

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1507

6 By: Derby

7 COMMITTEE SUBSTITUTE

8 An Act relating to waters and water rights; amending
9 82 O.S. 2001, Section 1020.1, which relates to
10 groundwater policy; adding definition; amending 45
11 O.S. 2001, Section 723, as amended by Section 1,
12 Chapter 194, O.S.L. 2004 (45 O.S. Supp. 2006, Section
13 723), which relates to The Mining Lands Reclamation
14 Act; adding definition.

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

16 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.1, is
17 amended to read as follows:

18 Section 1020.1 As used in this act:

19 1. "Groundwater" means fresh water under the surface of the
20 earth regardless of the geologic structure in which it is standing
21 or moving outside the cut bank of any definite stream;

22 2. "Domestic use" means the use of water by a natural
23 individual or by a family or household for household purposes, for
24 farm and domestic animals up to the normal grazing capacity of the
land and for the irrigation of land not exceeding a total of three

1 (3) acres in area for the growing of gardens, orchards and lawns,
2 and for such other purposes, specified by Board rules, for which de
3 minimis amounts are used;

4 3. "Major groundwater basin" shall mean a distinct underground
5 body of water overlain by contiguous land and having substantially
6 the same geological and hydrological characteristics and from which
7 groundwater wells yield at least fifty (50) gallons per minute on
8 the average basinwide if from a bedrock aquifer and at least one
9 hundred fifty (150) gallons per minute on the average basinwide if
10 from an alluvium or alluvium and terrace aquifer, or as otherwise
11 designated by the Board;

12 4. "Subbasin" means a subdivision of a major or minor
13 groundwater basin overlain by contiguous land and having
14 substantially the same geological and hydrological characteristics
15 and yield capabilities;

16 5. "Board" means the Oklahoma Water Resources Board;

17 6. "Person" means any individual, firm, partnership,
18 association, corporation, business trust, federal agency, state
19 agency, the state or any political subdivision thereof,
20 municipalities, and any other legal entities;

21 7. "Fresh water" means water which has less than five thousand
22 (5,000) parts per million total dissolved solids. For the purpose
23 of this act all other water is salt water;

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1 8. "Commercial drilling", "commercial plugging" and "commercial
2 installation" mean drilling or plugging and installation as a
3 business, trade or occupation for compensation; ~~and~~

4 9. "Minor groundwater basin" means a distinct underground body
5 of water overlain by contiguous land and having substantially the
6 same geological and hydrological characteristics and which is not a
7 major groundwater basin; and

8 10. "Exploratory boreholes" means any type of excavation made
9 primarily for the purpose of determining the quantity and quality of
10 any mineral deposit in connection with mining as defined in Section
11 723 of Title 45 of the Oklahoma Statutes, but shall not include
12 geotechnical borings or wells.

13 SECTION 2. AMENDATORY 45 O.S. 2001, Section 723, as
14 amended by Section 1, Chapter 194, O.S.L. 2004 (45 O.S. Supp. 2006,
15 Section 723), is amended to read as follows:

16 Section 723. Whenever used or referred to in Sections 722
17 through 738 of this title, unless a different meaning clearly
18 appears from the context:

19 1. "Overburden" means all of the earth and other materials
20 which lie above natural deposits of minerals, and also means such
21 earth and other materials disturbed from their natural state in the
22 process of surface mining;

23 2. "Mine" means an underground or surface excavation and
24 development with or without shafts, slopes, drifts or tunnels for

1 the extraction of minerals, with hoisting or haulage equipment and
2 appliances for the extraction thereof, and shall embrace any and all
3 of the land or property of the plant, and the surface and
4 underground, that contribute directly or indirectly to the mining
5 properties, concentration or handling of minerals;

6 3. "Mining" means the extraction of minerals from natural
7 deposits by any method or process;

8 4. "Minerals" means asphalt, clay, copper, granite, gravel,
9 gypsum, lead, marble, salt, sand, shale, stone, tripoli, volcanic
10 ash and zinc, or any other substance commonly recognized as a
11 mineral, and includes ores or rock containing any such substances,
12 but excludes oil, gas and any other mineral found naturally in a
13 liquid or gaseous state;

14 5. "Underground mining" means those mining operations carried
15 out beneath the surface by means of shafts, slopes, tunnels or other
16 openings leading to the mineral being mined and the extraction of
17 the mineral through such shafts, slopes, tunnels or their openings;

18 6. "Surface mining" means those mining operations carried out
19 on the surface, including strip mining, auger mining, quarrying,
20 dredging, pumping, or the use of hydraulic methods.

21 Surface mining shall not include excavation or removal of shale,
22 sand, gravel, clay, rock or other materials in remote areas by an
23 owner or holder of a possessory interest in land for the primary
24 purpose of construction or maintenance of access roads to or on such

1 landowner's property. Surface mining shall not include excavations
2 or grading conducted for forming, on-site road construction or other
3 on-site construction, or the extraction of minerals other than
4 anthracite and bituminous coal by a landowner for his own
5 noncommercial use from land owned or leased by him; nor the
6 extraction of such noncoal minerals for commercial purposes in an
7 amount less than five hundred (500) tons per acre of aggregate or
8 mass of mineral matter in any permit year; nor the extraction of
9 sand, gravel, rock, stone, earth or fill from borrow pits for
10 highway construction purposes, so long as such work is performed
11 under a bond, contract and specifications which substantially
12 provide for and require reclamation of the area affected; nor to the
13 handling, processing or storage of slag on the premises of a
14 manufacturer as a part of the manufacturing process. Surface mining
15 shall not include the surface mining of coal or the surface effects
16 of underground coal mining;

17 7. "Strip mining" means those mining operations carried out by
18 removing the overburden lying above natural deposits of minerals,
19 and mining directly from such natural deposits thereby exposed, but
20 excludes auger mining, quarrying, dredging, pumping or the use of
21 hydraulic methods;

22 8. "Reclamation" means conditioning affected land to make it
23 suitable for any uses or purposes consistent with those enumerated
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1 in Section 722 of this title, and to avoid, minimize or correct
2 adverse environmental effects of mining operations;

3 9. "Box cut" means the first open cut in strip mining which
4 results in the placing of overburden on unmined land adjacent to the
5 initial pit and outside the area to be mined;

6 10. "Consolidated material" means material of sufficient
7 hardness or ability to resist weathering and to inhibit erosion or
8 sloughing;

9 11. "Operator" means any person, partnership, firm or
10 corporation engaged in and controlling a mining operation;

11 12. "Pit" means a tract of land from which overburden or
12 minerals have been or are being removed in the process of surface
13 mining;

14 13. "Affected land" means the area of land from which
15 overburden shall have been removed, or upon which overburden or
16 refuse has been deposited, or both;

17 14. "Refuse" means all waste material directly connected with
18 the production, cleaning or preparation of minerals which have been
19 mined by either underground or surface mining method;

20 15. "Ridge" means a lengthened elevation of overburden created
21 in the surface mining process;

22 16. "Peak" means a projecting point of overburden created in
23 the surface mining process;

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1 17. "Department" means the office of the Chief Mine Inspector,
2 herein called the Department of Mines and Mining, or such
3 department, bureau or commission as may lawfully succeed to the
4 powers and duties of such department;

5 18. "Director" means the Chief Mine Inspector of the State of
6 Oklahoma or such officer, bureau or commission as may lawfully
7 succeed to the powers and duties of such Chief Mine Inspector;

8 19. "Borrow pit" means the one-time or intermittent extraction
9 of sand, gravel, rock, stone, earth or fill in its natural state,
10 not being mechanically altered to affect its size for government-
11 financed construction purposes. Such work shall be performed under
12 a bond, contract and specifications which substantially provide for
13 and require reclamation of the affected area; ~~and~~

14 20. "Dimension stone quarry" means a site where natural stone
15 used as building material is excavated and the stones are selected,
16 trimmed, or cut to specified shapes or sizes; and

17 21. "Exploratory borehole" means any type of excavation made
18 primarily for the purpose of determining the quantity or quality of
19 any mineral deposit in connection with mining.

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