

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 418

By: Paddack

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Groundwater Law;  
8 amending 82 O.S. 2001, Section 1020.2, which relates  
9 to public policy; clarifying exemption from  
10 groundwater law; stating exception; authorizing the  
11 Oklahoma Water Resources Board to promulgate rules  
12 and make certain legislative recommendations; stating  
13 requirements for rules; stating procedures; requiring  
14 rules and implementation of permitting system by  
15 certain date; providing for codification; and  
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1020.2, is  
19 amended to read as follows:

20 Section 1020.2 A. It is hereby declared to be the public  
21 policy of this state, in the interest of the agricultural stability,  
22 domestic, municipal, industrial and other beneficial uses, general  
23 economy, health and welfare of the state and its citizens, to  
24 utilize the ~~ground-water~~ groundwater resources of the state, and for  
that purpose to provide reasonable regulations for the allocation  
for reasonable use based on hydrologic surveys of fresh ~~ground-water~~  
groundwater basins or subbasins to determine a restriction on the

1 production, based upon the acres overlying the ~~ground water~~  
2 groundwater basin or subbasin.

3 B. The provisions of ~~this act~~ the Oklahoma Groundwater Law  
4 shall not apply to the taking, using or disposal of salt water  
5 associated with the exploration, production or recovery of oil and  
6 gas ~~or~~.

7 C. The provisions of the Oklahoma Groundwater Law shall not  
8 apply to the taking, using or disposal of water trapped in producing  
9 mines unless the water originates from a sensitive sole source  
10 groundwater basin or subbasin.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1020.2A of Title 82, unless  
13 there is created a duplication in numbering, reads as follows:

14 A. The Oklahoma Water Resources Board shall promulgate rules  
15 and recommend enactment of or amendments to state law necessary to  
16 implement the permitting and regulation of the taking, using or  
17 disposing of water trapped in producing mines within the boundaries  
18 overlying a sensitive sole source groundwater basin or subbasin  
19 pursuant to Section 1 of this act.

20 B. Rules, policies and legislative recommendations created  
21 pursuant to this act, shall be limited to the volume of water  
22 consumptively used in mining operations and only apply to operations  
23 located within sensitive sole source groundwater basins or  
24 subbasins. Additionally, any such rules and policies shall require

1 site-specific plans designed to monitor, manage and mitigate  
2 environmental damage resulting from permitted mining activities and  
3 all water used in such mining operations shall be subject to water  
4 management plans to ensure the maximum benefit of such waters to the  
5 environment while affording mining companies sufficient flexibility  
6 to meet the water needs of their operations.

7 C. The Board is directed to seek active participation by all  
8 interested stakeholders in the affected areas in promulgating rules  
9 as authorized by this act. The Board is further directed to  
10 coordinate all phases of regulation and permitting of such  
11 activities with the Oklahoma Mining Commission to avoid duplicative  
12 administrative review, reduce permit application burden on industry,  
13 increase certainty of administrative processes and decrease delays  
14 in issuing permits.

15 D. Rules, permits or statutes promulgated or enacted pursuant  
16 to this act shall be adopted within a period of two (2) years  
17 following the enactment of this act and a permitting system shall be  
18 fully implemented no later than January 1, 2013.

19 SECTION 3. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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