

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2126

By: McBride

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6 AS INTRODUCED

7 An Act relating to waters and water rights; directing  
8 the Oklahoma Water Resources Board to not take action  
9 which would affect certain permits used pursuant to  
10 the Federal Clean Water Act; prohibiting certain  
11 state agencies from promulgating rules that extend  
12 the definition of the waters of the state; amending  
13 82 O.S. 2011, Sections 1020.4 and 1020.5, which  
14 relate to groundwater; prohibiting the Oklahoma Water  
15 Resources Board from making certain evaluations when  
conducting hydrologic surveys and investigations;  
prohibiting the Board from considering certain  
interactions when determining maximum annual yields;  
providing for codification; and declaring an  
emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1085.30b of Title 82, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. The Oklahoma Water Resources Board shall not take any action  
21 under its authority to adopt standards of quality of the waters of  
22 the state and to classify such waters which would abrogate to any  
23 extent the right or privilege of anyone to obtain and act in  
24 accordance with the provisions of a permit issued or that may be

1 issued by the United States Army Corps of Engineers pursuant to  
2 Section 404 of the Federal Clean Water Act for the discharge of  
3 dredged or fill material into waters of the United States or  
4 navigable waters as defined by federal law or waters of the state as  
5 defined in Section 1-1-201 of Title 27A of the Oklahoma Statutes.

6 B. The Oklahoma Water Resources Board, the Department of  
7 Environmental Quality or any other state agency, board or commission  
8 shall not promulgate any rule that for any purpose extends, or that  
9 by effect would extend, the definition of the waters of the state  
10 beyond that provided for in Section 1-1-201 of Title 27A of the  
11 Oklahoma Statutes.

12 SECTION 2. AMENDATORY 82 O.S. 2011, Section 1020.4, is  
13 amended to read as follows:

14 Section 1020.4 A. Prior to making orders establishing the  
15 tentative maximum annual yield for major groundwater basins or  
16 subbasins therein, the Oklahoma Water Resources Board shall make  
17 hydrologic surveys and investigations.

18 B. Prior to making orders establishing the tentative maximum  
19 annual yield for minor groundwater basins or subbasins therein, the  
20 Board shall prepare reports using information from hydrologic  
21 surveys and investigations of groundwater basins or subbasins having  
22 substantially the same geological and hydrological characteristics  
23 and data from wells in such basin or subbasins and other relevant  
24 information.

1 C. The Board is authorized to cooperate with state and federal  
2 agencies engaged in similar surveys and investigations and may  
3 accept and use the findings of such agencies. At least every twenty  
4 (20) years after issuance of the final order determining the maximum  
5 annual yield, the Board shall review and update if necessary the  
6 hydrologic surveys.

7 D. The Board shall not evaluate interactions with surface  
8 waters when conducting either major or minor groundwater basin or  
9 subbasin hydrologic surveys and investigations.

10 SECTION 3. AMENDATORY 82 O.S. 2011, Section 1020.5, is  
11 amended to read as follows:

12 Section 1020.5 A. After completing the hydrologic survey, the  
13 Board shall make a tentative determination of the maximum annual  
14 yield of groundwater to be produced from each ground water basin or  
15 subbasin therein. Such determination must be based upon the  
16 following:

- 17 1. The total land area overlying the basin or subbasin;
  - 18 2. The amount of water in storage in the basin or subbasin;
  - 19 3. The rate of recharge to the basin or subbasin and total  
20 discharge from the basin or subbasin;
  - 21 4. Transmissibility of the basin or subbasin; and
  - 22 5. The possibility of pollution of the basin or subbasin from  
23 natural sources.
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1 B. The maximum annual yield of each major ground water basin or  
2 subbasin shall be based upon a minimum basin or subbasin life of  
3 twenty (20) years from the effective date of the order establishing  
4 the final determination of the maximum annual yield.

5 C. For minor groundwater basins or subbasins therein, the  
6 tentative determination of the maximum annual yield shall be based  
7 upon present and reasonably foreseeable future use of groundwater  
8 from such basin or subbasin, recharge and total discharge, the  
9 geographical region in which the basin or subbasin is located and  
10 other relevant factors.

11 D. The Board shall not consider interactions with surface  
12 waters when determining the maximum annual yield for either major or  
13 minor groundwater basins or subbasins.

14 SECTION 4. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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