities, except
14 as provided in subsections D and E of this section;

15 2. All nonpoint source discharges and pollution except as
16 provided in subsections D, E and F of this section;

17 3. Technical lead agency for point source, nonpoint source and
18 storm water pollution control programs funded under Section 106 of
19 the federal Clean Water Act, for areas within the Department's
20 jurisdiction as provided in this subsection;

21 4. Surface water and groundwater quality and protection and
22 water quality certifications;

23 5. Waterworks and wastewater works operator certification;

24 6. Public and private water supplies;

1 7. Underground injection control pursuant to the federal Safe
2 Drinking Water Act and 40 CFR Parts 144 through 148, except for:

- 3 a. Class II injection wells,
- 4 b. Class V injection wells utilized in the remediation of
5 groundwater associated with underground or aboveground
6 storage tanks regulated by the Corporation Commission,
- 7 c. those wells used for the recovery, injection or
8 disposal of mineral brines as defined in the Oklahoma
9 Brine Development Act regulated by the Commission, and
- 10 d. any aspect of any CO₂ sequestration facility including
11 any associated CO₂ injection well, over which the
12 Commission is given jurisdiction pursuant to the
13 Oklahoma Carbon Capture and Geologic Sequestration
14 Act;

15 8. Notwithstanding any other provision in this section or other
16 environmental jurisdiction statute, sole and exclusive jurisdiction
17 for air quality under the federal Clean Air Act and applicable state
18 law, except for indoor air quality and asbestos as regulated for
19 worker safety by the federal Occupational Safety and Health Act and
20 by Chapter 11 of Title 40 of the Oklahoma Statutes;

21 9. Hazardous waste and solid waste including industrial,
22 commercial and municipal waste;

23 10. Superfund responsibilities of the state under the
24 Comprehensive Environmental Response, Compensation and Liability Act

1 of 1980 and amendments thereto, except the planning requirements of
2 Title III of the Superfund Amendment and Reauthorization Act of
3 1986;

4 11. Radioactive waste and all regulatory activities for the use
5 of atomic energy and sources of radiation except for electronic
6 products used for diagnosis by diagnostic X-ray facilities and
7 electronic products used for bomb detection by public safety bomb
8 squads within law enforcement agencies of this state or within law
9 enforcement agencies of any political subdivision of this state;

10 12. Water, waste, and wastewater treatment systems including,
11 but not limited to, septic tanks or other public or private waste
12 disposal systems;

13 13. Emergency response as specified by law;

14 14. Environmental laboratory services and laboratory
15 certification;

16 15. Hazardous substances other than branding, package and
17 labeling requirements;

18 16. Freshwater wellhead protection;

19 17. Groundwater protection for activities subject to the
20 jurisdictional areas of environmental responsibility of the
21 Department;

22 18. Utilization and enforcement of Oklahoma Water Quality
23 Standards and implementation documents;

24

1 19. Environmental regulation of any entity or activity, and the
2 prevention, control and abatement of any pollution, not subject to
3 the specific statutory authority of another state environmental
4 agency;

5 20. Development and maintenance of a computerized information
6 system relating to water quality pursuant to Section 1-4-107 of this
7 title;

8 21. Development and promulgation of Oklahoma Water Quality
9 Standards, their accompanying use support assessment protocols,
10 anti-degradation policies generally affecting Oklahoma Water Quality
11 Standards application and implementation including but not limited
12 to mixing zones, low flows and variances or any modification or
13 change thereof pursuant to Section 1085.30 of Title 82 of the
14 Oklahoma Statutes, and the Implementation Plan pursuant to Section
15 1-1-202 of this title for its jurisdictional area of environmental
16 responsibility; and

17 22. Development and utilization of policies and requirements
18 necessary for the implementation of Oklahoma Groundwater Quality
19 Standards to the extent that the implementation of such standards
20 ~~are~~ is within the scope of the Department's jurisdiction including
21 but not limited to the establishment of points of compliance when
22 warranted.

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1 C. Oklahoma Water Resources Board. The Oklahoma Water
2 Resources Board shall have the following jurisdictional areas of
3 environmental responsibility:

4 1. Water quantity including, but not limited to, water rights,
5 surface water and underground water, planning, and interstate stream
6 compacts;

7 2. Weather modification;

8 3. Dam safety;

9 4. Flood plain management;

10 5. State water/wastewater loans and grants revolving fund and
11 other related financial aid programs;

12 6. Administration of the federal Clean Water State Revolving
13 Fund Program including, but not limited to, making application for
14 and receiving capitalization grant awards, wastewater prioritization
15 for funding, technical project reviews, environmental review
16 process, and financial review and administration;

17 7. Water well drillers/pump installers licensing;

18 8. Technical lead agency for clean lakes eligible for funding
19 under Section 314 of the federal Clean Water Act or other applicable
20 sections of the federal Clean Water Act or other subsequent state
21 and federal clean lakes programs; administration of a state program
22 for assessing, monitoring, studying and restoring Oklahoma lakes
23 with administration to include, but not be limited to, receipt and
24 expenditure of funds from federal, state and private sources for

1 clean lakes and implementation of a volunteer monitoring program to
2 assess and monitor state water resources, provided such funds from
3 federal Clean Water Act sources are administered and disbursed by
4 the Office of the Secretary of Environment;

5 9. Groundwater protection for activities subject to the
6 jurisdictional areas of environmental responsibility of the Board;

7 10. Development and promulgation of a Water Quality Standards
8 Implementation Plan pursuant to Section 1-1-202 of this title for
9 its jurisdictional area of environmental responsibility;

10 11. Development of classifications and identification of
11 permitted uses of groundwater, in recognized water rights, and
12 associated groundwater recharge areas;

13 12. Establishment and implementation of a statewide beneficial
14 use monitoring program for waters of the state in coordination with
15 the other state environmental agencies; and

16 13. Coordination with other state environmental agencies and
17 other public entities of water resource investigations conducted by
18 the federal United States Geological Survey for water quality and
19 quantity monitoring in the state; ~~and~~

20 ~~14. Development and submission of a report concerning the~~
21 ~~status of water quality monitoring in this state pursuant to Section~~
22 ~~1-1-202 of this title.~~

23 D. Oklahoma Department of Agriculture, Food, and Forestry.

24

1 1. The Oklahoma Department of Agriculture, Food, and Forestry
2 shall have the following jurisdictional areas of environmental
3 responsibility except as provided in paragraph 2 of this subsection:

- 4 a. point source discharges and nonpoint source runoff
5 from agricultural crop production, agricultural
6 services, livestock production, silviculture, feed
7 yards, livestock markets and animal waste,
- 8 b. pesticide control,
- 9 c. forestry and nurseries,
- 10 d. fertilizer,
- 11 e. facilities which store grain, feed, seed, fertilizer
12 and agricultural chemicals,
- 13 f. dairy waste and wastewater associated with milk
14 production facilities,
- 15 g. groundwater protection for activities subject to the
16 jurisdictional areas of environmental responsibility
17 of the Department,
- 18 h. utilization and enforcement of Oklahoma Water Quality
19 Standards and implementation documents,
- 20 i. development and promulgation of a Water Quality
21 Standards Implementation Plan pursuant to Section 1-1-
22 202 of this title for its jurisdictional areas of
23 environmental responsibility, and

1 j. storm water discharges for activities subject to the
2 jurisdictional areas of environmental responsibility
3 of the Department.

4 2. In addition to the jurisdictional areas of environmental
5 responsibility specified in subsection B of this section, the
6 Department of Environmental Quality shall have environmental
7 jurisdiction over:

8 a. (1) commercial manufacturers of fertilizers, grain
9 and feed products, and chemicals, and over
10 manufacturing of food and kindred products,
11 tobacco, paper, lumber, wood, textile mill and
12 other agricultural products,

13 (2) slaughterhouses, but not including feedlots at
14 these facilities, and

15 (3) aquaculture and fish hatcheries
16 including, but not limited to, discharges of
17 pollutants and storm water to waters of the state,
18 surface impoundments and land application of wastes
19 and sludge, and other pollution originating at these
20 facilities, and

21 b. facilities which store grain, feed, seed, fertilizer,
22 and agricultural chemicals that are required by
23 federal NPDES regulations to obtain a permit for storm
24 water discharges shall only be subject to the

1 jurisdiction of the Department of Environmental
2 Quality with respect to such storm water discharges.

3 E. Corporation Commission.

4 1. The Corporation Commission is hereby vested with exclusive
5 jurisdiction, power and authority, and it shall be its duty to
6 promulgate and enforce rules, and issue and enforce orders governing
7 and regulating:

- 8 a. the conservation of oil and gas,
- 9 b. field operations for geologic and geophysical
10 exploration for oil, gas and brine including seismic
11 survey wells, stratigraphic test wells and core test
12 wells,
- 13 c. the exploration, drilling, development, producing or
14 processing for oil and gas on the lease site,
- 15 d. the exploration, drilling, development, production and
16 operation of wells used in connection with the
17 recovery, injection or disposal of mineral brines,
- 18 e. reclaiming facilities only for the processing of salt
19 water, crude oil, natural gas condensate and tank
20 bottoms or basic sediment from crude oil tanks,
21 pipelines, pits and equipment associated with the
22 exploration, drilling, development, producing or
23 transportation of oil or gas,

1 f. underground injection control pursuant to the federal
2 Safe Drinking Water Act and 40 CFR Parts 144 through
3 148 of:

4 (1) Class II injection wells,

5 (2) Class V injection wells utilized in the
6 remediation of groundwater associated with
7 underground or aboveground storage tanks
8 regulated by the Commission,

9 (3) those wells used for the recovery, injection or
10 disposal of mineral brines as defined in the
11 Oklahoma Brine Development Act, and

12 (4) any aspect of any CO₂ sequestration facility
13 including any associated CO₂ injection well, over
14 which the Commission is given jurisdiction
15 pursuant to the Oklahoma Carbon Capture and
16 Geologic Sequestration Act.

17 Any substance that the United States Environmental
18 Protection Agency allows to be injected into a Class
19 II well may continue to be so injected,

20 g. tank farms for storage of crude oil and petroleum
21 products which are located outside the boundaries of
22 refineries, petrochemical manufacturing plants,
23 natural gas liquid extraction plants, or other
24 facilities which are subject to the jurisdiction of

1 the Department of Environmental Quality with regard to
2 point source discharges,

3 h. the construction and operation of pipelines and
4 associated rights-of-way, equipment, facilities or
5 buildings used in the transportation of oil, gas,
6 petroleum, petroleum products, anhydrous ammonia or
7 mineral brine, or in the treatment of oil, gas or
8 mineral brine during the course of transportation but
9 not including line pipes in any:

10 (1) natural gas liquids extraction plant,

11 (2) refinery,

12 (3) reclaiming facility other than for those
13 specified within subparagraph e of this
14 subsection,

15 (4) mineral brine processing plant, and

16 (5) petrochemical manufacturing plant,

17 i. the handling, transportation, storage and disposition
18 of saltwater, mineral brines, waste oil and other
19 deleterious substances produced from or obtained or
20 used in connection with the drilling, development,
21 producing and operating of oil and gas wells, at:

22 (1) any facility or activity specifically listed in
23 paragraphs 1 and 2 of this subsection as being
24

1 subject to the jurisdiction of the Commission,
2 and

3 (2) other oil and gas extraction facilities and
4 activities,

5 j. spills of deleterious substances associated with
6 facilities and activities specified in paragraph 1 of
7 this subsection or associated with other oil and gas
8 extraction facilities and activities,

9 k. subsurface storage of oil, natural gas and liquefied
10 petroleum gas in geologic strata,

11 l. groundwater protection for activities subject to the
12 jurisdictional areas of environmental responsibility
13 of the Commission,

14 m. utilization and enforcement of Oklahoma Water Quality
15 Standards and implementation documents, and

16 n. development and promulgation of a Water Quality
17 Standards Implementation Plan pursuant to Section 1-1-
18 202 of this title for its jurisdictional areas of
19 environmental responsibility.

20 2. The exclusive jurisdiction, power and authority of the
21 Commission shall also extend to the construction, operation,
22 maintenance, site remediation, closure and abandonment of the
23 facilities and activities described in paragraph 1 of this
24 subsection.

1 3. When a deleterious substance from a Commission-regulated
2 facility or activity enters a point source discharge of pollutants
3 or storm water from a facility or activity regulated by the
4 Department of Environmental Quality, the Department shall have sole
5 jurisdiction over the point source discharge of the commingled
6 pollutants and storm water from the two facilities or activities
7 insofar as Department-regulated facilities and activities are
8 concerned.

9 4. The Commission and the Department of Environmental Quality
10 are hereby authorized to obtain authorization from the Environmental
11 Protection Agency to administer, within their respective
12 jurisdictions, any and all programs regulating oil and gas
13 discharges into the waters of this state. For purposes of the
14 federal Clean Water Act, any facility or activity which is subject
15 to the jurisdiction of the Commission pursuant to paragraph 1 of
16 this subsection and any other oil and gas extraction facility or
17 activity which requires a permit for the discharge of a pollutant or
18 storm water to waters of the United States shall be subject to the
19 direct jurisdiction and permitting authority of the Oklahoma agency
20 having received delegation of this program from the Environmental
21 Protection Agency.

22 5. The Commission shall have jurisdiction over:

- 23 a. underground storage tanks that contain antifreeze,
24 motor oil, motor fuel, gasoline, kerosene, diesel, or

1 aviation fuel and that are not located at refineries
2 or at the upstream or intermediate shipment points of
3 pipeline operations including, but not limited to,
4 tanks from which these materials are dispensed into
5 vehicles, or tanks used in wholesale or bulk
6 distribution activities, as well as leaks from pumps,
7 hoses, dispensers, and other ancillary equipment
8 associated with the tanks, whether above the ground or
9 below; provided, that any point source discharge of a
10 pollutant to waters of the United States during site
11 remediation or the off-site disposal of contaminated
12 soil, media, or debris shall be regulated by the
13 Department of Environmental Quality,

- 14 b. aboveground storage tanks that contain antifreeze,
15 motor oil, motor fuel, gasoline, kerosene, diesel, or
16 aviation fuel and that are not located at refineries
17 or at the upstream or intermediate shipment points of
18 pipeline operations including, but not limited to,
19 tanks from which these materials are dispensed into
20 vehicles, or tanks used in wholesale or bulk
21 distribution activities, as well as leaks from pumps,
22 hoses, dispensers, and other ancillary equipment
23 associated with the tanks, whether above the ground or
24 below; provided, that any point source discharge of a

1 pollutant to waters of the United States during site
2 remediation or the off-site disposal of contaminated
3 soil, media, or debris shall be regulated by the
4 Department of Environmental Quality, and

- 5 c. the Petroleum Storage Tank Release Environmental
6 Cleanup Indemnity Fund, the Oklahoma Petroleum Storage
7 Tank Release Indemnity Program, and the Oklahoma
8 Leaking Underground Storage Tank Trust Fund.

9 6. The Department of Environmental Quality shall have sole
10 jurisdiction to regulate the transportation, discharge or release of
11 deleterious substances or solid or hazardous waste or other
12 pollutants from rolling stock and rail facilities. The Department
13 of Environmental Quality shall not have any jurisdiction with
14 respect to pipeline transportation of carbon dioxide.

15 7. The Department of Environmental Quality shall have sole
16 environmental jurisdiction for point and nonpoint source discharges
17 of pollutants and storm water to waters of the state from:

- 18 a. refineries, petrochemical manufacturing plants and
19 natural gas liquid extraction plants,
20 b. manufacturing of equipment and products related to oil
21 and gas,
22 c. bulk terminals, aboveground and underground storage
23 tanks not subject to the jurisdiction of the
24 Commission pursuant to this subsection, and

1 d. other facilities, activities and sources not subject
2 to the jurisdiction of the Commission or the Oklahoma
3 Department of Agriculture, Food, and Forestry as
4 specified by this section.

5 8. The Department of Environmental Quality shall have sole
6 environmental jurisdiction to regulate air emissions from all
7 facilities and sources subject to operating permit requirements
8 under Title V of the federal Clean Air Act as amended.

9 F. Oklahoma Conservation Commission. The Oklahoma Conservation
10 Commission shall have the following jurisdictional areas of
11 environmental responsibility:

12 1. Soil conservation, erosion control and nonpoint source
13 management except as otherwise provided by law;

14 2. Monitoring, evaluation and assessment of waters to determine
15 the condition of streams and rivers being impacted by nonpoint
16 source pollution. In carrying out this area of responsibility, the
17 Oklahoma Conservation Commission shall serve as the technical lead
18 agency for nonpoint source categories as defined in Section 319 of
19 the federal Clean Water Act or other subsequent federal or state
20 nonpoint source programs, except for activities related to
21 industrial and municipal storm water or as otherwise provided by
22 state law;

23 3. Wetlands strategy;

24 4. Abandoned mine reclamation;

- 1 5. Cost-share program for land use activities;
- 2 6. Assessment and conservation plan development and
- 3 implementation in watersheds of clean lakes, as specified by law;
- 4 7. Complaint data management;
- 5 8. Coordination of environmental and natural resources
- 6 education;
- 7 9. Federal upstream flood control program;
- 8 10. Groundwater protection for activities subject to the
- 9 jurisdictional areas of environmental responsibility of the
- 10 Commission;
- 11 11. Development and promulgation of a Water Quality Standards
- 12 Implementation Plan pursuant to Section 1-1-202 of this title for
- 13 its jurisdictional areas of environmental responsibility;
- 14 12. Utilization of Oklahoma Water Quality Standards and
- 15 Implementation documents; and
- 16 13. Verification and certification of carbon sequestration
- 17 pursuant to the Oklahoma Carbon Sequestration Enhancement Act. This
- 18 responsibility shall not be superseded by the Oklahoma Carbon
- 19 Capture and Geologic Sequestration Act.
- 20 G. Department of Mines. The Department of Mines shall have the
- 21 following jurisdictional areas of environmental responsibility:
- 22 1. Mining regulation;
- 23 2. Mining reclamation of active mines;
- 24

1 3. Groundwater protection for activities subject to the
2 jurisdictional areas of environmental responsibility of the
3 Commission; and

4 4. Development and promulgation of a Water Quality Standards
5 Implementation Plan pursuant to Section 1-1-202 of this title for
6 its jurisdictional areas of responsibility.

7 H. Department of Wildlife Conservation. The Department of
8 Wildlife Conservation shall have the following jurisdictional areas
9 of environmental responsibilities:

- 10 1. Investigating wildlife kills;
- 11 2. Wildlife protection and seeking wildlife damage claims; and
- 12 3. Development and promulgation of a Water Quality Standards
13 Implementation Plan pursuant to Section 1-1-202 of this title for
14 its jurisdictional areas of environmental responsibility.

15 I. Department of Public Safety. The Department of Public
16 Safety shall have the following jurisdictional areas of
17 environmental responsibilities:

- 18 1. Hazardous waste, substances and material transportation
19 inspections as authorized by the Oklahoma Motor Carrier Safety and
20 Hazardous Materials Transportation Act; and
- 21 2. Inspection and audit activities of hazardous waste and
22 materials carriers and handlers as authorized by the Oklahoma Motor
23 Carrier Safety and Hazardous Materials Transportation Act.

24

1 J. Department of Labor. The Department of Labor shall have the
2 following jurisdictional areas of environmental responsibility:

3 1. Regulation of asbestos in the workplace pursuant to Chapter
4 11 of Title 40 of the Oklahoma Statutes;

5 2. Asbestos monitoring in public and private buildings; and

6 3. Indoor air quality as regulated under the authority of the
7 Oklahoma Occupational Health and Safety Standards Act, except for
8 those indoor air quality issues specifically authorized to be
9 regulated by another agency.

10 Such programs shall be a function of the Department's
11 occupational safety and health jurisdiction.

12 K. Oklahoma Department of Emergency Management. The Oklahoma
13 Department of Emergency Management shall have the following
14 jurisdictional areas of environmental responsibilities:

15 1. Coordination of all emergency resources and activities
16 relating to threats to citizens' lives and property pursuant to the
17 Oklahoma Emergency Resources Management Act of 1967;

18 2. Administer and enforce the planning requirements of Title
19 III of the Superfund Amendments and Reauthorization Act of 1986 and
20 develop such other emergency operations plans that will enable the
21 state to prepare for, respond to, recover from and mitigate
22 potential environmental emergencies and disasters pursuant to the
23 Oklahoma Hazardous Materials Planning and Notification Act;

1 3. Administer and conduct periodic exercises of emergency
2 operations plans provided for in this subsection pursuant to the
3 Oklahoma Emergency Resources Management Act of 1967;

4 4. Administer and facilitate hazardous materials training for
5 state and local emergency planners and first responders pursuant to
6 the Oklahoma Emergency Resources Management Act of 1967; and

7 5. Maintain a computerized emergency information system
8 allowing state and local access to information regarding hazardous
9 materials' location, quantity and potential threat.

10 SECTION 3. AMENDATORY 82 O.S. 2021, Section 1085.2, as
11 amended by Section 3, Chapter 113, O.S.L. 2022 (82 O.S. Supp. 2022,
12 Section 1085.2), is amended to read as follows:

13 Section 1085.2 In addition to any and all other authority
14 conferred upon it by law, the Oklahoma Water Resources Board shall
15 also have authority:

16 1. Generally to do all such things as in its judgment may be
17 necessary, proper or expedient in the accomplishment of its duties;

18 2. To make such contracts and execute such instruments as in
19 the judgment of the Board are necessary or convenient to the
20 exercise of any of the powers conferred upon it by law. Provided,
21 however, no contract shall be made conveying the title or use of any
22 waters of the State of Oklahoma to any person, firm, corporation or
23 other state or subdivision of government, for sale or use in any
24

1 other state, unless such contract be specifically authorized by an
2 act of the Oklahoma Legislature and thereafter as approved by it;

3 3. To negotiate contracts and other agreements with the federal
4 government to arrange for the development of water resources and for
5 the storage and distribution of water for beneficial purposes;
6 provided, however, that the Board shall act in such capacity only as
7 an intermediary in assisting others, and under no circumstances
8 shall the Board have any power or authority to build, construct or
9 finance any waterways, dams or other such projects for itself,
10 except as may be otherwise specifically provided by the laws of this
11 state;

12 4. To develop statewide and local plans to assure the best and
13 most effective use and control of water to meet both the current and
14 long-range needs of the people of Oklahoma; to cooperate in such
15 planning with any public or private agency, entity or person
16 interested in water, and is directed to prepare such plans for
17 consideration and approval by the Legislature; and to aid, at all
18 times, counties, incorporated cities and towns and special purpose
19 districts in the state in promoting and developing flood control and
20 water conservation in the state;

21 5. To employ and fix the compensation of such officers, agents,
22 attorneys, technical personnel and employees of the Board as it
23 shall deem necessary to the proper performance of its duties;

24 6. To adopt and use an official seal;

1 7. To promulgate such rules and make orders as it may deem
2 necessary or convenient to the exercise of any of the powers or the
3 performance of any of the duties conferred or imposed upon it by
4 this or any other law;

5 8. To institute and maintain, or to intervene in, any actions
6 or proceedings in or before any court, board, commission or officer
7 of this or any other state or of the United States to stop or
8 prevent any use, misuse, appropriation or taking of any of the
9 waters of this state which is in whole or in part in violation of
10 any law, or of any rules, orders, judgments or decrees of any court,
11 board, commission or officer of this or any state or of the United
12 States; and to institute and maintain or intervene in any other
13 action or proceeding where the Board deems it necessary to the
14 proper execution and discharge of any of the powers or duties
15 conferred or imposed upon it by law;

16 9. To determine, charge and receive fees to be collected in
17 advance for the filing and examination of applications for permits
18 to:

- 19 a. construct water use works,
- 20 b. appropriate groundwater,
- 21 c. appropriate stream water,
- 22 d. establish vested rights,
- 23 e. inspect water use works,
- 24 f. file other papers,

- 1 g. make copies of documents,
- 2 h. make prints of maps and drawings,
- 3 i. certify copies of documents, maps and drawings,
- 4 j. file transfers of water rights,
- 5 k. gauge wells and ditches, changes in point of diversion
- 6 and changes in place of use of water,
- 7 l. test wells, and
- 8 m. hold hearings, make records and provide transcripts of
- 9 hearings.

10 Such fees shall not be collected from any state agency or state
11 institution;

12 10. To negotiate contracts or water compacts with the federal
13 government or any department or bureau thereof, or with any other
14 state for the purpose of obtaining assistance and cooperation in the
15 accomplishment of the purpose of flood control and water
16 conservation and use in the state. To that end, the Board may match
17 funds with the federal government and with other states upon such
18 terms as shall be agreed upon and approved by the Governor of the
19 state, with the limitation that contracts or water compacts with
20 other states for the division and apportionment of the cost and use
21 of the water controlled by interstate projects shall be submitted to
22 and approved by the Legislature of the state and the Governor of the
23 state, and Congress and the President of the United States
24 conformable to the State and Federal Constitutions;

1 11. To accept gifts and grants of money and property or any
2 interest therein;

3 12. To provide funding from federal and state monies for water
4 and wastewater project purposes to eligible entities for preliminary
5 engineering reports and planning and feasibility studies;

6 13. To sell or dispose of real or personal property held by the
7 Board when no longer needed in such manner as provided by law;

8 14. To make appropriations of water to all special purpose
9 districts;

10 15. To execute and deliver, without actual consideration
11 therefor, a written release of any easement or easement deed
12 heretofore given to the Conservation Commission of the State of
13 Oklahoma, the Planning and Resources Board or the Oklahoma Water
14 Resources Board on lands situated in this state, whenever it shall
15 appear to said Oklahoma Water Resources Board that the need for such
16 easement or easement deed no longer exists; provided, the owner of
17 the lands affected shall file a written application for such release
18 with the Oklahoma Water Resources Board;

19 ~~16. To adopt, modify or repeal and promulgate standards of~~
20 ~~quality of the waters of the state and to classify such waters~~
21 ~~according to their best uses in the interest of the public under~~
22 ~~such conditions as the Board may prescribe for the prevention,~~
23 ~~control, and abatement of pollution. The standard of quality of~~
24 ~~waters of the state adopted by the Board pursuant to the provisions~~

1 ~~of Section 1085.30 of this title shall be utilized by all~~
2 ~~appropriate state environmental agencies in implementing their~~
3 ~~respective duties to abate and prevent pollution to the waters of~~
4 ~~the state, except the Department of Environmental Quality shall have~~
5 ~~the authority to adopt water quality standard variances and site-~~
6 ~~specific criteria to the extent that such variances and site-~~
7 ~~specific criteria are utilized in and enforced through water quality~~
8 ~~permits issued by the Department;~~

9 ~~17.~~ To review disputes involving service areas or territories,
10 rates for raw or treated water, and abrogation clauses in contracts
11 among municipalities and rural water districts or not-for-profit
12 rural water corporations; to recommend mediation and refer parties
13 in appropriate disputes to mediators and provide technical
14 information to such mediators; and to recommend other means of
15 resolving disputes; provided, that no party to such dispute may
16 initiate action in any district court regarding the dispute until
17 written notice of the dispute has been filed with the Board;
18 provided further that the provisions of this paragraph shall not be
19 construed to diminish any right of access to the court granted to a
20 party by law;

21 ~~18.~~ 17. To provide workshop training sessions for board members
22 of rural water districts and not-for-profit rural water corporations
23 throughout the year on a regional basis for the purpose of study and
24 instruction in the areas of financing, law and the ethics, duties

1 and responsibilities of such board members. Such training shall be
2 provided by the Board in conjunction with the Oklahoma Rural Water
3 Association as required by law. To the extent possible, the Board
4 shall attempt to schedule training workshops in three-hour segments
5 to be held in any public facility at a time convenient to the
6 attendees;

7 ~~19.~~ 18. To establish an agency special account through the
8 Office of Management and Enterprise Services and the State
9 Treasurer's Office as necessary for the collection and distribution
10 of funds, including funds of sponsors and registration fees related
11 to conferences, meetings and training sessions; and

12 ~~20.~~ 19. To accredit persons having requisite knowledge in
13 floodplain management and in minimization and prevention of flood
14 hazards and losses.

15 SECTION 4. RECODIFICATION 82 O.S. 2021, Section 1085.30,
16 as amended by Section 6, Chapter 185, O.S.L. 2022 (82 O.S. Supp.
17 2022, Section 1085.30), shall be recodified as Section 2-6-103.2 of
18 Title 27A of the Oklahoma Statutes, unless there is created a
19 duplication in numbering.

20 SECTION 5. RECODIFICATION 82 O.S. 2021, Section
21 1085.30a, as amended by Section 7, Chapter 185, O.S.L. 2022 (82 O.S.
22 Supp. 2022, Section 1085.30a), shall be recodified as Section 2-6-
23 103.3 of Title 27A of the Oklahoma Statutes, unless there is created
24 a duplication in numbering.

1 SECTION 6. This act shall become effective November 1, 2023.

2 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TELECOMMUNICATIONS
3 April 6, 2023 - DO PASS
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