

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD  
CHAPTER 5. FEES**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

785:5-1-6. Stream water permit application and administration fees [AMENDED]

785:5-1-10. Groundwater application and administration fees [AMENDED]

785:5-1-11. Well driller and pump installer licensing fees [AMENDED]

785:5-1-16. Fees required in other matters [AMENDED]

785:5-1-21. Documentation Reviews Related Water Trapped in Producing Mines [NEW]

**SUMMARY:**

Staff proposes that the Oklahoma Water Resources Board ("Board") amend the following sections of Title 785 of the Oklahoma Administrative Code:

Amend 785:5-1-6(d) to increase existing annual maintenance fees for surface water permits. The \$25 increase will help offset rising costs to Information Technology the agency has experienced over the last several years.

Amend 785:5-1-10 to increase existing amounts for filing fees of groundwater applications over sensitive sole-source groundwater basins. Groundwater applications over sensitive sole-source groundwater basins require a higher level of analyses and scrutiny, which increases the amount of time required to process the application.

Amend 785:5-1-11 to increase the existing amounts for filing fees in the Well Driller and Pump Installer Licensing Program. The Well Driller Program has increasingly relied on General Revenue funding since the last fee increase in 2010. The proposed fee increases would generate revenue for the program to be approximately 75% self-funded. In addition, HB2933 was passed in 2019 that allowed a waiver for low-income individuals. The proposed addition (785:5-1-11(q)) implements statutorily-required language in the Board's rules.

Remove the fee in 785:5-1-16(a), which is a fee to make a streamflow measurement. The Board no longer provides these services or historically has not needed to implement this fee.

Add 785:5-1-21, which would amend the rules to include review fees for documentation submitted to the Board related to water trapped in producing mines in sensitive sole-source groundwater basins. Such documents include requests for de minimis determination, annual mine reports, Augmentation and Management Plans, and requests to determine if a mine is within a sensitive sole-source groundwater basin. In 2011, SB597 was passed requiring the Board to develop rules relating to the management of water trapped in producing mines in sensitive sole-source groundwater basins. However the amount of staff time required reviewing documents was unknown and has been at a significant cost since formalizing those rules. The proposed fees would cover staff time reviewing documents and would allow for a dedicated employee to focus a portion of their work to this task.

**AUTHORITY:**

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. § 1085.4.

**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 [chrysal.krittenbrink@owrb.ok.gov](mailto:chrysal.krittenbrink@owrb.ok.gov). Comments must be received by the OWRB no later than the close of the public hearing on January 21, 2020.

**PUBLIC HEARING:**

A public hearing will be held January 21, 2020 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 requests 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 Chrystal Krittenbrink 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>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

**CONTACT PERSON:**

Chrystal Krittenbrink, Legal Secretary, 405-530-8800 or [chrysal.krittenbrink@owrb.ok.gov](mailto:chrysal.krittenbrink@owrb.ok.gov).