

THE HOUSE OF REPRESENTATIVES  
Thursday, March 8, 2007

Committee Substitute for  
House Bill No. 1507

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1507 - By: ADKINS AND DERBY  
of the House and MORGAN AND COFFEE of the Senate.

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

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

- 1 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.1, is amended to read  
2 as follows:
- 3 Section 1020.1 As used in this act:
- 4 1. "Groundwater" means fresh water under the surface of the earth regardless of  
5 the geologic structure in which it is standing or moving outside the cut bank of any  
6 definite stream;
- 7 2. "Domestic use" means the use of water by a natural individual or by a family or  
8 household for household purposes, for farm and domestic animals up to the normal  
9 grazing capacity of the land and for the irrigation of land not exceeding a total of three  
10 (3) acres in area for the growing of gardens, orchards and lawns, and for such other  
11 purposes, specified by Board rules, for which de minimis amounts are used;

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

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

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

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

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

16          8. "Commercial drilling", "commercial plugging" and "commercial installation"  
17 mean drilling or plugging and installation as a business, trade or occupation for  
18 compensation; ~~and~~

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

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

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

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

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

13        2. "Mine" means an underground or surface excavation and development with or  
14 without shafts, slopes, drifts or tunnels for the extraction of minerals, with hoisting or  
15 haulage equipment and appliances for the extraction thereof, and shall embrace any and  
16 all of the land or property of the plant, and the surface and underground, that contribute  
17 directly or indirectly to the mining properties, concentration or handling of minerals;

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

20        4. "Minerals" means asphalt, clay, copper, granite, gravel, gypsum, lead, marble,  
21 salt, sand, shale, stone, tripoli, volcanic ash and zinc, or any other substance commonly

1 recognized as a mineral, and includes ores or rock containing any such substances, but  
2 excludes oil, gas and any other mineral found naturally in a liquid or gaseous state;

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

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

10 Surface mining shall not include excavation or removal of shale, sand, gravel, clay,  
11 rock or other materials in remote areas by an owner or holder of a possessory interest in  
12 land for the primary purpose of construction or maintenance of access roads to or on such  
13 landowner's property. Surface mining shall not include excavations or grading conducted  
14 for forming, on-site road construction or other on-site construction, or the extraction of  
15 minerals other than anthracite and bituminous coal by a landowner for his own  
16 noncommercial use from land owned or leased by him; nor the extraction of such noncoal  
17 minerals for commercial purposes in an amount less than five hundred (500) tons per  
18 acre of aggregate or mass of mineral matter in any permit year; nor the extraction of  
19 sand, gravel, rock, stone, earth or fill from borrow pits for highway construction  
20 purposes, so long as such work is performed under a bond, contract and specifications  
21 which substantially provide for and require reclamation of the area affected; nor to the  
22 handling, processing or storage of slag on the premises of a manufacturer as a part of the

1 manufacturing process. Surface mining shall not include the surface mining of coal or  
2 the surface effects of underground coal mining;

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

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

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

12 10. "Consolidated material" means material of sufficient hardness or ability to  
13 resist weathering and to inhibit erosion or sloughing;

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

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

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

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

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

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

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

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

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND TECHNOLOGY, dated  
2 03-07-07 - DO PASS, As Amended and Coauthored.