

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 998

By: Murdock of the Senate

and

Patzkowsky of the House

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to water; amending 82 O.S. 2011,  
12                   Section 1020.15, which relates to waste prohibition;  
13                   clarifying language; declaring the taking and use of  
14                   marginal water to be considered a beneficial use;  
15                   requiring the Oklahoma Water Resources Board  
16                   promulgate and implement certain rules; stating that  
17                   any use of marginal water is in addition to any  
18                   domestic use or any other permitted use; providing  
19                   for codification; and providing an effective date.

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

SECTION 1.           AMENDATORY           82 O.S. 2011, Section 1020.15, is  
amended to read as follows:

Section 1020.15 A. The Oklahoma Water Resources Board shall  
not permit any ~~fresh~~ groundwater user to commit waste by:

1. Drilling a well, taking, or using ~~fresh~~ groundwater without  
a permit, except for domestic use;

- 1           2. Taking more ~~fresh~~ groundwater than is authorized by the  
2 permit;
- 3           3. Taking or using ~~fresh~~ groundwater in any manner so that the  
4 water is lost for beneficial use;
- 5           4. Transporting ~~fresh~~ groundwater from a well to the place of  
6 use in such a manner that there is an excessive loss in transit;
- 7           5. Using ~~fresh~~ groundwater in such an inefficient manner that  
8 excessive losses occur;
- 9           6. Allowing any ~~fresh~~ groundwater to reach a pervious stratum  
10 and be lost into cavernous or otherwise pervious materials  
11 encountered in a well;
- 12           7. Permitting or causing the pollution of a fresh water strata  
13 or basin through any act which will permit fresh groundwater  
14 polluted by minerals or other waste to filter or otherwise intrude  
15 into such a basin or subbasin. The Board shall be precluded from  
16 determining whether waste by pollution will occur pursuant to the  
17 provisions of this paragraph if the activity for which the applicant  
18 or water user intends to or has used the water as specified under  
19 Section 1020.9 of this title is required to comply with rules and  
20 requirements of or is within the jurisdictional areas of  
21 environmental responsibility of the Department of Environmental  
22 Quality or the Oklahoma Department of Agriculture, Food, and  
23 Forestry;
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1 8. Drilling wells and producing ~~fresh~~ groundwater therefrom  
2 except in accordance with the well spacing previously determined by  
3 the Board;

4 9. Using ~~fresh~~ groundwater for air conditioning or cooling  
5 purposes without providing facilities to aerate and reuse such  
6 water; or

7 10. Failure to properly plug abandoned ~~fresh~~ water wells in  
8 accordance with rules of the Board and file reports thereof.

9 B. Except as otherwise provided by paragraph 7 of subsection A  
10 of this section, any employee of the Board having evidence that an  
11 act of waste is being committed in his or her presence, or after  
12 investigation of a complaint filed by another individual, shall take  
13 steps to assure that the waste ceases. Such steps shall include but  
14 shall not be limited to pursuing voluntary compliance, obtaining the  
15 issuance of a cease and desist order by the Executive Director,  
16 instituting action in a court of competent jurisdiction to enjoin  
17 the waste, pursuing a suspension of any permit or other  
18 administrative remedies by the Board, and filing a complaint in the  
19 district court of the county wherein such violation has occurred,  
20 and it shall be the duty of the district attorney of said county to  
21 prosecute such complaint.

22 C. In cases of waste by pollution pursuant to paragraph 7 of  
23 subsection A of this section, any complaint or investigation, or any  
24 enforcement matter other than an individual proceeding involving the

1 suspension of an Oklahoma Water Resources Board permit shall be  
2 referred to and subject to the jurisdiction of the Department of  
3 Environmental Quality or other appropriate state environmental  
4 agency or state agency with limited environmental responsibility.

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1021.1 of Title 82, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. The ability to take and use marginal water has the potential  
9 to augment water supply in many areas of Oklahoma. Therefore, the  
10 taking and use of marginal water in accordance with the Oklahoma  
11 Groundwater Law and the rules of the Oklahoma Water Resources Board  
12 shall be considered a beneficial use and not waste. Except as  
13 provided in this section and Sections 1020.15 and 1020.16 of Title  
14 82 of the Oklahoma Statutes, the provisions of this act shall not  
15 apply to the taking and use of marginal water.

16 B. The Oklahoma Water Resources Board shall promulgate and  
17 implement rules for the taking and use of marginal water, including  
18 the well construction standards, well spacing, and water use  
19 reporting. Rules related to well construction standards shall  
20 ensure that the taking and use of marginal water shall not impair  
21 any fresh water basins, and shall include, but not be limited to,  
22 the rate of withdrawal, the level of perforating and the level of  
23 sealing the well.

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1 C. Any use of marginal water under this section is in addition  
2 to any domestic use authorized under Section 1020.3 of Title 82 of  
3 the Oklahoma Statutes or any other use authorized pursuant to a  
4 permit issued under Section 1020.11 of Title 82 of the Oklahoma  
5 Statutes.

6 SECTION 3. This act shall become effective November 1, 2019.

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8 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
9 dated 04/03/2019 - DO PASS, As Amended.

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