

# An Act

ENROLLED SENATE  
BILL NO. 1080

By: Treat of the Senate

and

McCall of the House

An Act relating to mining; amending Section 3 of Enrolled House Bill No. 2471 of the 1st Session of the 57th Oklahoma Legislature; clarifying certain Oklahoma Water Resources Board requirement; and providing an effective date.

SUBJECT: Mining procedures

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

SECTION 1. AMENDATORY Section 3 of Enrolled House Bill No. 2471 of the 1st Session of the 57th Oklahoma Legislature, is amended to read as follows:

Section 3. A. For the purposes of this section, a "subject mine" shall mean a mine, as defined in paragraph 2 of Section 723 of Title 45 of the Oklahoma Statutes, that overlies a sensitive sole source groundwater basin or subbasin, exclusive of any mine that meets at least one of the following conditions:

1. As of November 1, 2019, was engaged in the permitted extraction of minerals from natural deposits; or

2. Satisfies the criteria of paragraph 1 or 2 of subsection C of Section 1020.2 of Title 82 of the Oklahoma Statutes; or

3. Is not to be permitted to operate for a period of more than five (5) years, with no extensions or renewals; or

4. The operation of which will not result in more than five (5) acre-feet per year of groundwater emanating from a sensitive sole source groundwater basin or subbasin to infiltrate its pit, as that term is defined in paragraph 12 of Section 723 of Title 45 of the Oklahoma Statutes.

B. Due to the inadequacy of existing technical resources, analytic tools and regulatory systems for purposes of the effective implementation of statutes relating to the operation of mines that may affect sensitive sole source groundwater basins or subbasins, the Legislature hereby declares and establishes a moratorium on the following actions:

1. The Oklahoma Water Resources Board shall not issue any permit or other administrative authorization for the appropriation, diversion, withdrawal or removal of water from or for the dewatering, in part or in full, of a pit, as defined in paragraph 12 of Section 723 of Title 45 of the Oklahoma Statutes, of a subject mine; and

2. The Board shall not issue, allocate or recognize, pursuant to subsection D of Section 1020.2 of Title 82 of the Oklahoma Statutes, Section 785:30-15-5 of the Oklahoma Administrative Code or any other provision of law, any offset to the consumptive use of water of a subject mine where such offset is based on a claimed augmentation of stream flow or groundwater.

C. The moratorium shall be in effect until such time as the Board, working in coordination with the Department of Environmental Quality, the Department of Mines, and East Central University and in cooperation with federal and tribal governmental agencies with interests in a subject mine that overlies a sensitive sole source groundwater basin or subbasin:

1. Completes the Enhanced Monitoring and Evaluation of Hydrologic Trends for the Eastern Arbuckle-Simpson Aquifer, South-Central Oklahoma and, based thereon, develops modeling and other technical tools capable of accurately measuring and projecting, as a matter both of incremental and cumulative effect, whether a proposed withdrawal of groundwater from a sensitive sole source groundwater

basin or subbasin would degrade or interfere with springs and streams emanating therefrom;

2. Promulgates final rules to integrate the use of such studies and tools to administrative implementation of:

- a. waste, degradation and interference analyses required by subparagraphs c and d of paragraph 1 and subparagraphs c and d of paragraph 2 of subsection A of Section 1020.9 of Title 82 of the Oklahoma Statutes,
- b. uniform minimum standards and requirements for the development of, and annual reporting regarding compliance with, site-specific water management and conservation plans pursuant to Section 1020.2 of Title 82 of the Oklahoma Statutes, with particular regard to methodologies for calculating amounts claimed in consumptive use of water and any claimed augmentation of stream flow or groundwater, and
- c. consultation, review and approval of such site-specific water management and conservation plans, with specific provisions for making such consultations, reviews and approvals subject to Article 2 of the Administrative Procedures Act; and

3. Promulgates final rules to provide for effective interagency consultation and coordination of activities among the Board, the Department of Mines and the Department of Environmental Quality on all administrative matters relating to the operation of mines at locations that overlie a sensitive sole source groundwater basin or subbasin.

D. The Board is hereby authorized and instructed to promulgate rules to implement the provisions of this section.

E. The Board is hereby authorized to cooperate with federal, tribal and any other agency in this state in performing its responsibilities under this section.

SECTION 2. This act shall become effective November 1, 2019.

Passed the Senate the 17th day of May, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2019.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_