TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 30. TAKING AND USE OF GROUNDWATER

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
785:30-1-2. Definitions [AMENDED]

Subchapter 3. Permit Application Requirements and Processing
785:30-3-1. General application requirements [AMENDED]
785:30-3-5.1. Prohibition to issuance or amendment of permit and waiver [REVOKED]
785:30-3-6. Well spacing [AMENDED]

Subchapter 7. Amendments to Groundwater Rights
785:30-7-4. Adding or replacing a well for the purpose of exercising prior rights or existing permits [AMENDED]

Appendix A. Application for a Permit to Use Groundwater [REVOKED]

SUMMARY:
Staff proposes to recommend that the Oklahoma Water Resources Board (“Board”) amend 785:30-1-2 to add a definition for “marginal water” and to expand the definition of “groundwater” to include marginal water. The changes are necessary to conform the administrative rules to recent statutory changes authorizing the Board to monitor and regulate marginal water wells.

A recommendation is also proposed to revoke 785:30 Appendix A and to amend 785:30-3-1 to remove a reference to Appendix A. Appendix A contains an outdated version of the Board’s groundwater permit application form that is no longer being utilized by the Board to process groundwater applications. The current form can be found on the Board’s website.

A recommendation is also proposed to revoke 785:30-3-5.1, which contained provisions regarding groundwater permits for swine animal feeding operations. The statutory provisions authorizing this section, 82 O.S. § 1020.11a, were repealed in 2011, and the section no longer has any application within the Board’s implementation of the program.

A recommendation is also proposed to amend 785:30-3-6 to allow the Board to implement well spacing rules for unstudied groundwater basins. The changes are intended to implement recent legislative amendments to Oklahoma Groundwater Law (Senate Bill 1294) which authorized the Board to enact well spacing rules over basins for which no maximum annual yield has been determined.

A recommendation is also proposed to amend 785:30-3-6 to expand the list of identified springs discharging more than 50 gallons per minute and emanating from a sensitive sole source groundwater basin to include springs identified in the United States Geologic Survey’s National Water Information System database which were not listed in Appendix D.

A recommendation is also proposed to amend 785:30-7-4 to allow holders of groundwater permits to add additional wells to their existing permit on land owned or leased by the permit holder or with written permission from the landowner. This change is intended to reconcile differences in well location requirements between new permit applicants and existing permit holders in the Board’s rules.

AUTHORITY:
Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. § 1020.7
COMMENT PERIOD:
Persons wishing to present data, views, or arguments orally or in writing may do so to Chrystal Krittenbrink at 3800 North Classen, Oklahoma City, Oklahoma 73118, or by email to chrystal.krittenbrink@owrb.ok.gov. Comments must be received by the OWRB no later than the close of the public hearing on January 15, 2019.

PUBLIC HEARING:
A public hearing will be held January 15, 2019 during the monthly meeting of the Board which will begin at 9:30 A.M. in the Board Room of the OWRB’s offices located at 3800 North Classen, Oklahoma City, Oklahoma, 73118.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:
The OWRB request that any business entities affected by these proposed rules provide the Board, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Chris Neel at 3800 North Classen, Oklahoma City, Oklahoma before the close of the comment period.

COPIES OF PROPOSED RULES:
Copies of the proposed amendments may be reviewed at the Board's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed rules may also be viewed on the Board web site at http://www.owrb.ok.gov.

CONTACT PERSON:
Chrystal Krittenbrink, Legal Secretary, 405-530-8800
or chrystal.krittenbrink@owrb.ok.gov.